



Appeal Decision

Site visit made on 12 October 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/W5780/W/21/3276607 **Land rear of 413-415 Ilford Lane IG1 2SN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Singh against the decision of the Council of the London Borough of Redbridge.
- The application Ref 0255/21, dated 25 January 2021, was refused by notice dated 17 May 2021.
- The development proposed is described as '*application for upward extension to tyre fitment facility land rear of 413-415 Ilford Lan, Ilford IG1 2SN to provide 2 x one-bedroom flats*'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted the Government has published a new National Planning Policy Framework (the Framework). The parties have had the opportunity to provide comments on the revisions therein and I have therefore had regard to the new Framework without prejudice to the parties.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of the occupants of the first-floor flats within 413 and 415 Ilford Lane, with particular regard to outlook; and
 - the character and appearance of the area.

Reasons

Living conditions

4. The appeal site comprises a tyre fitment facility fronting Loxford Lane and the properties 413 and 415 Ilford Lane, which are converted to flats. The first-floor flats within Nos 413 and 415 enjoy a fair outlook from the kitchen windows within their rear elevations across the roof of the tyre fitment facility. In 2020 a scheme for a two-floor upward extension of the tyre fitment facility was refused and subsequently dismissed at appeal¹.
5. Paragraph 130 of the Framework, amongst other things, requires decisions to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing users.

¹ Appeal Ref APP/W5780/W/20/3253864

6. Given the almost immediate proximity of the proposed upward extension to the kitchen windows of the first-floor flats in Nos 413 and 415, there would be a loss of outlook from these rooms. Considering the way that the kitchens are likely used, with people set back from the windows behind worktops, the outlook from the kitchens would be directed towards the side elevation of the proposed extension and little else. As such, the loss of outlook would be significant. It would not be adequately mitigated by the proposed additional kitchen windows as these would also offer very little outlook.
7. The appellant has directed me to the explanation of what is usually defined as a habitable room in the Mayor of London Housing Supplementary Planning Guidance (2016). However, I note that this is written as guidance, and should not therefore be robustly applied to each case. Instead, an assessment of the specific circumstances of each proposal should be applied. The previous Inspector's assessment in this regard still rings true, in that the existing flats are small with limited outdoor space. For these reasons, I consider the kitchens to be habitable rooms within the context of the flats that they form part.
8. As such, I conclude that the proposal would have an unacceptable effect on the occupants of the first-floor flats within 413 and 415 Ilford Lane, with particular regard to outlook. It would be contrary to the residential amenity aims of Policy LP26 of the Redbridge Local Plan 2015-2030 (adopted 2018) (RLP) Policy GG4 (c) of the London Plan (adopted 2021) (LP) and the Framework.

Character and appearance

9. Whilst the simple, cuboid design of the upward extension would not conform to the more traditional residential language which predominates the area, it would echo the design of the healthcare facility right across Loxford Lane and the large fascia of the tyre fitment facility itself. Its modest scale and slight set back from the highway edge would also allow it to appear as a proportionate addition to the tyre fitment facility roof.
10. Accordingly, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the relevant design aims of Policy LP26 of the RLP, Policies D3 and GG1 of the LP and the Framework.

Other Matters

11. The site is within influence of the Epping Forrest Special Area of Conservation (the SAC). I cannot rule out in the first instance that, in combination with other projects, the scheme would cause likely significant effects on the integrity of the SAC through increased recreational use. Had I been minded to allow the appeal, it would have been necessary to consider this matter, including the mitigation put forward by the appellant, within an Appropriate Assessment. However, as I am dismissing it for other reasons, I have not done so.

Planning Balance

12. The harm that would arise to the living conditions of existing users attracts significant weight in my assessment and draws the scheme into conflict with the development plan when read as a whole.
13. There is no dispute between the parties that, owing to the Council's Housing Delivery Test results, Paragraph 11d) of the Framework is engaged. At 59%,

the delivery of housing over the last three years has been substantially below the housing requirement.

14. The proposal would assist in addressing the housing delivery issues in the area through the provision of two reasonably sized homes, consistent with the Government's objective to significantly boost supply. It would do so by reusing a small site in a highly accessible, urban location with easy access to a variety of services. I have no doubt that the proposal would be built out quickly.
15. Assessing the scheme on its own merits and given the small quantum of housing that would be delivered, these social and economic considerations weigh moderately in favour of the proposal. The absence of harm in relation to factors such as the highway network and the character and appearance of the area are neutral in the balance.
16. However, the delivery of homes should not come at the clear expense of the living conditions of existing occupants. Given my findings in relation to this issue, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, there are no other considerations which outweigh the conflict with the development plan in this case.

Conclusion

17. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR