
Appeal Decision

Site visit made on 4 November 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8th November 2022

Appeal Ref: APP/W5780/D/22/3306317

129 Whitehall Road, Redbridge, Woodford Green IG8 0RZ

- 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 Dr N. Jain against the decision of the London Borough of Redbridge.
 - The application Ref: 2244/22, dated 5 July 2022, was refused by notice dated 26 August 2022.
 - The development proposed is the retention of an existing balustrade and the installation of a new 1.7 metre high privacy screen over a new extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the retention of an existing balustrade and the installation of a new 1.7 metre high privacy screen over a new extension at 129 Whitehall Road, Redbridge, Woodford Green IG8 0RZ, in accordance with the terms of the application Ref. 2244/22, dated 5 July 2022, subject to the following condition:

unless within 2 months of the date of this decision a scheme for the proposed 1.7 metre high privacy screen to specify the degree of opaqueness, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 2 months of the local planning authority's approval, all materials brought onto the site relating to the existing balustrading shall be removed. Upon implementation of the approved privacy screen specified in this condition, that privacy screen shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. The appeal is made retrospectively for development already erected and relating to balustrading. The appeal is also in relation to a proposed obscurely glazed privacy screen 1.7 metres high, facing the adjoining No 131 Whitehall Road.

Main Issues

3. The main issues are the effect of the development upon (i) the character and appearance of the host building and area and (ii) the living conditions of the occupiers of No 131 Whitehall Road with regard to outlook.

Reasons

Character and appearance

4. No 129 Whitehall Road is a substantial, detached property in a residential area characterised by detached and semi-detached dwellings in a landscaped setting with front amenity spaces set back from the highway and with rear amenity spaces. There is a variety of architectural styles to the dwellings.
5. The appeal property includes a single and part first floor side and rear extension. The first floor part of the rear extension has created a double height gable with a pitched roof, leaving the flat roofed single storey part of the extension as a 'niche' at its side, set in from the two storey part and adjoining the boundary with No 131 Whitehall Road.
6. A balustrade of approximately 1.1 metres high has been constructed to the rear edge of the flat roof and a 1.7 metre high privacy screen is proposed to its side facing No 131 Whitehall Road and constructed using opaque glass.
7. The balustrade, being sited on the rear elevation of the property, is not noticeable from the public realm. But even if it were, by its limited extent, height and design, the balustrade is compatible with the architectural style of the host property, as would be the proposed privacy screen.
8. Other properties in the immediate vicinity are constructed to different designs and the balustrading has no adverse impact upon them and the same would apply to the proposed privacy screen. While such features may not be common characteristics in the area, that does not mean that, in this case, they represent an adverse impact upon the character and appearance of the host building and the immediate area.
9. Therefore, I conclude that the existing balustrade and the proposed privacy screen accord with policies LP26 and LP30 of the Redbridge Local Plan 2018 (LP) which promote high quality design which makes a positive architectural and urban design contribution to its context, and which complements the character of the host building.

No 131 Whitehall Road - outlook

10. The flat roofed, single storey extension on the side of the host building facing the much taller side of No 131 Whitehall Road already exists. The balustrade has a height of some 1.1 metres and is constructed on the rear side of the flat roof and does not directly face the adjoining property. On my site visit, I was able to see that, by its siting and limited height, it does not adversely affect the outlook of the occupants of No 131 Whitehall Road. The local planning authority (LPA) considers that the '*side panels result in a detrimental loss of outlook from the existing ground floor rear window of this neighbouring property creating an increased feeling of enclosure for its occupiers*'. However, the proposed privacy screen, with its height of approximately 1.7 metres on top of the existing flat

roof, would not be so high as to create an unacceptable outlook for the occupants of the adjoining property when seen from the rear amenity space and the ground floor rear window.

11. On my site visit, I was able to observe that the small ground floor window to No 131 Whitehall Road has obscure glass in it and is not directly opposite the proposed privacy screen.
12. Therefore, I conclude that the balustrade and the proposed privacy screen accord with LP policies LP26 and LP30 which, amongst other things, require that development does not result in an adverse impact upon the amenity of neighbouring occupiers in relation to overlooking.

Other matters

13. The LPA, in its officer report, considers that the living conditions of the occupiers of No 131 Whitehall Road would be adversely affected by the introduction of '*a large amenity space with local noise intrusion at high level not expected in houses locally*'. However, the use of the flat roofed area as a balcony is not specifically a matter before me, though I can appreciate that such a use may exist or that the area is likely to be used as such.
14. The area of the flat roof is limited by the presence of a roof lantern giving light to the room below and which limits the area available for people to congregate. I can appreciate that any noise at first floor level might travel further and at a greater intensity than noise from people congregating in the rear garden. However, given the limited space available, I find that any such noise intrusion would be so limited and infrequent as not to affect adversely the amenities of the occupiers of No 131 Whitehall Road or those of any other resident.
15. Therefore, this is a matter which does not alter or outweigh my conclusions upon the main issues.

Conditions

16. While the appeal proposal includes a 1.7metre high glass privacy screen, no details are included as to the level of opaqueness. This is necessary to protect the privacy of the occupiers of the neighbouring property.

Conclusion

17. For the above reasons, I conclude that the appeal should be allowed.

S. Hartley

INSPECTOR