



Appeal Decision

Site visit made on 4 January 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2022

Appeal Ref: APP/W5780/W/21/3275286

25 Perth Road, Ilford IG2 6BX

- 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 Stewart Cass against the decision of London Borough of Redbridge.
 - The application Ref 3337/20, dated 9 October 2020, was refused by notice dated 4 December 2020.
 - The development is described on the application form as 'construction of an extension to the rear of 25 Perth Road to create a new 1 bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This does not materially change the planning policy context in respect of the main issues.
3. At the appeal stage, amended plans with two revised schemes (drawings 1612SC_FUL1 SH2 A and SH2 B) were submitted. Whilst these did not form part of the original planning application, and an appeal should not be used to evolve a scheme, these predominantly illustrate updates to very minor layouts to amenity space and, in one scheme, the introduction of a pitched roof in lieu of a flat roof. There has been the opportunity for comment on them at appeal, and I have taken them into account.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of the ground floor flat at 25 Perth Road, with particular regard to outlook.

Reasons

5. The appeal site forms one of a pair of semi-detached properties which is split into two flats, formed of a separate ground floor and first floor unit.
6. The ground floor flat's rear bedroom window and its main kitchen/living room window face onto the existing rear garden, to which the occupiers have full access. At present, outlook from these rooms is good and uninterrupted, meaning it is possible to see the full extent of the deep, landscaped garden and townscape beyond.

7. The two rooms of the ground floor flat would face directly onto the main bulk of the proposed extension. A limited separation distance of approximately five metres¹ would exist between the rear elevation of No 25 and main body of the proposed development, between which would exist an area of amenity space dedicated to the existing ground floor flat. This 'courtyard' space would be enclosed on all four sides by built form (aside from a small break in development to the north), two of which would be formed by the proposed development and one by an existing neighbouring extension.
8. Occupiers of the ground floor flat would consequently look out onto a solid wall of development. Albeit single storey, owing to its close proximity and considerable bulk, this would be overbearing and oppressive relative to the existing arrangement. This poor outlook and increased sense of enclosure would be particularly apparent from the rear facing bedroom which would be positioned closest to the new extension. This introduction of a pitched roof in lieu of the flat roof under the plans submitted at the appeal stage (1612SC_FUL1 SH2 B) would not overcome this impact.
9. I note that the occupiers of both the existing ground floor flat, and that proposed, would have access to a good-sized area of private amenity space. That of the proposed flat would exceed the typical minimum requirements of a one-bedroom flat as set out within the Local Plan. That of the existing flat falls marginally below Local Plan requirements although also has access to the large communal garden beyond.
10. Irrespective of the precise size and overall quality of the amenity spaces provided, noting that minimum requirements within the Local Plan are considerably higher than those set out within the London Plan, this does not automatically mean that outlook is acceptable.
11. I am aware from the appellant's supporting evidence and from my site visit that the neighbouring student accommodation is large and forms a stark contrast with the scale of development in much of Perth Road, including the appeal site itself. However, this neighbouring development is generally set away from the shared boundary with the appeal site. It does not fetter natural outlook from within No 25, which is down through the garden. As such, the effect of the neighbouring development is limited by comparison with regard to outlook.
12. Notwithstanding the above harmful effects to the ground floor flat, due to the single storey nature of the proposal, the effect of the extension on the outlook of the upstairs flat windows to be minimal. This flat would retain good outlook over the proposed development and beyond.
13. Consequently, I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of the ground floor flat at No 25, with particular regard to outlook. The proposal is therefore contrary to policies LP7 and LP26 of Redbridge Local Plan (2018), which in summary seek to promote high quality design and protect the amenity of neighbouring properties.

¹ As indicated on drawing 1612SC_FUL1 SH2

Other Matters

14. The Council also contends, in the absence of a secure approach to mitigation, the scheme would have an adverse effect on the ecological integrity of the Epping Forest Special Area of Conservation (SAC). However, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') states that 'a competent authority, before deciding to undertake, or give any consent, permission... must make an appropriate assessment.' Given my reasoning above, the appeal falls on effects on living conditions, and as such there is no need for me to pursue potential effects on the SAC; even were the proposal acceptable in that respect, that would be neutral in my overall assessment of the scheme.
15. I acknowledge the appellant's comment in relation to the contribution this development would have towards Borough housing supply. I also acknowledge the argument that the proposal would contribute to the creation of a new home in a highly accessible location and the benefits that would bring in terms of promoting sustainable transport.
16. However, the benefits in those respects would be limited, and the support in the development plan, and Framework, for new housing is not at the expense of appropriate design. Even were I to reason that the scheme were acceptable in all other respects those would be essentially neutral in my determination of the appeal.

Conclusion

17. For the reasons given above and taking into account the development plan as a whole and all other matters raised, I conclude that the appeal should be dismissed.

A Price

INSPECTOR