



Appeal Decision

Site visit made on 2 November 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/W5780/W/21/3272153

Flat 4, Wellington Court, Wellington Road, Wanstead, London E11 2AT

- 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 Dezemir Bonesconto against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2995/20, dated 20 September 2020, was refused by notice dated 15 January 2021.
 - The development proposed is the erection of a single storey rear extension and replacement of an existing shed with a brick built structure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and replacement of an existing shed with a brick built structure at Flat 4, Wellington Court, Wellington Road, Wanstead, London E11 2AT in accordance with the terms of the application, Ref 2995/20, dated 20 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX-00 Rev P01; EX-00A Rev P01; EX-01 Rev P01; EX-02 Rev P01; EX-03 Rev P01; EX-04 Rev P01; EX-05 Rev P01; SE-101 Rev P01; SE-102 Rev P01; SE-103 Rev P01; SE-104 Rev P01 and SE-105 Rev P01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity space

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the safety of the occupiers of flats No. 2 and 3.

Reasons

3. The appeal property is a 2-storey building which includes 2 flats at both ground and first floors. To the rear of the first floor flats (Nos. 2 and 3) is a balcony which includes a hatch that provides, with the aid of a ladder, an escape route for the occupiers of these flats in the event of fire. Policy D12 of the adopted

London Plan (LP) identifies that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety. This policy specifically refers to providing suitable and convenient means of escape and an associated evacuation strategy for all building users. Fire Statements are required for major developments but the appeal scheme does not fall into this category.

4. The proposed development includes the erection of a ground floor single storey extension to the rear of flat No. 4. As a consequence of the proposed extension, the fire escape route from the balcony would be lost. The appellant claims that the size of the hatch and the need to descend external ladders means it is not particularly attractive as an escape route for the occupiers of the first floor flats. Instead, the occupiers of flats Nos. 2 and 3 can, and could continue to, escape from any fire via their separate entrance doors at the front of the property.
5. From what was observed during the site visit, and also taking into account the substantial construction materials of the property and its 2-storey height, if the proposed extension was erected then there would remain an ability for the occupiers of flats Nos. 2 and 3 to escape in the event of fire via the dedicated front doors. Further, there also would be the ability for the occupiers to be rescued by the fire service via windows and the balcony.
6. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the safety of the occupiers of flats Nos. 2 and 3 and, as such, a conflict with LP Policy D12 would not arise.

Conditions

7. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings.
8. To assist with the assimilation of the appeal scheme into the surrounding area a condition for the external materials to match those of the property is necessary. Exceptionally, it is necessary to preclude the use of the roof as any form of outdoor living space to protect the living conditions of the occupiers of neighbouring properties.
9. A condition has been suggested by the Council for details of fire safety arrangements for the proposal. However, the appeal scheme is related to a single storey extension to an existing ground floor flat which would have 2 means of access and, as such, this condition is considered to be unnecessary.
10. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR