



Appeal Decision

Site visit made on 4 April 2022

by Peter Rose BA MRTPI DMS MCMI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2022

Appeal Ref: APP/W5780/W/21/3270188

18 and 18A The Avenue, Wanstead, London, E11 2EF

- 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 T-Space against the decision of the Council of the London Borough of Redbridge.
 - The application Ref: 3326/20, dated 25 September 2020, was refused by notice dated 4 January 2021.
 - The development proposed is described as ‘... demolition of the existing 2 no. properties at no 18 and 18A The Avenue and construction of a replacement 2-storey 4-bedroom dwelling and 1-bedroom self-contained granny annex’.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing 2 no. properties at No 18 and 18A The Avenue and construction of a replacement 2-storey 4-bedroom dwelling and 1-bedroom self-contained granny annex at No 18 and 18A The Avenue, Wanstead, London, E11 2EF in accordance with the terms of the application Ref: 3326/20, dated 25 September 2020, and subject to the conditions set out in the attached Schedule.

Preliminary matter

2. The Council’s decision notice refers, amongst other things, to the appeal scheme’s relationship to its built surroundings. Both the adjacent properties have been the subject of extensive approved works since the time of the Council’s refusal. No 16 has been extended significantly and, at the time of my visit, No 20 was being redeveloped, also to provide a 4-bedroom dwelling. My decision reflects the developments of both sites as detailed in the approved drawings subsequently provided by the authority. Both the Council and the appellant have been afforded the opportunity to comment in relation to the implications of those subsequent developments for the appeal scheme.

Main issues

3. The main issues are:
 - whether or not the proposed development would preserve or enhance the character or appearance of Wanstead Grove Conservation Area, and with particular regard to loss of the existing building, to the proposed scheme’s scale, depth and roof form, and to implications for the street-scene and for views from rear gardens; and

- the possible implications of the development for existing trees within the site.

Reasons

Conservation Area

Significance of the heritage asset and the contribution of the appeal site

4. There are currently no published documents relating to any character appraisal of Wanstead Grove Conservation Area, and no Conservation Area guidance has been identified.
5. The Conservation Area has evolved over time and its heritage draws from the former estate of Wanstead Grove House. Housing development of former estate land occurred from the late nineteenth century and initial phases provided impressive architecture and related form particularly evident in residential roads to the north of The Avenue. These generally display a clear late Victorian/Edwardian architectural style and an identifiable historic character which are central to the significance of the Conservation Area.
6. In contrast, The Avenue was a later and apparently less regulated phase of development. As a residential street it is less coherent in its overall character and appearance and less representative of earlier areas to the north. The Avenue instead reflects a variety of largely unrelated styles, and inclusive of more modern properties. This variety has diluted the influence of the earlier Victorian/Edwardian elements and which remain more evident on the opposite side of the road.
7. The appeal site illustrates the later variety to this part of the Conservation Area. It comprises a relatively modest, but wide-fronted, gable-ended inter-war dwelling and accompanying annex, originally built in the Arts and Crafts style. The building displays first floor tile hanging, textured render, and a central gable porch. To the front is an open area comprising hard surface, planting and two protected mature trees, and all set behind a prominent white picket fence.
8. The appeal site is not listed, and has been subject to significant alteration. It displays little direct relationship to a late Victorian/Edwardian character or appearance. Although relatively undistinguished, the building is still evidential of the asset's later development and forms part of the Conservation Area as designated.
9. Even so, the existing building is not in and of itself of such distinction as to be particularly integral to the Conservation Area's special character or appearance. Rather, it is a relatively unassuming building which contributes to the asset's significance as part of a general variety of built form in The Avenue. In heritage terms, this property's contribution is undoubtedly less significant to the asset's overall character and appearance than the more discernible and predominant late Victorian/Edwardian qualities of other parts of the Conservation Area.

Implications of the scheme

10. Redevelopment would involve loss of an original, albeit altered, building, and forfeiture of its particular contribution as identified. A particular, albeit unexceptional, historic evidential reference would be lost.

11. The scheme would result in a significantly different building in form and appearance. The replacement would appear larger than the existing and of a contrasting but nonetheless Edwardian-influenced design.
12. Allowing for sloping ground levels, the building would generally respect the eaves and ridge heights of other properties in the street, and also the road's important front building line. The key front elevation would include large gable-ended bays and principal windows, a recessed entrance porch, dominant chimney stacks, and use of materials appropriate to the Conservation Area. The proposal would present a far more imposing, but still not inappropriate, elevation within the street-scene.
13. No objections in principle are raised by the authority to the character or appearance of the proposed scheme. The dwelling would also be of comparable design to the Council-approved development at the adjacent No 20. The schemes offer similar character and appearance and, together, would make for a coherent, late Victorian/Edwardian-influenced street frontage. The Council's favourable report of that adjacent application stated that the dwelling's external appearance would sit well within the varied street-scene, would not be detrimental to the character of Wanstead Grove Conservation Area and that, whilst larger than the dwelling to be replaced, and expanding further into the rear garden, would still be of an appropriate bulk, scale, and massing.
14. Although the appeal dwelling would occupy a larger footprint than existing this would involve a proportion of its plot similar in scale to other neighbouring sites. It would extend further and with greater bulk to the rear but the back gardens are sizeable and substantial enlargements have been authorised to the built forms of No 16 and No 20. The rear of the scheme would be of broadly consistent detailing to the front, and would align not dissimilarly to the new rear building lines and orientations of adjacent properties.
15. The proposed crown roof would be set behind raised pitches and the authority acknowledges the existence of other such forms elsewhere in The Avenue.
16. The scheme would include complementary landscaping and retention of most of the existing trees, including those of particular importance to the public domain at the front. A discreet and sympathetic brick-built boundary wall integral to the design would also replace the existing fence.

Summary and conclusions

17. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource, and requires them to be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, it requires great weight to be given to the asset's conservation. There is a strong presumption against granting planning permission for development which would harm the Conservation Area because the desirability of preserving or enhancing is a matter of statutory duty and therefore of considerable importance and weight.
18. The Framework requires account to be taken of the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The Planning

Practice Guidance (the Guidance) similarly indicates how the justification for a building's proposed demolition needs to be proportionate to its relative significance and to its contribution to the significance of the Conservation Area as a whole.

19. I have noted previous appeal decisions relating to the site in 2013¹. Case law and accompanying government guidance have since evolved and clarify the circumstances that might now amount to substantial harm. The Guidance makes clear that, in general terms, substantial harm is a high test, and so may not arise in many cases. It also confirms that an unlisted building that makes a positive contribution to a Conservation Area is individually of lesser importance than a listed building.
20. In contrast to those decisions, Essex County Council's historic buildings and conservation advice states in formal response to this appeal scheme that, whilst still objecting, the scheme would now amount to less than substantial harm.² The 2013 decisions also pre-dated the subsequently approved developments of No 16 and No 20 and reflected unresolved issues of harm to existing trees.
21. The extent of existing variety within The Avenue is such that the overall diversity of character and appearance of this later phase of the Conservation Area would not be lost, and nor would the design itself be incongruent or otherwise inappropriate.
22. In heritage terms, and in the particular context provided by No 16 and No 20, the loss of the house as one element of the much wider designated asset would be eclipsed and mitigated by other aspects of a scheme which would generally strengthen and echo the earlier and primary character and appearance of the Conservation Area as a whole. The legibility of any immediate historic or architectural context to the asset in this vicinity relative to its defining primary features is weaker than elsewhere but would not be diminished. The appeal scheme would not incur any overall harm to the Conservation Area.³
23. I therefore conclude that the proposal, and with particular regard to loss of the existing building, to the proposed scheme's scale, depth and roof form, and to implications for the street-scene and for views from rear gardens, would not be harmful to Wanstead Grove Conservation Area and would not fail to preserve or enhance its character or appearance.
24. The scheme would thereby not be contrary to Policies LP26 and LP33 of the Local Plan⁴, and nor contrary to Policies D3, D4 and HC1 of the London Plan⁵. These policies seek, amongst other things, to promote high quality design, to take available opportunities to improve an area's character and quality and the way it functions, to ensure that heritage assets are conserved, protected and enhanced in a manner appropriate to their special interest, and seek to support proposals within Conservation Areas which preserve or enhance their character or appearance.⁶

¹ Appeal decisions Ref: APP/W5780/A/12/2186841 and Ref: APP/W5780/A/12/2186844 dated 18 April 2013

² See final paragraph of letter from Historic Buildings Consultant dated 20 November 2020

³ As per City & Country Bramshill Limited and Others, [2021] EWCA Civ 320 dated 9 March 2021

⁴ Redbridge Local Plan 2015-2030 March 2018

⁵ Mayor of London's The London Plan, The Spatial Development Strategy for Greater London March 2021

⁶ Reason 1 of the Council's decision notice also refers to Policy LP30 of the Local Plan and, whilst identifying, amongst other things, similar considerations of character and heritage, the subject of that policy is household extensions

Trees

25. The site contains a significant number of trees, many of which are protected, and almost all are proposed to be retained.
26. Post-decision, the appellant has submitted an Arboricultural Impact Assessment Report, and inclusive of an arboricultural method statement, a tree constraints plan and a tree protection plan.⁷ The authority has considered the report and advises its content addresses aspects of the objections previously raised. Whilst up to four protected trees of relatively limited quality have been identified to be removed from the rear garden⁸, only two trees appear to require removal as a direct consequence of the development, and I have further noted reference made to the existing structural condition of T33. The two other trees are identified for removal due to their structural condition. The development would include replacement planting for all four.
27. On balance, I agree the development would have no undue impact upon existing trees. I have a duty to ensure, whenever it is appropriate, that, should permission be granted, adequate provision is made for the preservation or planting of trees, and I am satisfied the scheme would be compliant in that regard.
28. I therefore conclude that the proposal would not be harmful to existing trees, and so not contrary to Policy LP38 of the Local Plan. This seeks, amongst other things, to maintain tree coverage in the Borough and, in appropriate circumstances, to increase provision by supporting development which integrates trees into design and layout. This is to be achieved through retention of existing trees where these can make a positive contribution, and by supporting development which provides appropriate new trees.

Other matters

Other heritage assets

29. There are two Grade II* listed structures nearby. These comprise a gazebo and grotto situated within the rear garden of No 20, and a temple/folly building within the rear garden of No 14. These would appear to be vestiges of the previous estate. The presence of protected trees within the appeal site is also reflective of the estate's history and is relevant to the setting of each structure.
30. I agree that neither of these assets is directly affected by the proposal and, given the intervening distances and the relative arrangements of buildings and plots, allied to the proposals to preserve and plant trees, there would be no implications for their respective settings.

Living conditions

31. The Council's formal reasons for refusal do not state any particular objection relating to the living conditions of adjacent residents.
32. Nevertheless, I have had particular regard to previous representations on behalf of occupiers of No 16, although these pre-date the subsequent alterations to that property. I also note that no further objection was received in response to the Council's subsequent appeal publicity.

⁷ Arboricultural Impact Assessment Report by Greenwood Arboricultural Limited dated 17 February 2021

⁸ Drawing Ref: 1012A identifies four trees to be removed and assessed as Categories C and U

33. Given the proposed configuration of the existing and proposed side boundaries, and the appeal scheme's proposal for obscured glazing, allied to the sharp drop in ground levels from No 16 to the appeal site, I do not consider there would be any significant impacts in terms of overlooking or light. To further safeguard matters should the appeal be allowed, a condition will be considered to regulate full details of the proposed side boundary elevations, and particularly with regard to full details of fenestration and doors.

Housing land supply

34. The Council has confirmed it is unable to demonstrate a 5-year housing land supply and calculates a figure of some 3.75 years. The scheme would involve no change in the number of units available.

Planning balances

The development plan as a whole

35. The development plan policies which are most important are those referred to and applied in my assessment of the main issues. I have found broad compliance in these regards, and therefore conclude the proposal would accord with the development plan as a whole.

Other material considerations

36. The Framework requires that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay, and this is a further material consideration. No other significant countervailing considerations have been identified.

Final planning balance

37. As the proposal would accord with the development plan as a whole, and other material considerations do not indicate a decision other than on those terms, planning permission should be granted, subject to conditions.

Conditions

38. I have considered the conditions suggested and agreed by both main parties. I have had regard to the advice set out in the Guidance and in the Framework in terms of both the tests for individual conditions, and the general need for clear, precise and enforceable wording.
39. For reasons of certainty, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings.
40. To safeguard the important relationship between the character and appearance of the appeal site and the Conservation Area, it is necessary to ensure all details of external materials and landscaping are appropriate, and that all retained trees are protected, and that specific provision is made for replacement of protected trees proposed to be removed.
41. To ensure a satisfactory living environment for occupiers and neighbours, and to contribute to a sustainable development, a condition requires details to be submitted and approved relating to surface water drainage.

42. To further promote sustainable development, arrangements are necessary for water efficiency, to provide a high standard of security for occupants, and to accommodate the mobility needs of future users.
43. To protect the living environment of neighbours during construction, it is necessary for arrangements to be in place to minimise environmental and traffic disturbance arising from construction activity and associated traffic. This should also include hours of site works.
44. Whilst details have been submitted as appeal documents post-decision, the scheme considered by the Council did not include proposed details of the side elevations relative to No 16 and to No 20. Those details were also not originally publicised as part of the application subject to appeal, and do not form part of the approved documents upon which this decision is based. Although I find no objection in principle to the treatment of the sides as inferred by the other approved drawings, and further note the commitment to obscured glazing, full elevational details remain to be formally submitted and to be approved. This is particularly necessary to ensure full and adequate safeguards are in place for adjoining living conditions in relation to specific treatment of glazing and associated matters, and that a full and proper opportunity is available for public assessment of those details.
45. I am not satisfied of the necessity for a condition to regulate carbon emissions on the terms suggested given the existing provisions of Approved Document L of the Building Regulations.
46. I have little evidence that concerns regarding landslip during construction or implications for local living conditions arising from any air conditioning units require to be reasonably or necessarily controlled by planning conditions. If at issue, they would remain as matters to be regulated through other means.
47. Matters relating to drainage, protection of existing trees, replacement of protected trees, materials, landscaping, mobility, the living environment of neighbours during construction, and details of the side elevations, are all to be addressed before development commences. This reflects the importance of those matters to the sensitivities of the site and its development, and the implications which could otherwise arise should works proceed in the absence of their prior resolution.

Conclusion

48. For the reasons given above, I conclude that the appeal should be allowed, subject to the conditions identified.

Peter Rose
INSPECTOR

SCHEDULE OF CONDITIONS

Time limit

1. The development hereby permitted shall be begun no later than the expiration of three years from the date of this permission.

Details and drawings

2. The development hereby permitted shall be carried out in accordance with the following approved plans: D 01, D 02, D 03, D 04, 000, 110, 111, 112, 120, 121, 0, 10, 11 and 12, and Arboricultural Report by Greenwood Arboriculture Limited dated 13 March 2020 and Arboricultural Impact Assessment Report dated 17 February 2021.

Pre-commencement

3. No development shall take place until a full and detailed scheme in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction' for protection of all to-be-retained trees within the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include details of the relationship between proposed underground services and existing trees, and of how any potential damage to trees arising from, and throughout the duration of, all works, will be prevented. The detailed protection measures as approved shall be implemented in accordance with an agreed programme, and shall be retained for the full duration of the works or, as appropriate, unless previously agreed in writing by the Local Planning Authority.
4. No development shall take place until a scheme setting out arrangements to minimise environmental and traffic disturbance for local occupiers arising from construction activity has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include measures for identification of construction traffic routes, construction traffic wheel washing and associated public highway cleaning, dust and noise suppression, hours of operation, and construction waste disposal. The development shall be carried out in accordance with the details as approved.
5. Notwithstanding the details shown on the approved plans, no development shall take place until full particulars/samples of all materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and been approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details as approved.
6. No development shall take place until schemes of soft and hard landscaping have been submitted to and been approved in writing by the Local Planning Authority.

The soft landscaping scheme shall include a planting plan, written specifications (including cultivation and other operations associated with trees, plants and grass), schedules of plants and trees, and arrangements for subsequent maintenance of all approved details.

The scheme shall also include specific proposals for replacement planting in lieu of each of the protected trees identified to be removed in the approved

Arboricultural Reports referred to in Condition 2, and such shall include full details of species, size, location, programme and subsequent maintenance.

All planting shall be carried out in accordance with the details as approved and be implemented in the first planting and/or seeding season following the first occupation of the dwellings. Any trees, plants or shrubs which, within a period of five years from the completion of the development, die, or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, in accordance with the approved scheme.

The hard landscaping scheme shall include details of all external ground surfaces, and of all fencing, gates, and walls, and details of arrangements for external waste and bicycle storage. The works shall be implemented as approved prior to first occupation of the development and shall be maintained thereafter.

7. No development shall take place until full details of sustainable drainage arrangements/surface water run-off attenuation measures have been submitted to and been approved in writing by the Local Planning Authority. The submitted details shall include a timetable for their implementation, and a management and maintenance plan for the lifetime of the development. The development shall be implemented in accordance with the details as approved.
8. No development shall take place until full details of compliance with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) have been submitted to and been approved in writing by the Local Planning Authority, but exclusive of any requirement for lift access. The development shall be implemented in accordance with the details as approved.
9. No development shall take place until full details of the proposed side elevations to the building have been submitted to and been approved in writing by the Local Planning Authority. The submission shall provide full details of all fenestration and doors, and including proposals for appropriate provision of obscured glazing, and of opening specifications. The details shall be implemented as approved prior to first occupation.

Pre-occupation

10. No occupation of the development shall take place until full details of compliance with Building Regulations Optional Requirement Approved Document G2 – Water efficiency (2015 edition) have been submitted to and been approved in writing by the Local Planning Authority, and been subsequently implemented. Such measures shall be retained thereafter.

Post-occupation

11. The development shall obtain a Part 2 'Secured by Design' security accreditation within three months of first occupation. This final accreditation certificate shall be submitted to the Local Planning Authority and the development shall be carried out in accordance with the approved details and an agreed timescale for any outstanding works, and relevant compliance measures shall be retained thereafter.

End of Conditions 1-11.