



Appeal Decision

Site visit made on 2 February 2022

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/W5780/W/21/3281425
142 Hermon Hill, London E18 1QH

- 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 Erdinc Sava against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2043/21, dated 12 May 2021, was refused by notice dated 22 July 2021.
 - The development proposed is describes as a new conservatory on existing seating area/car park.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of the proposed development from that contained on the application form, as set out in the banner heading above, to a 'single storey side conservatory/extension'. This is a more accurate description of the development proposed which I have therefore used in the determination of this appeal.
3. Part of the Council's reason for the refusal of planning permission relates to a discrepancy in the submitted plans showing the position of the proposed conservatory in relation to the front elevation of the host property. The 'Proposed Ground Floor Plan' (Drawing No: 06) and 'Proposed Roof Plan' (Drawing No: 07) show that the proposed development would project beyond the front elevation of the host property to be level with the front projecting bays that are located on either side of the front elevation.
4. The 'Proposed Side Elevation' (Drawing No: 08) shows that the front elevation of the proposed conservatory would be commensurate with the front elevation of the host property and would not project into the space occupied by the projecting bays. There is therefore a mismatch in the plans considered by the Council with regard to the position of the front elevation (facing Hermon Hill) of the proposed conservatory.
5. In addition, the 'Existing Ground Floor Plan' (Drawing No: 02) and 'Existing Roof Plan' (Drawing No: 03) show the position of an alleged extension to the northern side elevation of the appeal property and in the approximate position of the proposed extension. The 'Existing Side Elevation' (Drawing No: 04) also shows two existing side elevations, one without any existing side extension and

one with. However, at the time of my site visit there was no evidence of any such existing structure.

6. The applicant submitted revised 'Proposed Ground Floor' and Proposed Roof' plans (Drawing Nos: 06 and 07), dated 2 February 2022, to the Planning Inspectorate showing a consistent position of the proposed roof, ground floor and side elevation. These plans demonstrate that the position of the front elevation of the proposed conservatory would not extend beyond the front elevation of the host property and would not encroach into the space occupied by the front bays.
7. Annexe M of the 'Procedural Guide: Planning Appeals – England' advises that: "If an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application. If an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought".
8. Whilst the revised plans may now provide consistency in the design and location of the proposed development, they are not the plans which were submitted to the Council and on which the decision to refuse planning permission was made. Moreover, the Council has been unable to undertake any consultation on the amended plans, nor has it been able to formally consider the planning issues that may arise as a consequence of the amended proposals.
9. The above demonstrates that there is a lack of clarity and ambiguity in both the existing and proposed plans submitted to the Council. In light of the above circumstances, I am unable to take the revised plans into account in the determination of this appeal. I have therefore determined the appeal on the basis of the proposal as set out in the application. Taking into account the guidance provided in the Procedural Guide, should the appellant consider that the amended plans overcome the Council's reason for the refusal of planning permission then a fresh planning application should be made.

Main Issue

10. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

11. The appeal property comprises a prominent detached, two storey brick and rendered restaurant building that is positioned relatively close to the pavement on Hermon Hill. It is located within a small parade of predominantly two-storey shops and commercial uses with semi-detached brick and rendered dwellings on the opposite side of the road. Adjoining the northern side of the property is an existing surfaced car park which serves the restaurant.
12. The property has two distinctive sets of ground floor bay windows located either side of the central restaurant entrance. These bay windows make an important contribution to the character of the property by providing a degree of symmetry and architectural balance and are prominent in views of the host property in both directions along Hermon Hill. As such, the bays are a key

component of the visual prominence and character of the host property in the street scene and within the parade.

13. The proposed development would involve the construction of a steel framed glazed conservatory structure to adjoin the northern side elevation of the property and would occupy part of the existing car park. The Council indicates that this would measure approximately 4.8m wide, 3.5m high, 2.5m to the eaves and, notwithstanding the discrepancy in the position of the front elevation, would be 15m long. The proposed extension would provide additional seating for the restaurant use.
14. The Council have not raised any concerns regarding the principle of the proposed extension or its subsequent use, particularly as there are other side extensions to commercial properties within the parade. However, I share the Council's concerns that the submitted plans show discrepancies in where the front elevation of the proposed conservatory may be positioned in relation to the bay windows and front elevation of the host property.
15. Notwithstanding the recently submitted plans, this matter was not clarified in the appellant's appeal statement either. As such, the plans considered by the Council show that there is a possibility that the intention is for the proposed conservatory to extend beyond the front elevation and be positioned commensurate with the front of the bays.
16. The positioning of the proposed development forward of the front elevation would unacceptably harm the important visual prominence that the northern bay makes to the character of the host property in the street scene. It would result in a cluttered built arrangement in proximity of this bay and unacceptably erode the important architectural balance and symmetry that the host property displays. It would therefore appear as an incongruous and prominent addition that fails to respect the important architectural features in the front elevation which contribute to the appearance of the property.
17. For the above reasons, I consider that the proposed development would be detrimental to the character and appearance of the host property and the surrounding area. It would therefore be contrary to Policy LP26 of the Redbridge Local Plan 2015 – 2030. This policy, amongst other things, requires new development to be of a high-quality design that respects the local character of the area, and makes a positive architectural and urban design contribution to its context and location.

Other matters

18. I have taken into account the concerns of some local residents that the proposed development would cause increased pressure on local car parking availability in the area as a consequence of the loss of some of the car parking bays which serve the restaurant. The Council indicate that the existing car park serving the restaurant has parking for up to 10 cars and that the proposal would result in the loss of 5 parking bays. The Council considers the remaining available car parking to be adequate due to the location of the restaurant within a key retail parade and in relatively close proximity to the South Woodford Tube Station and local bus services.
19. The Council have referred to Policy T6 of the London Plan 2021 which requires development to provide the minimum necessary parking ('car-lite'). In the

circumstances, I have no other substantive evidence to suggest that the remaining car parking would be insufficient. Although the concerns regarding this matter have been carefully noted, they do not alter the main issue which has been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Conclusion

20. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR