



Appeal Decision

Site Visit made on 27 October 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2022

Appeal Ref: APP/W5780/W/21/3268450

32 Overton Drive, Wanstead, London E11 2NJ

- 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 David Ian against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 0759/20, dated 2 December 2019, was refused by notice dated 7 August 2020.
 - The development proposed is demolition of the existing dwelling and erection of a new dwelling with part two-storey rear extension and basement.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Ian against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the application was determined by the Council, the new London Plan was adopted on 2 March 2021 and the revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been provided with the opportunity to comment on the relevance to their respective cases of these revisions to local and national policy during the appeal process.

Main Issues

- i) The main issues are i) the effect of the demolition and re-building of the dwelling on the heritage significance of the Wanstead Park Conservation Area, taking into account whether the existing building should be regarded as a non-designated heritage asset; and ii) the effect of the proposed rear extension on the living conditions of adjoining occupants of 30 Overton Drive.

Reasons

Effect on Heritage Assets

4. The appeal relates to a semi-detached property on the northern side of Overton Drive, within the Wanstead Park Conservation Area (the WPCA), which encompasses the gardens of the former Wanstead House that now form part of a Grade II* Registered Park and Garden. The surviving gardens form the focal point of the conservation area's significance. Overton Drive represents a phase of suburban expansion development around the turn of the twentieth century.

The houses are noted for their large size relative to neighbouring areas, and are examples of the area's pre-war development. The Council regards the appeal dwelling as retaining a strong Edwardian character and having evidential, architectural and aesthetic value.

5. Planning permission was granted on appeal in January 2005 for the addition of rear and side dormer windows to facilitate a loft conversion. Construction began in 2006, but the appellant explains that due to poor workmanship, the steel beams inserted at roof level have deflected, causing substantial damage to the property, including cracking to walls and ceilings. The proposal is to demolish the building in its entirety and re-build it to the same design, but with the addition of a full basement level and a two storey extension to the rear.
6. The Council's position is that demolition is not necessary to repair the damage to the building, and that the desire to install a basement is the driving force behind the intent to demolish. It further opposes the replacement of the building with one that it considers would be unable to replicate historic construction methods or retain historic fabric, and which would result in an overly modern and clean finish at odds with surrounding development.

Significance of the building to be demolished

7. The appeal dwelling has suffered obvious damage that was clear to see when I inspected the site. However, when viewing the dwelling from the street, it still appears substantially intact and visible damage is limited to failing paint/render and other minor signs of a lack of upkeep. As such, the dwelling's contribution to the street scene and wider conservation area has not been significantly undermined by the damage caused. Indeed, the Council regards the building as a non-designated heritage asset (NDHA) and it is still occupied as a private residence. Conversely, the appellant's Heritage Statement indicates the dwelling to have a low level of heritage significance in its own right, and that the rebuilt dwelling would make no change to the character and appearance of the WPCA.
8. The semi-detached pairs to the western end of Overton Drive represent the first phase of development within the WPCA in a domestic revival style. Some variety exists to their detailed design; however, they are largely consistent in scale and general form, with matching front gables to the sides of each pair. I find that the dwelling forms an integral part of this significant phase of development within the WPCA which, despite modern alterations, still exhibits its original architecture and there is value to the WPCA in the group still existing as a whole. Thus, I agree with the Council that the appeal dwelling contributes positively to the evidential, architectural and aesthetic value of the WPCA, and that it can be regarded as a NDHA due to this contribution.
9. The total loss of the dwelling would therefore result in a harmful loss of significance, having regard to Paragraph 203 of the Framework. Moreover, the demolition of the dwelling would result in the loss of historic building stock and the integrity of the group that would dilute the evidential, architectural and aesthetic value of the appeal site and so would harm the heritage significance of the WPCA. This would conflict with Policy LP33 of the Redbridge Local Plan (March 2018) (the RLP) which sets out that the Council will ensure that the Borough's heritage assets are conserved, protected and enhanced in a manner appropriate to their special interest, character or appearance and significance.

10. The Framework makes clear that any harm to, or loss of, significance of a designated heritage asset, from its alteration or destruction, should require clear and convincing justification. The application is supported by a structural report which considers the condition of the building (Ref OMB/OSMB (April 2019)). The Council's Structural Engineer has reviewed the proposals and provided comments in response, as has the Council's Historic Buildings Consultant at Essex County Council. In short, the appellant's documents argue that due to the scale of damage caused, demolition and re-building is the best course of action. The Council's structural engineer, in response, considers that the damage is not so severe as to require demolition of the whole building.
11. The appellant is critical of the Council for, in his view, going beyond the merits of the application by considering repair works in the alternative to the proposal. However, given the irreplaceable nature of heritage assets, it is reasonable to expect that where a building is identified as in need of repair, that this option, and thus the conservation of the building, would be explored in the first instance, and only where it is shown to be unfeasible would other options then be considered, such as demolition. The appellant's evidence sets out the remedial work required and, whilst this is extensive, it is not stated to be unachievable until the proposed basement is factored in. It is clear that the conclusions reached in the structural report are based in large part on the anticipated difficulty in retaining the sound parts of the dwelling whilst constructing a basement beneath, in particular as the proposed piled foundations would only realistically be able to take place on a cleared site, given the size and nature of the machinery involved. The appellant's evidence does not make it clear that, absent the proposed basement, repairs would be unfeasible in principle.
12. The appellant also argues that remedial work would not prevent future structural movement, and that the evidence of this would be visible on the building. It is further advanced, through comments from rendering companies, that re-rendering would not be feasible due to the walls not being level. However, these comments appear to be predicated on re-rendering the existing walls which are no longer plumb. It is indicated that localised re-building would be required to part of the building, which it is reasonable to consider would return the walls to as close to level as possible, and existing failing render would be removed. Is so, re-rendering providing an acceptable external finish would be expected to be achievable.
13. I recognise that there has clearly been damage to the existing dwelling that would require extensive repair by suitably qualified contractors. However, despite the appellant's argument that there comes a point when retention of the original premises is beyond practical and reasonable, the evidence relating to impracticality, and overall justification, is framed in large part around the intention to construct a basement that is unconnected to any remedial works that are necessary. The appellant's evidence does not set out precise reasons why the identified repairs would be impractical, and I find on the evidence before me that it has not been clearly demonstrated that lesser options than total demolition are not feasible.
14. I empathise with the situation the appellant finds themselves in; however, it has not been clearly demonstrated that the building is wholly beyond repair and that demolition and re-building is the only feasible course of action in this

case. Therefore, I am not persuaded that clear and convincing justification has been advanced to support the proposed demolition in this case.

Replacement Building

15. The replacement building could achieve an appearance that outwardly reflects that of the demolished building. I also accept that repair works would involve new materials to at least part of the building. However, there is inconsistency between the appellant's structural report and demolition drawings, such as the former stating that localised re-building of the flank elevation would be required, the latter showing it removed almost entirely.
16. Moreover, there is no indication within the appellant's evidence that the proposal would re-use any existing materials, or replicate the traditional construction methods of the existing dwelling. Rather, the replacement dwelling would be based on a steel frame, and across its whole exterior would have the clean appearance of a new build structure, that would stand out starkly against the patina of age seen to other dwellings, more so than would occur through localised repair of the existing building. The lightwells would also be visible expressions of the basement that would further distinguish the replacement building from its neighbours. Moreover, modern building standards and materials would add to the complexity of faithfully re-creating the building to exactly match the existing, and there is insufficient detail submitted with the appeal to fully understand how this would be achieved.
17. These factors together mean that there would be a demonstrable risk of the replacement dwelling failing to suitably replicate the demolished building. This would cause harm to the character and appearance of the WPCA. As much of the appellant's justification for the overall proposal is based on the dwelling being a faithful recreation, I am not satisfied that details of how this would be achieved are left to planning condition stage.
18. The Council's second reason for refusal refers to the proposed rear extension having a harmful effect on the character and appearance of the WPCA. However, neither the Council's delegated report nor its statement of case provide any substantive reasons to underpin this reason for refusal. Whilst I note the extension would project slightly beyond the 3 metre depth recommended in the Council's Housing Design Supplementary Planning Document (September 2019) (the SPD), it would not be disproportionate in size to the main dwelling, nor would it appear excessive in scale given the spacious rear garden of the site. Moreover, I saw rear extensions of various heights and depths to the rear elevations of neighbouring dwellings. In this context the proposed extension would not appear out of scale or form with the pattern of development, and would be an acceptable element of the scheme.

Conclusions on first main issue

19. For the reasons set out, I conclude that the proposal would result in the unjustified loss of a NDHA and the replacement dwelling would fail to preserve the character and appearance of the WPCA, thus harming its heritage significance. This would conflict with the aforementioned aims of Policy LP33 of the RLP, and with Policy LP26, which seeks high quality design in all development within the Borough which respects the local character of the area.

20. In this case, I accept that the harm to the significance of the WPCA would be less than substantial, in the language of the Framework. Paragraph 202 directs that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. However, the public benefits arising in this case would be limited to economic activity generated for the local building trade in implementing the development. The dwelling, despite the documented damage, has continued to serve in its optimal viable use as a dwelling. No additional dwellings would be formed by the proposal. I recognise that redevelopment would be a significant benefit for the appellant, but this would be private, rather than public. The public benefits in this case would not outweigh the less than substantial harm to the significance of the designated heritage asset, to which the Framework directs I must give great weight.
21. Paragraph 203 states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Given the dwelling would be demolished in its entirety, its loss would result in significant harm to the historic environment.

Effect on Living Conditions

22. The existing dwelling retains its original flat rear elevation. The rebuilt dwelling would incorporate a part single storey, part two storey extension to the rear. To the No 34 side, the extension would be single storey, extending some 3.5 metres in depth and 3.3 metres high, with a flat roof. This would be similar in form to an extension I saw under construction at No 34. Therefore, most if not all of the massing of the extension on this side would align with that next door, and there would be little effect on neighbouring occupants in terms of overbearing impact, shadowing or loss of privacy.
23. On the other side, the extension would rise to two storeys height, matching the eaves line of the main dwelling and extending 3.5 metres in depth, based on the plans determined by the Council. No 30 has a two storey projection that extends slightly beyond the existing rear wall of the appeal dwelling. The proposed depth would slightly exceed the guidance of the Housing Design SPD for first floor extensions. The Council also refers to the 45° test of the SPD, but does not indicate whether the proposal passes or fails this test. Ultimately, and somewhat conflictingly, the Council concludes that No 30 would be unlikely to experience significant impact as a result of the first floor rear extension.
24. In view of the greater existing depth of the rear elevation of No 30, the setback position of both properties from the shared boundary, its position to the north-east of rear windows of No 30 and the generous outlook which exists from these windows over the deep rear gardens, I am satisfied that the proposed extension, despite its exceedance of the SPD guidance, would not have an adverse effect on the living conditions of neighbouring occupants, in terms of overbearing, shadowing or loss of outlook.
25. In reaching a view, I note that permission was granted for a similar rear extension in 2017, though this permission may have lapsed as I have no evidence of the development having been implemented. Nevertheless, I have considered the proposed extension on its own merits, and the previous permission is not determinative. For the reasons set out, I find no conflict with Policy LP26 of the RLP in terms of its requirement that development does not result in an adverse impact upon the amenity of neighbouring occupiers.

Other Material Considerations

Effect on Epping Forest SAC

26. The appeal site falls within the 'Zone of Influence' for the Epping Forest Special Area of Conservation (SAC). As the competent authority at the appeal stage, I have a statutory duty to ensure that the integrity of this area is not harmed.
27. The limited evidence before me indicates that the Council seeks to mitigate the impacts on the integrity of the SAC by securing financial contributions in the amount of £30 per dwelling, plus a monitoring fee of £90. However, details of this scheme or Natural England advice are not before me and thus I am unable to determine whether this would be satisfactory to mitigate any adverse impacts on the integrity of the SAC. Moreover, no mechanism has been put forward by the appellant to secure any mitigation.
28. However, my findings on the other main issues suggest that the circumstances that could lead to the granting of planning permission are not present. Therefore, it is not necessary for me to ascertain the appropriateness and delivery of the mitigation within an Appropriate Assessment. Consequently, I have not taken this matter further.

Other Matters raised

29. The Council did not oppose the proposal in terms of the standard of accommodation, parking or refuse. I have no compelling reasons to disagree, but the absence of harm in these matters means they are neutral factors in the planning balance.
30. In reaching conclusions on the main issues, I have had regard to the comments made by interested parties. I have also considered comments made in respect of other matters, in particular with respect to flood risk. However, none of these other matters alter my findings on the main issues and, taking account of the evidence before me, none are of such significance as to result in further material benefits or harms to be factored into the planning balance.

Conclusion

31. I have found that the proposed extension would not cause harm to the living conditions of neighbouring occupants. However, for the reasons set out, I conclude that the proposal would harm the significance of designated and non-designated heritage assets. The proposal would therefore result in conflict with the development plan, taken as a whole. The harm to the significance of the heritage assets is not outweighed by public benefits and as a result, the Framework indicates that this provides a clear reason for refusing the development proposed. No other material considerations exist that would outweigh the development plan conflict and justify granting planning permission in this case.
32. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR