



Appeal Decision

Site Visit made on 2 November 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2021

Appeal Ref: APP/W5780/W/21/3272672

946 Eastern Avenue, Ilford IG2 7JB

- 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 Les Daniels, Doors R Us against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0116/21, dated 13 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed was described as 'two storey rear extension to create storage at ground floor and office use at first floor for use with retail shop'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form, although I note that the Council's decision notice describes the proposal as 'single storey rear/side infill and first floor rear extension, internal alterations'. This is also the description used by the appellant on the appeal form, and I consider it a more accurate description of the proposal.
3. Subsequent to the appeal being submitted, the London Plan 2021 was published, and Policy 7.6 of the London Plan 2016 referred to within the Council's reason for refusal has been superseded. Nevertheless, my decision does not turn on this policy, and I have not therefore referred to it further.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 946A and 946B Eastern Avenue with particular regard to light and outlook.

Reasons

5. The appeal site is located at the end of a terrace of similar three-storey buildings, and includes a ground-floor level commercial unit with residential accommodation above.
6. The two-storey part of the proposed extension would be set away from the main rear elevation of the host building. However, the gap would be fairly small, and the development would be in very close proximity to windows at the rear of the flats at Nos 946A and 946B. The extension would also span the full width of the site, and while the closest part of the roof would be sloping, the eaves would reach a similar height to the top of the neighbouring first-floor

level windows. In my judgement, these factors would combine to result in a highly dominant and oppressive feature in views from the neighbouring flats, with the effect particularly acute at first-floor level where outlook from windows would be substantially obscured and enclosed by the extension. In addition, I consider that the scale and proximity of the extension to the neighbouring windows, exacerbated by its position broadly to the south east, would be likely to result in a significant loss of light. As a result, I find that the proposal would detract considerably from the living conditions experienced by the occupiers of Nos 946A and 946B.

7. My attention has been drawn to an extension at 962 Eastern Avenue which is of similar appearance to the appeal development. However, I do not have full details of the circumstances that led to that proposal being accepted and so cannot be sure that it represents a direct parallel to the appeal proposal, including in respect of the relationship with any neighbouring dwellings and applicable development plan policy. In any event, this example does not establish a lack of harm, nor offer a compelling justification to permit development that I find would cause serious detriment to the living conditions of neighbouring occupiers.
8. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of 946A and 946B Eastern Avenue through loss of outlook and light. It would therefore conflict with Policy LP26 of the Redbridge Local Plan 2018 which seeks high quality design and requires, amongst other things, that development does not result in adverse impacts on the amenity of neighbouring occupiers including in relation to light and outlook.

Planning Balance and Conclusion

9. The appellant advises that the development is required to support the business currently operating on the site and to allow it to grow and expand. The small scale of the development means that benefits to the economy and employment opportunities would however be likely to be limited. Moreover, no substantive evidence has been submitted to demonstrate that the business is unviable in the current premises, nor that it would no longer be able to maintain relationships with the local community in the event that the appeal were to be dismissed. Accordingly, the weight that I give to these benefits is limited.
10. Conversely, there would be unacceptable harm to the living conditions of the occupiers of 946A and 946B Eastern Avenue. This harm would not be mitigated by the lack of identified harm to the character and appearance of the area, and attracts significant weight which I find would outweigh the benefits associated with the development.
11. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR