



Appeal Decision

Site visit made on 12 July 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022

Appeal Ref: APP/W5780/W/21/3288914
153 Beehive Lane, Ilford IG4 5DX

- 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 H Ahmed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3634/21, dated 9 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is alteration to the roof from pitch to flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The name of the appellant as given on the appeal form differs from that on the planning application form. However, it has been confirmed that Mr H Ahmed is the original applicant and the appeal is being pursued on their behalf. This is reflected in the above heading.
3. It was requested that I view the appeal site from 155 Beehive Lane, and I was able to do so at my visit.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of residents of No 155 with regards to outlook and light.

Reasons

5. The appeal site consists of an office set over two levels. The roof of the existing building is a mono-pitch design which slopes down to the boundary with No 155. This design mitigates the potential impact of the scale and massing of the building in views from the rear of No 155.
6. The proposal consists of replacing the mono-pitch roof with a flat roof. Although the overall height of the building would not increase, this would lead to an increase in the height and massing of the building adjacent to the boundary with No 155.
7. A ground floor kitchen and a living room window of No 155 look out onto the rear amenity area of that property. The outlook from these windows is currently constrained by the arrangement of existing buildings including the

appeal site. The increase in height and massing of the proposal would exacerbate this sense of enclosure to an unacceptable degree, leading to an overbearing tunnel effect in views from these windows as well as from parts of the amenity area.

8. The appeal site is located to the south of No 155. Due to this arrangement and the mono-pitch design of the existing building, this enables sunlight and daylight to reach the neighbouring property, including ground floor windows as well as the rear amenity area. However, based on the evidence before me as well as observations on my visit, the increase in the height of the building would lead to a unacceptable decrease in the amount of daylight and sunlight reaching the rear of No 155, with commensurate harm to the living conditions of residents. Although some sunlight and daylight would continue to reach the neighbouring property, this would not be sufficient to offset the harm arising from the appeal proposal.
9. The appellant refers to the '45 degree test' in relation to the affected windows, although they have not provided substantial evidence to demonstrate that the proposal would comply with this. Reference is also made to the separation distance between the affected windows and the proposal. However, even if the proposal would meet the 45 degree test, and mindful of the separation distances, these considerations do not lead me to a different conclusion in respect of outlook and light due to the arrangement of the appeal site and No 155 that I observed.
10. The proposal would not lead to an increase in overlooking of No 155 and would involve the removal of an existing roof light. I have also had regard to the benefits in respect of the amount of accommodation provided for the business, including in respect of social distancing during the pandemic. However, these benefits are not of such a scale as to outweigh the significant harm I have found in respect of outlook and light.
11. The appellant contends that the right of light is a civil matter rather than a material planning consideration. However, consideration of the right to light is not the same assessment as whether a development would compromise the living conditions of occupiers; the latter being a more subjective judgement which is relevant to the consideration of planning proposals. I have therefore considered this appeal giving due regard to the issues of light and outlook in respect of living conditions.
12. I conclude that, due to its scale and arrangement, the proposal would lead to significant harm to the living conditions of residents of No 155 in respect of outlook and light. The proposal would therefore be contrary to the amenity requirements of policy LP26 of the Redbridge Local Plan 2018.
13. The Council's decision refers to policy LP30 of the Local Plan as well as the Housing Guide Supplementary Planning Document 2019, although these relate to household and housing development and are therefore not relevant to the appeal proposal which relates to a business. However, this does not negate my conclusions in respect of the identified harm and the conflict with policy LP26.
14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross INSPECTOR