



Appeal Decision

Site visit made on 15 November 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/W5780/W/21/3270139

2 Valentines Road, Ilford IG1 4SA

- 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 Arbery Properties against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3213/20, dated 22 September 2020, was refused by notice dated 4 December 2020.
 - The development proposed is described as 'the sensitive extension and reconfiguration of the existing house, retaining 2 flats, alongside a new-build 2 bedroom dwelling on the land to the rear'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council was given an opportunity to comment on the publication of the London Plan 2021 (the 'LP 2021'). No comments were received. The appellant's statement refers to the LP 2021, including some extracts on housing targets and reference to related guidance. However, I have not been provided with copies of this or any relevant LP policies. The Council's reasons for refusal, and both appeal cases, cite policies from the London Plan 2016 and copies have been provided, but these have been superseded. I have therefore had regard to the Council's relevant development plan policies in determining the appeal.
3. The main parties had an opportunity to comment on the revised National Planning Policy Framework (the 'Framework') published in July 2021. No comments were received. The main parties were also able to comment on the publication of the Government's 2021 Housing Delivery Test. No comments were received.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of existing or future occupiers of the ground floor flat, having regard to internal space and outlook;
 - the living conditions of future occupiers of the house, with respect to external private amenity space, internal space and outlook; and
 - the character and appearance of the appeal property and the area, including the significance of a non-designated heritage asset.

Reasons

Living conditions – ground floor flat

5. Although not established as a result of positive planning, this 3-bedroom, 4-person flat is a lawful use. It has 84sqm gross internal floor area (GIA) and exceeds the relevant Nationally Described Space Standard (NDSS), which is adopted by the Council under Policy LP29 of the Redbridge Local Plan March 2018 (the 'LP') for the purposes of 'new development proposals for housing'.
6. The proposal would reduce the GIA to 77sqm but both double bedrooms would exceed the minimum floor area in the NDSS, which allows for different combinations of bedroom size and GIA related to 'potential occupancy'. Thus, it is the size of the bedroom, not the type of bed, that matters. Demolishing part of this flat and significantly reducing its GIA while extending it elsewhere to significantly increase the potential number of occupiers, would be incompatible with the 'holistic' extension and reconfiguration scheme intended by the proposal and the appellant's description of development. In relation to the NDSS it would also plainly be at odds with the outcome sought, which is for a 3-bedroom, 4-person flat.
7. Therefore, to all intents and purposes, a new 3-bedroom, 5-person flat would be created and it would fail to comply with the requisite minimum 86sqm GIA in the NDSS. Moreover, while some bedrooms would be larger, combining the separate kitchen and dining room into a smaller, open plan space with the living room would significantly reduce the useability and functionality of this flat for a large family. Whereas the NDSS seeks to improve the quality of accommodation, the proposal would diminish floor area and living space and reduce the quality of the primary living accommodation. A condition could not reasonably prescribe the number of occupiers or the size of beds and, in any event, could not be effectively monitored or enforced by the Council.
8. Views from the proposed single bedroom in one direction are constrained by the low rear extension of the adjoining property and, in the other direction, would be constrained by the taller proposed house. There would also be very short perpendicular views directly towards a new dividing garden boundary wall or fence. However, there would be upward views, including towards the sky. Having regard to its normal use primarily during night-time, I consider that outlook from this bedroom would be satisfactory.
9. Considering all of the above, and notwithstanding my finding on outlook, the proposal would cause harm to the living conditions of existing or future occupiers of the ground floor flat having regard to internal space. Consequently, it would conflict with LP Policies LP26 and LP29. These policies include that development should provide a high standard of accommodation in terms of size and arrangement of internal space.

Living conditions – dwelling

10. The external amenity space would be conveniently located for access from different parts of the house and could provide a variety of hard and soft surfaces, and landscaping, at different levels. However, it would be sunken down by a significant distance below existing ground level and include some steps. Moreover, 31sqm would be substantially below (62%, or less than two-thirds) the Council's requisite 50sqm standard for a 2-bedroom house. In

addition, it would be narrow in width on one side and the 'L' shape would further limit useability and functionality for a range of normal domestic outdoor activity. This could not, therefore, be off-set by using internal space despite the seamless linkages.

11. Notwithstanding that some private amenity areas can be small and high quality in more densely built-up urban areas (especially for flats), or more appropriate for single person living (or couples), in this case the garden would not be satisfactory in area or shape, especially for use as a small family house. These deficiencies could not be overcome by the proximity of nearby communal public open space because it would not provide an appropriate substitute for normal private outdoor amenity use.
12. There is no GIA in Table 1 of the NDSS for the proposed 3-storey, 2-bedroom, 4-person house. Despite what both main parties have suggested, there is no compelling evidence that it is appropriate to use another standard from Table 1 as a proxy — one is incompatible with the number of bedrooms and the other with the number of storeys.
13. The proposed house would have more stairs over three floors and likely require more circulation space, compared to a 2-storey house, though how much more is not clear to me. However, within the total 81sqm GIA, the floor area of the two double bedrooms would each comply with the NDSS. In addition, most of this GIA (over 70sqm) would also be assigned to the layout of other primary habitable rooms, which even if internally linked, would provide a distinctly separate living room and combined dining room and kitchen. The house would, as a result, provide convenient, useable and effective room layouts for their intended use, including satisfactory circulation and storage space.
14. The living room and the combined dining room and kitchen would both be dual aspect. Views from the kitchen to the street would be partly restricted through a lattice brickwork feature. However, there would be longer distance views in the other direction, and from the dining room, through a fully glazed elevation and over more than half the plot width, including above and beyond the neighbouring rear extension towards the sky. While views in one direction from the living room would be quite abrupt, these would also be upwards and of the sky. Views in the other direction would be longer but towards a new dividing garden boundary wall or fence and the tall rear elevation of the flats. However, most of these two elevations would be fully glazed and give an extensive panoramic aspect.
15. Taking all of the above into account, and notwithstanding my findings on internal space and outlook, the proposal would cause harm to the living conditions of future occupiers of the house having regard to external private amenity space. Consequently, it would conflict with LP Policies LP26 and LP29 which seek to ensure that new housing development provides a high standard of accommodation in terms of sufficient external private amenity space.

Character and appearance of the area

16. The appeal property is a semi-detached Victorian or Edwardian house. It is at the end of a row of mostly similar houses. Although used as flats it retains the appearance of a house, including a narrow flat roofed two-storey rear wing which steps down to a single-storey part with a sloping lean-to style roof. At many nearby houses the rear wings have been redeveloped by rear extensions

- of various forms. Nonetheless, this pattern of houses in regimented streets with mainly open, moderate sized rear gardens is locally distinctive.
17. The Council did not object to the proposed alteration of the main roof, from hipped to gable ended, which would match the other half of this semi-detached pair of houses. Nor do I. While the new house would, in part, replace the single storey lean-to, it would significantly extend the side elevation of the appeal property in-depth, along the back edge of the pavement, and then across about half the width of the plot. It would also result in a significant increase in the height of built form on this part of the site, sub-divide the rear garden and increase the density of development.
 18. However, this end of Valentines Road is on a staggered 's' bend and the appeal property is appreciated in a very short, irregular, streetscene context, with no meaningful spatial or visual relationship to other nearby similar end of terrace houses. Instead, the side elevation faces towards significantly taller or more extensive individual buildings of appreciable scale and massing, including Jubilee Church behind the appeal site (a locally listed building), with an intervening modern in-fill detached chalet bungalow.
 19. The ground floor would be partly inset into existing site levels and the flat roof of the third storey would initially maintain the same height and roof form as the rear two-storey wing, then step down to a lower second storey level and then step down again within the site to a ground floor level. While this would significantly reduce openness on the site, it would complete the street frontage, retain a staggered profile to the side elevation and maintain the primacy of the taller main pitched roof with space behind it, above the existing wing, and above the new house and stepped down at one corner.
 20. The sub-division and reduced size of the garden space would be out of keeping with most nearby houses. However, the appeal property is in use as two flats and two separate smaller garden spaces could be established. Moreover, the increased vertical height and overall scale and massing would be readily assimilated next to the buildings immediately around it and, as a result, the increased density of development is justified in this context. A significant gap would be maintained between the house and the chalet bungalow, including an important view through to the open rear gardens beyond. The upper part of the house would also screen a number of conspicuous rear roof dormer extensions in adjoining houses from public street level view.
 21. The contemporary nature of the design and some materials would contrast with the appeal property and give the impression of an extension and enlargement of an original single house, rather than establishing a separate new house. It would be high quality in these regards and, taken overall, complementary to the existing building and nearby development. It would also result in a distinctive visual transition between the appeal property and the new house and a well-considered, interesting addition to the street frontage. Furthermore, the placement and variation of external materials and fenestration in each of the proposed three storeys would not only integrate well with each other, but also have an appreciable effect in breaking up the apparent visual and spatial form, bulk and massing of the house.
 22. Accordingly, in form and siting it would not result in an unduly cramped development and would not be incongruous or unduly prominent or conspicuous when considered in the appropriate local context and immediate

streetscene. I therefore find that the proposal would not cause harm to the character and appearance of the appeal property or the area and furthermore would have no adverse effect on the significance of the non-designated heritage asset. Consequently, it would accord with LP Policy LP26 which includes that development should have regard to local character and make a positive architectural and urban design contribution to its location having regard to layout, form, style, massing, scale, materials and design.

Other Matters

23. The appeal site is within a zone of influence of the Epping Forest Special Area of Conservation (the 'SAC'). The Council considers that a financial contribution, made by a planning obligation, would secure unspecified "strategic 'off-site' measures", "suitable mitigation" and avoid "adverse effects on the integrity of the SAC". The appellant states the requisite payment has been made by telephone, further to receipt of "additional information" by letter from the Council. However, I have not been provided with any explanation for the designation of the SAC, a copy of standing advice from Natural England, the Council's letter or confirmation by the Council that a payment has been made and that it would be used in connection with the SAC. There is, as a result, no objective evidence before me to justify the Council's approach and, not least, any planning obligation. I have had regard to these circumstances in reaching my conclusion below.
24. The site is in an area with good access to a variety of public transport given its PTAL¹ 4 rating. While I saw that there were some on-street parking spaces available nearby, its location would nonetheless likely diminish demand for such parking and car use.
25. I appreciate that this is a revised proposal following discussion with Council officers. I have also been referred to some previous planning permissions granted by the Council or on appeal. However, these relate to sites elsewhere or to materially different proposals. The appellant has also included excerpts from Inspector's appeal decisions or refers to other evidence that is not before me in this appeal. The findings, planning balance and conclusions reached are informed by the specific circumstances of these cases. These examples do not, therefore, provide a precedent for the proposal in this appeal, which I have, in any event, determined on its individual planning merits.

Planning Balance

26. In terms of benefits, while there is no objective evidence before me of any shortfall, a net gain of one house would make a small contribution to the Council's housing supply and to meeting its strategic housing target. Both flats would be refurbished and overall, the character and appearance of the area would be enhanced. These outcomes would comply with the Council's development plan and be aligned with objectives in the Framework to significantly boost the supply of homes, make effective use of small-sites, meet people's living needs and ensure well-designed places. The social, economic and environmental benefits associated with building and occupying the development (including a CIL payment) are therefore factors which I consider carry moderate weight in the proposal's favour.

¹ Public Transport Accessibility Level

27. The site is not in a Conservation Area, in the setting of any statutory listed building or in any identified 'key' or 'important' view. The proposal would create a safe and secure living environment, make satisfactory provision for refuse, recycling and servicing, apply current standards with regard to energy efficiency and have no adverse impact on the highway network. The new house would be sufficiently distant from nearby houses (and include some obscured glazing) such that it would not unduly affect outlook or natural light or be overbearing, nor would it result in any unacceptable overlooking or loss of privacy. The absence of harm, and compliance with development plan policies and the Framework in these respects, are neutral factors in my decision.
28. However, the proposal would cause significant harm to the living conditions of existing and future occupiers of the ground floor flat and the house. It would not comply with the Council's development plan or objectives of the Framework to ensure well-being and a high standard of amenity. I give substantial weight to these considerations.
29. The proposal would conflict with relevant development plan policies, which are consistent with the Framework, and would diminish the Council's objectives in these regards. Consequently, I consider that the adverse impacts would outweigh the benefits in this appeal.
30. Since I intend to dismiss the appeal for these reasons, there is no need for me to consider the SAC any further.

Conclusion

31. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding.
32. For the reasons given above, I therefore conclude that the appeal should not succeed.

Robin Buchanan

INSPECTOR