



Appeal Decision

Site Visit made on 19 October 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2021

Appeal Ref: APP/W5780/D/21/3279215

100 Levett Gardens, Seven Kings, Ilford IG3 9BX

- 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 Rahman against the decision of London Borough of Redbridge.
 - The application Ref 1044/21, dated 13 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is remove chimney (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development concerned has already been carried out. I have therefore based my decision on what I saw on site, together with the evidence before me.
3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework and I am satisfied that no party would be disadvantaged by my reference to the revised Framework.

Main Issue

4. This is the effect of the proposal on the character and appearance of the area, including the Bungalow Estate Conservation Area.

Reasons

5. The appeal property is within the Bungalow Estate Conservation Area (CA). The CA derives its significance from its residential character comprised of low-density bungalows with a variety of vernacular detailing. The Bungalow Estate Conservation Area Character Appraisal (2014) does not single out chimneys in its appraisal of architectural details but the more recently published Bungalow Estate Conservation Area Design Guide (2018) (SPD) does. The SPD emphasises the importance of original and ornamental details to the value and character of the CA and highlights chimney stacks as often being the most attractive and distinctive elements. Indeed, it was evident on my site visit that chimneys are a prevalent feature of the street scene and CA. The appeal

property, being a bungalow and with ornamental features, makes a positive contribution to the character and appearance of the area and CA.

6. The appeal property is a semi-detached house. The adjoining property has no chimney and so the loss of the chimney at No.100 Levett Gardens re-balances the form of these properties. However, the removal of the chimney is harmful to the legibility of the dwelling in that a key feature of the Bungalow Estate has been removed. This is in direct conflict with the SPD which seeks to retain chimney stacks. The harm to the character and appearance of the host property erodes the contribution the host property makes to the character and appearance of the area and the CA. The development, therefore, results in harm to the character and appearance of the area and neither preserves or enhances the character or appearance of the CA. I note that the Council intends to renew an Article 4 Direction within the area which controls, amongst other things, the removal of chimney stacks which indicates the importance the Council places on such features in the locality.
7. There are many properties surrounding the appeal site which have lost their chimneys. Except for three houses which the appellant has provided evidence for, I have no evidence of the Council granting permission for the loss of these chimneys and therefore considering them acceptable. The three cases cited by the appellant and which I have written evidence of precede the Redbridge Local Plan (2018) (LP) and the SPD. These cases, therefore, were not decided in the same policy context as the current proposal. There is nothing in the evidence to suggest that at the time these developments were approved, the retention of chimneys was a priority, unlike currently. There is no precedent, therefore, in favour of the appeal.
8. The chimney, being 1.no, is small relative to the size of the CA and therefore the loss of the chimney is less than substantial. Paragraph 202 of the Framework requires that in such circumstances the harm to the designated heritage asset should be weighed against the public benefits of the proposal. In this regard the benefits advanced by the appellant are private, not public benefits. Accordingly, there are no public benefits which outweigh the harm to the significance of the CA as a designated heritage asset, a matter which I give great weight.
9. There is nothing within the evidence before me to demonstrate that the property could not be extended with the chimney in situ. Nor have I been party to any structural information to show that for engineering reasons, the chimney had to be removed.
10. The lack of objection raised by third parties does not outweigh the harm arising to the character and appearance of the area and CA that I have identified.
11. Given the above I conclude that the loss of the chimney is harmful to the character and appearance of the host property and the area, and the significance of the CA as a designated heritage asset. Accordingly, the proposal conflicts with Policies LP26 and LP30 of the LP which, amongst other things, seek development that reinforces the positive and distinctive local character and conserves, protects and enhances the borough's heritage assets. There is also conflict with the conserving and enhancing of the historic environment aims of the Framework and the statutory test contained within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

There is also conflict with the SPD in that there is harm to the character of the house and local area.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I find that there are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

R Walmsley

INSPECTOR

