
Appeal Decision

Site visit made on 7 March 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2022

Appeal Ref: APP/W5780/W/21/3276595

11 Spratt Hall Road, Wanstead, London E11 2RQ

- 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 Mahmoodul Haq against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1337/21, dated 29 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is described as first floor rear extension and conversion of house to 1 No. 2 bed flat and 1 No. 3 bed flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties had the opportunity to comment on the relevance of this to the appeal and I have had regard to the revised Framework in my decision.

Main Issues

3. The main issues are:
 - The effect of the development proposed on the supply of family sized housing in the Borough;
 - Whether the proposal would provide for satisfactory living conditions for future occupiers, with particular regard to external amenity space;
 - The effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise and disturbance, light and outlook;
 - Whether the proposal would preserve or enhance the character and appearance of the Wanstead Village Conservation Area; and
 - The effect of the proposal on the Epping Forest Special Area of Conservation.

Reasons

Supply of family housing

4. The appeal property is a two storey semi-detached dwelling which includes a two storey rear outrigger and accommodation within the roof space. It is not

disputed that the property is a larger, family sized dwelling with an internal floor area of around 165 sq.m, a total of five bedrooms, including one occupying the second floor level, and has access to a private external amenity space to the rear. The proposal is to subdivide the building to create two self-contained flats, a ground floor flat (Flat 1) which would provide two bedrooms and an upper floor flat (Flat 2) which would have three bedrooms.

5. According to the appellant 11% of properties on Spratt Hall Road have been converted to flats, while the Council states that only 8% of dwellings on the road have lawfully been converted to flats. In either case, it represents a small proportion of the total number of properties on the road which is overwhelmingly characterised by single dwelling houses.
6. Policy LP6 of the Redbridge Local Plan 2015-2030 (2018) (the Local Plan) seeks to protect the stock of larger family sized homes in the Borough and sets out that conversion to smaller residential units will be supported only under specific criteria, one of which is the requirement that the property be located within a metropolitan, district or local centre. The policy goes on to state that the conversion should provide at least one larger family sized home of 74 sqm (3-bed plus) on the ground floor with access to a dedicated rear garden. The Outer North-East London Strategic Housing Market Assessment (2016) identified a significant need for larger homes in the Borough, with 84% of housing need for three or more bedrooms.
7. Whilst the ground floor unit would have access to the external amenity space to the rear, with only two bedrooms and an internal floor area of slightly less than 74 sqm, it would not meet the definition of a larger family sized home as set out in Policy LP6. Moreover, the appeal site is not within a metropolitan, district or local centre. The proposal would therefore result in the loss of larger family sized dwelling in an area where the Council seeks to retain such properties, and it would not comply with Policy LP6 of the Local Plan, as described above.

Living conditions of future occupiers

8. The existing property is served by a driveway at the front and, in common with most other properties on this road, includes a good sized external amenity space to the rear which extends to a side passageway. It is afforded good levels of privacy due to the high boundary treatments on both sides.
9. Policy LP29 of the Local Plan requires that sufficient external private amenity space be provided for occupants of flatted development. The policy seeks a minimum of 5 sq.m of private amenity space for 1-2 person dwellings and an additional 1 sq.m for each additional occupant.
10. Flat 1 would have access to the existing rear amenity space via doors to the rear elevation. The external space is of sufficient size to cater for the needs of occupiers of this flat. The appellant states that the rear amenity space could be split between the two flats and a plan from the Design and Access Statement shows how this space could be subdivided. However, it is unclear from that plan, which is not to scale, how occupiers of Flat 2 would access this space. The plan shows a narrow strip of land to the rear of the main building which would be the garden space serving Flat 2, however that plan appears to be contradicted by the proposed ground floor plan which indicates that access to that space would be possible from the double doors to a bedroom within Flat 1. In such circumstances, the external amenity space for Flat 2 would be directly

overlooked from one of the bedrooms within Flat 1, which would result in a lack of privacy for the occupiers of both flats.

11. Consequently, it has not been demonstrated that the proposal would provide adequate private external amenity space for the future occupiers of Flat 2, which would be to the detriment of their living conditions. Large areas of public open space are easily accessible from the appeal site, including Christ Church Green. However, these are not private spaces and therefore would not provide sufficient mitigation for the lack of private external amenity space for Flat 2.
12. For these reasons, having regard to the external amenity space proposed, I consider that the proposal would not provide for satisfactory living conditions for future occupiers of the development. The proposal would therefore conflict with Policies LP26 and LP29 of the Local Plan and Policy D6 of the London Plan (2021), which, amongst other things, require that development provides sufficient external amenity space to meet the needs of future occupants.

Living conditions of neighbouring occupiers

13. Although not included as a reason for refusal on the decision notice, a further concern of the Council relates to the effects of the proposal on the living conditions of neighbouring occupiers as a result of the subdivision of the property and associated increased comings and goings, together with loss of light and outlook for the occupants of the adjoining neighbouring property, No 12. I acknowledge there would be some differential characteristics of use associated with two flats rather than a single unit.
14. No 11, however, provides accommodation capable of being occupied by a large family unit. It is likely that it could already result in a reasonable degree of comings and goings associated with a large family. The proposed development would not increase the number of bedrooms within the building. The accommodation would be split across two households and so patterns of movement may differ from those associated with a single dwelling.
15. However, I have not been provided with any substantive evidence to suggest that the proposal would result in a significant increase in comings and goings or cause or exacerbate any problems with noise or disturbance when compared to the existing use of the property. Occupants of the two flats would continue to utilise the front entrance of the building, as existing, and as set out above properties here are generally set in good sized plots, with reasonable levels of privacy, and with open spaces relatively nearby. Taking these factors into account, any additional activity arising from the appeal proposal would not result in significant noise and disturbance to the extent that would cause unacceptable harm to the living conditions of neighbouring occupiers.
16. The two storey outrigger to the rear of the host property is joined to the outrigger to the adjoining neighbour, No 12. The rear elevation of the neighbour's outrigger includes a porch, door and window to the ground floor with two small first floor windows above, which are situated close to the boundary of the appeal site. The first floor extension would not project beyond the neighbour's ground floor openings and porch. However, it would extend around 2.6m further back than the neighbour's first floor windows. It is unclear from the evidence which room these windows serve, although they broadly mirror the host property's first floor outrigger windows which serve the bathroom, a non-habitable room.

17. Given that the extension would project a relatively small distance beyond the neighbour's first floor windows, it is unlikely in my view that the proposal would result in any significant loss of light or outlook to the neighbour. As such I consider that the proposal would not result in material harm to the living conditions of the occupants of No 12 with respect to outlook and light.
18. For the above reasons, I conclude that the proposal would not be harmful to the living conditions of the neighbouring occupiers, with regard to noise and disturbance, light and outlook. In this respect, there would be no conflict with Policies LP6, LP26 and LP30 of the Local Plan and Policy D6 of the London Plan, where these seek to protect the living conditions of neighbours.

Character and appearance of the Conservation Area

19. The appeal site is located within the Wanstead Village Conservation area (CA), which covers a large area including a variety of built forms and uses. In my view, insofar as this appeal is concerned, the significance of the CA derives from its many historic buildings of good architectural quality with the Green and listed Christ Church at its centre, and its pleasant village setting. Those physical characteristics honestly attest to the history of the CA in the present.
20. The area surrounding the appeal site is of predominantly residential character though there are some other uses, including a library on the other side of Spratt Hall Road. The residential properties are generally two storey terraced and semi-detached dwellings, some of which have accommodation within the roof. The front elevations of properties on this stretch of the road display a high degree of uniformity owing to the consistent building line and regular pattern of decorative bay windows and recessed door openings. To the rear, however, there is a more informal appearance due to the variety of sizes and styles of rear outriggers that have been added over time. Notwithstanding this, I consider that the appeal building, and the row of properties of which it forms part, make a positive contribution to the character and appearance of the CA by virtue of their scale, form and arrangement.
21. I have considered the effect of the scheme in the context of the obligations under the Act¹, which requires special regard to be given to the desirability of preserving the character or appearance of the CA. This is reflected in paragraph 199 of the Framework which requires that great weight should be given to the asset's conservation when considering the impact of a proposal on its significance.
22. The proposed first floor extension would be constructed above part of the existing single storey rear extension. Its roof profile would match the existing two storey rear outrigger. It would feature a mono-pitched roof with a small parapet wall at the apex of the roof. Located at the rear, the extension would not be readily apparent from any public views.
23. Although the proposed extension would be over half the width of the host property, this would replicate the width of the existing two storey outrigger. The extension would elongate the existing outrigger and result in some loss of symmetry with the rear outrigger of the attached neighbour. However, there are a variety of two storey outriggers to the rear, and in this context the proposal would not be harmful to any sense of uniformity. Furthermore, the rear

¹ Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

projection of the extension would not be as pronounced as other two storey rear outriggers on this road, including Nos 9 and 10 next door. Although the parapet wall would project above the ridge of the extension, it would not be so high as to be harmful to the character or appearance of the building. The resultant scale, form and arrangement of the dwelling relative to others and to prevailing character would not be incongruous, nor would it undermine significance.

24. Whilst the Council has also raised a concern about the effect on the general character of the area as distinct from appearance, the creation of one additional residential unit within the building would be unlikely to have any material impact on the residential character of the area. Indeed I have reasoned in paragraph 18 that there would also be no unacceptable localised effect in respect of living conditions. The provision of refuse and cycle storage areas at the site frontage would not significantly contrast with the surrounding area. Therefore, the effect on the established pattern of development within the locality would be negligible.
25. For these reasons, the development proposed would preserve the character and appearance of the CA and would thereby accord with the relevant provisions of Policies LP26, LP30 and LP33 of the Local Plan, and Policy HC1 of the London Plan. Amongst other things, these policies seek to promote well designed development which conserves or enhances the character and significance of the historic environment.

Epping Forest Special Area of Conservation

26. The Council states that the proposal is located within the 3km Zone of Influence (ZOI) of the Epping Forest Special Area of Conservation (SAC). The Council explains that for all new residential developments within the ZOI, it will seek a contribution towards forest maintenance, to offset the adverse effects resulting from increased recreational pressure. In this regard, the Council makes reference in the fourth reason for refusal to Policies LP33 and LP38 of the Local Plan, but as these relate to heritage matters and trees and landscape respectively, they are of little relevance to this issue.
27. In summary regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 places a duty on me, before deciding to grant permission for a plan or project which is 'likely to have a significant effect' on a site designated pursuant to European legislation to 'make an appropriate assessment of... [its] implications. There is no ecological mitigation proposed in the foregoing context, the appellant arguing that 'the proposal is a small development making use of the existing structure to form 2 flats. The development would have little or no impact whatsoever on the Epping Forest SAC'. That logic does not hold water; the cumulative effects of multiple small additions to density, or intensity of recreational pressure, may cumulatively be highly significant in terms of ecological integrity. Moreover, as set out above, there are other adverse effects of the scheme, and the duty under regulation 63(1) is required only where permission would be forthcoming. Therefore, even if I were to reason that the proposal was, or could be made, acceptable in terms of effects on the SAC, that would be effectively neutral in assessing the merits of the scheme overall (a matter to which I now turn).

Planning Balance and Conclusion

28. There is no dispute that the Council are unable to demonstrate a five year housing land supply, and therefore paragraph 11 d) of the Framework is engaged. However, I have set out above in the preceding main issue that likely significant adverse effects to the SAC cannot be ruled out in the absence of appropriate mitigation, by extension protective policies applying to habitat sites provide a clear reason for refusing the development proposed in line with paragraph 11 d) i. However, in the eventuality that could be overcome by appropriate mitigation, I would be directed to Framework paragraph 11 d) ii. which is that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'
29. Were that balance to apply, the development would offer benefits in terms of providing an additional unit of accommodation in a sustainable location. It would also have economic benefits through employment opportunities created during the construction phase, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited.
30. I find that the appeal proposal would not be harmful to the living conditions of neighbouring occupiers and it would preserve the character and appearance of the CA. However, lack of harm in respect of these matters is neutral rather than weighing positively in favour of the proposal. For the reasons given, I consider that the proposal would be harmful to the supply of larger family sized dwellings in the borough and it would not provide satisfactory living conditions for future occupiers having regard to external amenity space. I have considered the benefits of the proposal, however, inherent in my reasoning above is that the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits. In these circumstances, the proposal would not therefore be sustainable development for which the presumption in favour applies.
31. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

M Ollerenshaw

INSPECTOR