
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: 23RD February 2022

Appeal Ref: APP/W5780/W/21/3283628

Land to the rear of 58 to 64 Buckingham Road, Wanstead, London E11 2EB

- 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 J Gates against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1499/21, dated 6 April 2021, was refused by notice dated 25 June 2021.
 - The development proposed is the erection of a part one, part two storey single dwelling house (C3) with associated car parking, cycle storage, waste/refuse storage and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve the character and appearance of the Wanstead Grove Conservation Area.
 - The effect of the proposed development on the living conditions of the occupiers of the neighbouring properties with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site comprises a narrow, elongated strip of land located at the end of the rear gardens of semi-detached properties comprising Nos 58 to 64 (even) Buckingham Road and lying within the Wanstead Grove Conservation Area. It is accessed off Nutter Lane and is currently occupied by a variety of single storey outbuildings on its southern section.
4. A characteristic feature of this part of the Conservation Area is that residential properties are predominantly of Victorian and Edwardian style, having relatively long rear gardens and are orientated parallel to the road. The Nutter Lane Recreation Ground is located to the east of the appeal site and the relatively long rear gardens of the properties on this part of Buckingham Road provide an important visual break between the recreation ground and built development located within the Conservation Area. In my view, this is characteristic of the

appearance of a spacious transition between the edge of this part of the Conservation Area and the open space provided by the recreation ground.

5. The proposed development would involve the construction of a two-storey detached dwelling fronting Nutter Lane and orientated approximately north to south and thus roughly at right angles to the orientation of the properties on the eastern side of Buckingham Road. The proposed dwelling would occupy almost the entire width of the plot and would be positioned close to the rear boundary enclosures of Nos 62 and 64. No windows are proposed in the side, western elevation, facing these existing properties.
6. I recognise that the design has sought to address some elements of the previous dismissed appeal decision (Ref APP/W5780/W/20/3251996) by, amongst other things, reducing the height to 7.5m, reducing the number of bedrooms from 5 to 3, reducing the western elevation eaves height to 2.9m, reducing the rear element to single storey and omitting balconies from the front and side and the dormer in the rear roof slope.
7. Although the proposed blank dormer feature on the western elevation would appear slightly discordant, in my view, the overall design of the proposed dwelling itself would not appear significantly out of character with the vernacular of the architecture of the surrounding area.
8. In the consideration of its visual impact on the character and appearance of the area, the proposed dwelling would be of relatively modest height, scale and mass and would front Nutter Lane. Whilst it would occupy land that formerly formed part of the rear gardens of No 58 – 64, it appears that the site has been severed from these gardens for some time and has been subject to some aspects of built development. As such, the site orientated at right angles to the properties on Buckingham Road and containing some buildings, albeit some in a dilapidated state, has become an established part of the character of this part of the Conservation Area.
9. I have carefully considered the position and layout of the proposed development and the objectives set out in Chapter 11 of the National Planning Policy Framework (the Framework) in relation to the effective use of land in meeting the need for new homes. I am also mindful of the previous Inspector's views that suggests, subject to design considerations, the principle of introducing a new dwelling in this location could be acceptable in heritage impact terms.
10. In my view, the layout of the proposed development, in fronting but being set back from the road, its proposed location on a site that has an established orientation in relation to existing properties and being of a subservient scale to the dwellings on Buckingham Road are factors which lead me to conclude that the proposed development would not unacceptably erode the character of this part of the Conservation Area.
11. Whilst I recognise the Council's concerns that the proposed dwelling would occupy most of the plot width, the properties on Buckingham Road similarly occupy most of their plot width. In addition, owing to the modest scale of the proposal, the spacious transition between the edge of this part of the Conservation Area and the open space provided by the recreation ground would not be unacceptably harmed.

12. Taking the above matters into account, the proposed development would preserve the character and appearance of the Wanstead Grove Conservation Area as a whole. It would therefore not conflict with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would accord with paragraphs 197 and 199 of the Framework. As a result, there would be no conflict with Policies LP26 and LP33 of the Redbridge Local Plan 2015 – 2030 (Local Plan) insofar as they relate to development within Conservation Areas. These policies, amongst other things, require that new development in Conservation Areas preserves or enhances the character or appearance of the area.

Living conditions

14. In order to consider the impact of the proposed development on the daylight and sunlight that would be received at the rear of Nos 58 to 64, the appellant has submitted a Daylight and Sunlight Study. This accords with the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' which I accept, in the absence of any other planning policy guidance, is an established document to consider the impact of new development on daylight and sunlight. Consequently, I have attached moderate weight to this study.
15. The BRE Guide sets out a simple test to find out whether an existing building would still receive enough skylight as a consequence of nearby proposed development. This involves the drawing of a section in a plane perpendicular to each affected main window wall of the existing buildings. Then an angle to the horizontal subtended by the new development at the centre of the lowest window is measured. If this angle is less than 25-degree for the whole of the development, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.
16. The study concludes that the rear windows in the properties at Nos 60, 62 and 64 Buckingham Road would meet the 25-degree plane rule as per the BRE criteria. As such, the proposed development would not have a significant effect on the daylight and sunlight enjoyed at these properties. Whilst the study does not consider the impact on No 58, this property is positioned at a greater distance away from the appeal proposals than No 60. Therefore, I do not consider that the proposed development would have a significant effect on the daylight and sunlight enjoyed at this property also.
17. In relation to amenity spaces, for these to appear adequately sunlit throughout the year, the BRE Guide suggest that at least half of the amenity area should receive at least 2 hours of sunlight on 21 March. Optional analysis for summertime and wintertime can also be considered, i.e. 21 June and 21 September. Three amenity (rear garden) areas were identified as being within sufficient proximity of the proposed site to be analysed for overshadowing. These comprise the rear gardens at Nos 60, 62 and 64.
18. Results of the analysis indicate that the three amenity spaces meet the BRE guidance in that greater than 50% of the amenity space will receive at least two hours of sunlight on 21 March and pass the same criteria on 21 June and 21 December. Therefore, the requirements of the BRE Guide are achieved.
19. Whilst nearby residents have expressed some doubt at the findings of the study, I have no other technical evidence to indicate that the conclusions are

incorrect. Therefore, on the basis of the evidence provided, I do not consider that the proposed development would result in an unacceptable loss of light to the rear windows and doors at Nos 58, 60, 62 or 64 Buckingham Road nor would it result in an unacceptable loss of light to the rear gardens of these properties.

20. Although the height of the roof and eaves of the proposed dwelling have been reduced since the previous appeal decision, there would still be a significant mass of roof located almost adjacent to a substantial part of the rear boundary of the properties at Nos 62 and 64. The reduction in the height of the rear element of the proposed development reduces the impact on No 62 to some extent. Nonetheless, in views from the rear ground floor windows and gardens of these properties the roof of the proposed development would still appear as an unacceptably dominant and overbearing structure protruding almost directly above the rear fence line.
21. In my view, owing to the substantial mass of bland roof and blank dormer positioned almost on the property boundary, the proposal would cause an unacceptable loss of outlook for the occupants of Nos 62 and 64. Furthermore, in the case of No 64, it would result in an unacceptable sense of enclosure for users of this rear garden from where the roof structure would appear as an unacceptably dominant and overbearing feature.
22. For the above reasons, I conclude that the proposal would result in an unacceptable overbearing outlook from the rear windows and garden at Nos 62 and 64 Buckingham Road and cause an unacceptable sense of enclosure for the users of the garden at No 64. These impacts would cause significant and unacceptable harm to the living conditions of the occupants of those properties.
23. The proposal would therefore be contrary to criterion (I) of Policy LP26 of the Local Plan. This part of the policy requires that development does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to outlook.
24. The Council's Decision Notice also refers to a conflict with Policy SP30 of the Local Plan. However, the provisions of this policy apply only to 'Household Extensions' which is not the form of development proposed in this case. I have therefore attached no weight to the alleged conflict with this policy in this decision.

Other matters

25. I have taken into account the appellant's view that the Council is unable to currently demonstrate a 5-year housing land supply. I also note that the published *Housing Delivery Test* which for the period 2017 to 2020 suggests that the Council had only delivered 59% of its housing need during that period.
26. In this context, I accept that the '*tilted balance*' in paragraph 11 of the Framework is engaged. Therefore, a presumption in favour of sustainable development should apply, other than in two circumstances as set out in part (d) of paragraph 11.
27. I have found above that the proposed development would preserve the character and appearance of the Conservation Area. Consequently, the proposal would not conflict with the Framework's policies to protect areas or assets of particular importance.

28. I have also taken into account the modest contribution that the proposed development would make to the supply of housing in the Borough. However, this benefit is significantly and demonstrably outweighed, when assessed against the policies in the Framework taken as a whole, by the harm that would be caused to the living conditions of the occupants of Nos 62 and 64 Buckingham Road.
29. The appellant has drawn my attention to other examples of relatively recently approved development in the locality. However, I am not persuaded that these examples are materially reflective of the site circumstances and planning issues in this case. In any event, I have determined this appeal on its own individual merits.
30. The Council's Planning Officer Report refers to the potential impact of the development on existing trees. However, I am satisfied that this matter could be addressed by the imposition of an appropriately worded planning condition were I minded to allow the appeal.
31. I have also taken into account the concerns that the proposed development would cause a loss of privacy to the occupants of No 66 Preston Drive. However, the front elevation of the proposed development would face the side elevation and front parking area of No 66. Given these factors and the intervening distance, I do not consider that the proposed development would cause a material loss of privacy for the occupants of No 66.

Conclusion

32. Although I have found that the proposed development would preserve the character and appearance of the Wanstead Grove Conservation Area, this does not outweigh the harm that would be caused to the living conditions of the occupants of Nos 62 and 64 Buckingham Road. 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