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# Appeal Decision

Site visit made on 1 March 2022

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2022**

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**Appeal Ref: APP/W5780/W/21/3275097**

**1 Whites Avenue, Newbury Park, Ilford, IG2 7PJ, 545186, 188467**

- 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 Anjum Khan against the decision of London Borough of Redbridge.
  - The application Ref 3967/20, dated 25 November 2020, was refused by notice dated 15 January 2021.
  - The development proposed is a first-floor side extension. Single Storey rear extension. Subdivision of property to create new one bedroom house.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on the housing mix in the area, the character and appearance of the area, living conditions for future occupiers with specific regard to private amenity space, and the effect of the proposal on the Epping Forest Special Area of Conservation (SAC).

## Reasons

### *Housing mix*

3. Policies LP5 and LP6 of the Redbridge Local Plan 2015-2030 (the Local Plan) set out the criteria under which the Council will support the conversion of larger homes into smaller self-contained units whilst also securing a range of homes and a range of sizes. One of these criteria is that the site be located in a Metropolitan, District or Local centre. The appeal site is not in one of those locations and the proposal is therefore contrary to the overall aim of securing an appropriate dwelling mix, set out in Policy LP5, in appropriate locations as set out in Policy LP6.
4. I note the commentary from the appellant with regards to the location of facilities and services relative to the site location. However, the development plan policy sets clear requirements for the location of development of this type, and I am not persuaded that the local circumstances are material considerations of such weight to set aside these requirements.

### *Character and appearance*

5. Whites Avenue is not perpendicular to Oaks Lane. As such, this corner site is not square and the existing single-storey flat-roof element which extends to the side boundary is already at an angle relative to the main original dwelling.

6. The proposed first-floor extension would match, in terms of orientation, scale appearance and character the host property, and indeed, the other buildings in the street. It is the existing single-storey element and the angled boundary which gives rise to the slightly skewed appearance of the proposal on the plans.
7. Despite that, I find that the extension to the building would be consistent with the established character and appearance of the area and would not cause harm to it. In this regard, the proposal would not conflict with Policy LP29 of the Local Plan.

#### *Living conditions*

8. In addition to the locational criteria set out in Policy LP6 above, other policies in the Local Plan also require proposals of this nature to meet space standards internally and externally, as well as provide appropriate car and cycle parking.
9. The appellant has sought to suggest that Policy LP6 of the Local Plan is not relevant to this proposal, as it seeks to extend and then subdivide an existing dwelling, rather than convert a larger home into smaller units. However, I consider that as the extension would form a relatively small part of the completed development, it is appropriate to assess it against Policy LP6.
10. Although the Council has previously accepted the floorspace of the larger unit was acceptable, they have latterly sought to suggest that it should be judged against a higher threshold than that set out in Policy LP6. Despite that, I am satisfied that in this instance, the larger unit would meet the internal space requirement of Policy LP6.
11. However, neither of the proposed private outdoor amenity spaces meet the requirements for dwellings, set out in Policy LP29. The larger unit would be provided with approximately 48sqm against a requirement for 60sqm; the smaller unit would be provided with approximately 23sqm against a requirement for 50sqm.
12. I do not agree with the conclusion of the Council that the car parking space could offset this loss for the larger unit, as use of that space would not meet the usability and quality requirements, also set out in Policy LP29. For the same reasons, I do not consider that the open front garden space with bin storage, allocated to the larger unit, would contribute towards meeting the requirement.
13. I note that parking spaces are shown for each of the proposed units, and that one is in current use. However, I am concerned over their long-term practical utility, given their relationships to other fences and walls, street furniture and other cars, both parked and manoeuvring around the junctions near the site. This parking arrangement would therefore be unsatisfactory and contrary to the requirements of Policy LP6, which seeks to ensure that conversions deliver appropriate parking.
14. As such, I find that the proposal would not deliver suitable living conditions for future occupiers, with specific regard to their private amenity space. The proposal would therefore conflict with Policy LP29 of the Local Plan, which seeks, amongst other things, to ensure that development delivers appropriate standards of amenity, as well as guidance in the National Planning Policy Framework (the Framework) around quality of space and design.

### *Epping Forest SAC*

15. The site lies within 3km of the boundary of the Epping Forest SAC, and Natural England has provided advice that any development in this area requires suitable mitigation to ensure that no adverse effects on its integrity would arise. The Council has produced the Epping Forest Special Area of Conservation Mitigation Strategy which requires a per-dwelling contribution along with a monitoring fee. The appellant has agreed to these payments, however as I am dismissing the appeal on other grounds it is not necessary to address this in any further detail.

### **Planning balance**

16. The 2021 Housing Delivery Test results published by the government appeared to show a marked improvement in delivery in Redbridge, rising from 59% in 2020 to 135% in 2021. However, the appellant has provided corrected data from the London Assembly which shows that the score for Redbridge in 2021 should be 68%. The Council had no comments on these amended figures. In line with footnote 8 of the Framework, the test at paragraph 11d is therefore engaged.
17. I have found that the proposal would give rise to one net additional dwelling with insufficient amenity space, in a location where such development is not supported. Despite the need for homes, and the delivery of housing in the area being substantially below the housing requirement, I find that this harm is an adverse impact which significantly and demonstrably outweighs the benefit of a single net additional dwelling when assessed against the Framework as a whole, which emphasises the need for well-designed places, quality and appropriate living conditions, not delivery of additional units at all costs.
18. The proposal does not therefore benefit from the presumption in favour of sustainable development in the Framework.

### **Conclusion**

19. Although I have found that the proposal would have an acceptable impact on the character and appearance of the area, I have found that substantial conflict with the development plan with regard to the housing mix in the area and the living conditions for future occupiers with regard to private amenity space. I therefore find that the proposal would conflict with the development plan as a whole.
20. Having regard to the Framework and all other material considerations, I do not find any of sufficient weight to indicate that a decision be taken other than in accordance with the development plan. The appeal should therefore be dismissed.

*S Dean*

INSPECTOR