



---

# Appeal Decision

Site visit made on 27 September 2022

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

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

**Decision date: 24 October 2022**

---

**Appeal Ref: APP/W5780/D/22/3299595**

**26 Budoch Drive, Seven Kings, Ilford, IG3 9NX**

- 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 Hitesh Sharma against the decision of the London Borough of Redbridge Council.
  - The application Ref 4825/21 dated 30 November 2021, was refused by notice dated 3 March 2022.
  - The development proposed is front porch. Single storey rear extension. Loft conversion with to rear and one front dormers. New window to side elevation. One rear roof light. Alterations to fenestrations.
- 

## Decision

1. The appeal is allowed and planning permission is granted for front porch. Single storey rear extension. Loft conversion with to rear and one front dormers. New window to side elevation. One rear roof light. Alterations to fenestrations at 26 Budoch Drive, Seven Kings, Ilford, IG3 9NX in accordance with the terms of the application ref: 4825/21 dated 30 November 2021, subject to the following conditions:
  - 1) The development to which this permission relates must be begun not later than the expiration of three years, beginning with the date of this decision;
  - 2) With the exception of windows and doors, the details of which shall be secured via another condition, the development hereby permitted shall be undertaken in complete accordance with the following approved plans: location plan (PL01 Rev.C), proposed floor plans (PL04 Rev.C), proposed roof plan (PL05 Rev.C) proposed rear elevation (PL06 Rev.C), proposed elevations (PL02 Rev.C) and proposed 3D (PL09 Rev.C).
  - 3) With the exception of windows and doors, the details of which shall be secured via another condition, the materials used in development hereby permitted shall match those of the existing dwelling unless details are submitted to, and approved in writing by, the Local Planning Authority;
  - 4) Prior to installation of any windows and doors within the approved proposals details shall first be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be maintained for the lifetime of the development;
  - 5) No below ground works required for the construction of the approved rear extension shall take place until an Arboricultural method statement and tree impact plan have been submitted to, and approved by, the Local Planning

Authority confirming that the proposal can be implemented without detrimental impact to trees within the vicinity of the proposal.

### **Procedural Matters**

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development. For the avoidance of doubt the approved plans have been specifically outlined above as not including the proposed block plan on drawing no. PL01 Rev.C as I find this does not appear to represent the correct location of the host dwelling or proposals in the context of the site being shown as notably forward of the building line.
3. There are several elements to the appeal proposal. The Council's delegated report confirms that the loft conversion, one front dormer and side window would, in principle, be consistent with the Bungalow Estate Conservation Area Design Guide Supplementary Planning Document 2018 (SPD). This is with the exception of the proposed materials which I will address in the main body of this decision letter. I have no evidence before me to conclude differently following my site visit so for the avoidance of doubt this appeal will focus on the main issues outlined with specific regard to the single storey rear extension, the front porch and materials.
4. I note that the submission documents have made reference to unauthorised works to date, however, I have determined the proposals based upon the information and evidence before me regardless of the status of any works on site to date. The proposal is noted as a resubmission but the proposal is determined based upon the plans before me within this appeal.

### **Main Issues**

5. The main issues are the impact of the proposal upon the character of the host property and the character or visual amenity of the Conservation Area.

### **Reasons**

6. There are two refusal reasons, however, they are both based upon the same main issues as outlined above. The appeal site is a detached property standing within the Bungalow Estate Conservation Area (CA). The Planning (Listed Buildings and Conservation Areas Act) 1990, S72, states that with respect to any buildings or other land in a CA, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. The proposed extension would connect with the existing side extension. It would have a width of 12.83m, depth of 4.15m and a maximum height of 3m. It would run flush with the site boundary shared with no. 24 and be comprised of matching materials to the existing building. The extension would feature a flat roof, a roof lantern, uPVC windows and bi-fold doors to the rear elevation. Combined with the existing side extension the proposal would result in a wrap-around style extension but due to the roof structure and design, which is well demonstrated in the submitted proposed 3D plans (PL09 Rev.C), I do not find this would dominate the original structure/host dwelling which would remain clearly decipherable despite the proposed extension. This is also further demonstrated by the neighbouring dwellings that have been extended, one in a very similar manner to that proposed before me as noted in the Council's assessment as to impact on neighbouring amenity.

8. I do not find that the wrap around style extension, as a result of the proposed rear extension and existing side extension, would add an excessive bulk and massing along the side and rear elevation of this property. Its scale and positioning along the site boundary would not lead to a cramped form of development between the site and the adjacent property number 24. The rear extension would have minimal impact given that it would be of overall limited visibility within the immediate area of the appeal site. The proposal would not result in built form being brought closer to the side boundary than is currently the case nor would it project built form further at the rear elevation than the neighbouring plots which have had similar rear extensions, either side of the appeal site.
9. I would consider the front elevation and its setting to be particularly sensitive in terms of a CA when viewed from the street scene. The Council state that the proposal would undermine the detached and spacious nature of the surrounds of the bungalow; however, I find the proposal would have the same visual impact when viewed from the street scene as the existing front elevation in terms of the proposed extension. Overall, I find that the property would still benefit from a large spacious plot to the rear and would maintain the front building line as can be seen from the site plans. Whilst the proposal may conflict with some specific guidance within the SPD, I find it is consistent with the overall objective of protecting the open aspect of the CA Estate as is a protected characteristic as well as being consistent with surrounding development.
10. The appellant references examples of other sites and has submitted full details for 2049/20 (16 Westrow Gardens). The proposal shows strong resemblance to the proposals before me within this appeal and, as set out in the Council's assessment of design the Council noted that the proposal failed to incorporate any of the recommendations of the SPD against which the proposal before me is also to be considered. Despite this it was considered that the prevailing character of development included large wrap around extensions and thus the proposal would not damage or adversely affect the character of the CA. Whilst ease case should be considered on its own merits consistency in decision making is key to maintaining public confidence within the planning system.
11. The SPD guidance states that the significance and character of properties within the CA are typified by recessed porches. The Council list twelve properties, out of twenty-nine properties on Budoch Drive, which are stated to have their original recessed porches. This, combined with the appellant's commentary and the properties I saw along the road at the time of my site visit, means that I find that the dominant character along the road is not realistically typified by the original recessed porch feature. Whilst there are more limited examples of outer porches, they are not uncharacteristic for the area, are noted in the SPD guidance and the proposed porch would be set in, and back, from the windows either side in a manner broadly consistent with the SPD guidance shown on page 13 (albeit I acknowledge this is not replacing an existing structure). I do not find that, in this case, the loss of the recessed porch and the construction of an outer porch would result in significant damage to the host property or character or visual amenity of the CA based upon the evidence before me.
12. The Council's SPD guidance very specifically outlines the approach to windows and doors and confirms that where existing windows are timber, the Council

will request that replacement timber windows are introduced as part of any alterations/extension to the property. Where a property is being altered/extended and has existing uPVC windows which have been in place for greater than four years (i.e., are immune from enforcement action) then the Council would seek the use of slim-profile uPVC windows.

13. The Council's report states that the use of uPVC is inappropriate though they are noted to match existing but the existing windows and doors are stated to have been unlawfully changed to uPVC. The Council's report states that the windows and doors were changed between March 2018 and November 2020 with the appellant stating the windows were installed in July 2018. I have no formal evidence before me to confirm that the existing windows have been installed for four or more years, and thus are immune from enforcement, which is key to whether or not uPVC would be acceptable as part of the proposal.
14. Whilst I note other examples of properties that have utilised uPVC I do not have details of how such materials came to be installed i.e., through a lack of enforcement or formal permission so can attribute them little weight. As such, in the event this appeal is allowed, a condition could be placed on any permission granted to require approval of external window and door materials prior to installation to allow the existing position to be formally certified. If this can be certified, as per the SPD, the use of slim-line uPVC would be acceptable. If this cannot be certified or evidenced then timber windows should be utilised in accordance with the guidance within the SPD for the proposal.
15. The Tree Officer's comments are noted in relation to trees at the appeal site and I note the Council's comments with regard to use of conditions on this matter which are acknowledged in the appellant's statement. I note from my site visit that the proposed rear extension would be located on existing hardstanding/a patio area but evidently the proposal will require the excavation of foundations. In the event the appeal is allowed a condition requiring submission of an Arboricultural method statement and tree impact plan prior to ground works would overcome this current lack of information.
16. The proposal would be consistent with the Redbridge Local Plan 2018 (LP) Policy LP26 which seeks to secure high quality design that respects the character of the area, LP Policy LP30 which requires proposals to complement the character of the building and LP Policy LP33 which seeks to ensure that the borough's heritage assets are conserved, protected and enhanced in an appropriate manner. The proposal would also be consistent with London Plan 2021 Policy HC1 which requires proposals to be sympathetic to the asset's significance and appreciation of their surroundings. The proposal would also be consistent with the overarching objectives of the SPD guidance.
17. The National Planning Policy Framework 2021 states, in paragraph 199, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). I find the proposal would not result in harm to the character or visual amenity of the CA or to the character of the host dwelling as outlined above.

## **Other Matters**

18. There are a number of objections to the proposal which are noted. The main matters raised within them relate to design and compliance with the SPD and;

given the main issues before me with this appeal, I have dealt with these within the main body of this decision letter.

19. The Council state that unconsented windows have resulted in the removal of the historic timber windows with uPVC windows and that the replacement windows should be removed and replaced with timber windows that are similar in detailing to the previous historic windows. This is an enforcement matter which is outside the scope of this appeal. I have determined the proposal before me as set out by the Council i.e., the front porch, the single storey rear extension, loft conversion, one front dormer, two rear dormers and a side window.
20. The Council's delegated report references an appeal at 99 Levett Gardens and, whilst it contains a quotation from that decision no further information, plans or context has been provided. Whilst I note extensions within the immediate area of the appeal site, I have no other information before me regarding the appeal that has been referenced nor any evidence that there is, overall, such a rapid increase in extensions that threaten the CA in a manner which would support refusal in this case due to impact upon openness. For cumulative impact to form a reason for refusal this needs to be evidenced, and analysed as to actual impact, within submissions at the point of determination.

### **Conditions**

21. The Council have suggested three standard conditions which I have applied but I note the need for further conditions within the body of the delegated report. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent. A materials condition is required to ensure the proposal matches the host dwelling.
22. A condition specific to windows and doors, prior to their installation, is required to ensure an appropriate finished based upon the facts of the case as advised within the SPD as outlined within my reasoning above. A condition requiring submission of an Arboricultural method statement and tree impact plan prior to ground works is required to ensure no unacceptable impact to trees as part of the proposal. I do not consider this needs to be a pre-commencement condition but one which is linked to the timings of ground works to the rear extension specifically as there are several elements to the proposal before me – some of which could be reasonably be commenced without potential impact to trees.

### **Conclusion**

23. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Randle*

INSPECTOR