



Appeal Decision

Site visit made on 8 November 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30th November 2022

Appeal Ref: APP/W5780/W/22/3297727

129 and 129a High Road, South Woodford, London E18 2PA

- 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 Kohli against the decision of London Borough of Redbridge.
 - The application Ref 4902/21, dated 4 December 2021, was refused by notice dated 15 February 2022.
 - The development proposed is the erection of 1no. new residential unit with commercial floorspace at ground floor at the rear of 129 and 129a High Road.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has amended the address of the property, adding No. 129a, to better identify the properties. The appellant has made no objection to this change, and I have amended the banner heading accordingly. I note that the Council also changed the description of the development in its decision notice to 'Demolish garage. Erection of a three-storey mixed use building to provide one residential unit (2 x bedrooms) to upper floors and a commercial unit to ground floor. Associated waste/refuse, car parking and cycle store and amenity space. Relocate existing telecommunication cabinets (Summary)'. Whilst the appellant comments that they have no issue with this change of description, I have retained the appellant's original description in the banner heading as it is clear what is being applied for.
3. The appellant has paid the tariff contribution required by the Council to mitigate the likely effects on the Epping Forest Special Area of Conservation (SAC) in accordance with the Mitigation Strategy.
4. Although the Council has not included the setting of nearby Listed Buildings in its reasons for refusal, it is evident from the officer report that Elmhurst and St Mary's Church are Listed Buildings which would be seen in views of the appeal proposal. Consequently, it is necessary for me to also consider any impact on their setting. I have therefore added this to the main issue.

Main Issue

5. The main issue is the effect of the proposed development on the character or appearance of the Conservation Area and on the setting of nearby Listed Buildings.

Reasons

6. The main property on the appeal site is a three storey, terraced building with a shop on the ground floor, residential above, and is the second to last property in a parade of shops within mostly historic buildings on the western side of High Road. On the opposite side of the road are mostly larger buildings set in landscaped grounds including Elmhurst, a Grade II Listed Building. A significant element in the area is the North Circular Road which cuts through the streetscape, lying just to the south of the appeal site. However, as it is set down in a cutting, the landscaped bridge over this busy road allows the continuity of views along High Road and the wider surrounding area. From this vantage point on the bridge, it is possible to see parts of the rear yard of the appeal site, together with a cluster of other buildings nearby set against a green, wooded backdrop and views through to the tower of St Mary's Church, a Grade II Listed Building. In the same view but to the east is Elmhurst set in its landscaped grounds.
7. The rear of the appeal site contains a single storey, flat-roofed garage and an area of hardstanding. Nearby properties have a range of extensions and additions at their rear but the most prominent is the two storey, flat roofed building at the rear of the adjoining premises (No.127), at the end of the terrace. Although there are other buildings nearby, and some noticeably higher, these are of more traditional form with pitched roofs and have a better visual relationship with the more historic buildings in the immediate area. This flat-roofed building is viewed prominently from the landscaped bridge on High Road and is a discordant element in the streetscape.
8. The appeal site lies within the South Woodford Conservation Area. In considering proposals for planning permission, the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. I have also had regard to the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess.
9. Paragraph 199 of the National Planning Policy Framework (2021) (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting, and that any harm should require clear and convincing justification.
10. The South Woodford Conservation Area Appraisal and Enhancement Scheme (2002) notes that the area has a mixed character reflecting its complex evolution starting as a rural hamlet and ending as a fragment of a modern metropolis. In reference to the appeal site, it describes the parade of shops as characteristic of the neo-Georgian revival of the early twentieth century with period detailing. Despite architectural damage and the changes to the streetscene, the appraisal notes that the shopping parade preserves important aspects of the nineteenth century village street: the function and close grain of shop units (Para.6.2). It also comments that High Road is a vital component of

the Conservation Area and a key approach from the south, and from the bridge on High Road are afforded dramatic views to the north into the Conservation Area, revealing a 'very green picture to either side of the High Road' (para.9.2). It also notes views from this location of Elmhurst to the east and the tower of St Mary's Church in the west. These comments also reflect my findings on the character and appearance of the area.

11. With regard to the setting of the two Listed Buildings, I consider that views of the prominent tower of St Mary's Church are important within this historic landscape and contribute to its significance as a building of architectural and historic interest. Equally, Elmhurst, set in its historic landscaped grounds, is an important heritage asset within its immediate environment and these views of it contribute positively to its significance.
12. In all, I consider that the appeal site is part of a parade of important historic buildings which make a positive contribution to the character and appearance of the Conservation Area and are part of a key vista into the Conservation Area from High Road to the south. However, the character and appearance of the area is derived not just from the form and architectural detailing of these buildings but also from the wooded backdrop to their rear and views through to St Mary's Church tower, together with views across to Elmhurst and its green setting.
13. The height of the proposed three storey, mixed use building would be equivalent to the height of the main building fronting High Road and would be of flat-roof construction. Although the appeal proposal would share a similar form and massing to the adjoining flat-roofed building at No.127, I have already noted that this flat-roofed building is conspicuous within its surroundings and detracts from the form and appearance of both historic and more modern buildings in the immediate area which generally have pitched roofs. Although I have no objection to the more contemporary design detailing of the proposal, which reflects other properties in the area, the appeal proposal would perpetuate the inappropriate form and overall appearance of the adjoining building. It would also be significantly higher than this building and the footprint would extend closer to the principal buildings on High Road.
14. As a result of this increased height and length, the appeal proposal would be clearly viewed behind the flat-roofed building at No.127, when seen from the road bridge on High Road. The flat-roofed structure would starkly rise above and behind the adjoining flat-roofed building and represent a large and incongruous addition at odds with its surroundings. The proposal would also obscure some views of the wooded backdrop to the rear of the appeal site. It would therefore cause significant harm to the character and appearance of the Conservation Area. From this viewpoint on the bridge the appeal proposal would also be seen in conjunction with views of St Mary's Church and Elmhurst and its prominence and inappropriate form would cause harm to their setting.
15. The proposal would mirror the height of the host building but even with a gap between these buildings, it would be disproportionately large on its plot. Typically, rear plots in historic areas accommodate subordinate extensions and outbuildings. Here, however, the proposal would be too dominant, and the impact exacerbated by its inappropriate form.
16. The appellant comments that the appeal proposal would be viewed in conjunction with a backdrop of other recent buildings to the rear of the appeal

site, including a three storey housing development, and is an area which has seen substantial changes. However, I have already noted that, except for the existing flat-roofed building, these buildings predominantly have a traditional form with pitched roofs and relate well to the surrounding context. They are also sited further away from the main buildings fronting High Road which creates a gap through which to see the landscape beyond. The appeal proposal would be a prominent and discordant element within this backdrop of surrounding buildings, it would intrude into views of the green open areas to the western side of the Conservation Area and would harm views of St Mary's Church tower and Elmhurst.

17. I therefore conclude, that by virtue of its excessive height, form and appearance, the appeal proposal would have a harmful effect on the character or appearance of the Conservation Area and on the setting of nearby Listed Buildings. In both respects, in accordance with the Framework, I conclude that this would be less than substantial harm. It would therefore conflict with Policies LP26 and LP33 of the Redbridge Local Plan (2018) and the character appraisal. Amongst other things, these policies and guidance seek to promote well designed development which conserves or enhances the character and significance of the historic environment. It would also be contrary to the Framework which seeks to achieve well-designed places, and to conserve and enhance the significance of heritage assets.

Other Matters

18. The appeal site is located within a zone of influence for likely impacts arising from residential development in the Epping Forest Special Area of Conservation (SAC) which is a European designated site. The site has also been designated as a Suitable Accessible Natural Green Space (SANG) by Natural England. Natural England has provided advice that any development in this area requires suitable mitigation to ensure that no adverse effects on its integrity would arise. The Council has produced the Epping Forest Special Area of Conservation Mitigation Strategy which requires a per-dwelling contribution along with a monitoring fee. The Council also has a standard 'Epping Forest SAC Mitigation Payment Letter' outlining details of the required mitigation payment if the development is approved. The appellant has paid the required amount to the Council in accordance with this guidance.
19. Notwithstanding the above, I am conscious of the requirement to undertake an 'Appropriate Assessment' of the effects of the development on this designated site. However, notwithstanding the payment made, there is no need for me to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
20. I appreciate the Appellant's concerns relating to the pre-application advice given by the Council. Such advice is generally without prejudice to the formal determination of a planning application. Any concerns the Appellant has about this matter are best addressed by the Council, and do not carry any weight in this appeal decision.
21. I have had regard to other concerns raised by interested parties, including water and flooding, compliance with Building Regulations, parking, and contamination. However, as I am dismissing the appeal on the main issue for the reasons given above it has not been necessary to consider these matters further.

Planning Balance

22. Where a proposal would lead to less than substantial harm to a designated heritage asset, Paragraph 202 of the Framework states that this harm should be weighed against the public benefits of the proposal.
23. The Council has failed to meet its housing targets and the policies most important for determining the application are out of date. Paragraph 11 of the Framework therefore confirms that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
24. The proposal would deliver an additional dwelling in an accessible location that would add to the borough's housing stock and meet with the Government's aims to boost the supply of housing. I note also that the Framework recognises the value of small and medium sites, windfall developments and making effective use of land within existing settlements in contributing to housing requirements. So too, the London Plan (2021) supports the development of small sites in meeting local and strategic targets. However, this would be a limited benefit given the small scale of the proposal. There would be some economic benefits through the provision of additional commercial floorspace and through the construction of the building. There would also be economic and social benefits from the subsequent activities of the future occupants in the local area. However, these benefits would be limited.
25. There is considerable weight afforded to housing delivery as a consideration in the decision-making process, weighing in favour of future housing developments. However, in this instance, I am mindful that in considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. Overall, I find these public benefits would be on a limited scale and would not outweigh the less than substantial harm to the designated heritage assets, under the Framework.
26. The proposal would also not accord with the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, because the application of policies in the Framework that protect areas or assets of particular importance, related to designated heritage assets, provides a clear reason for refusing the development proposed. Therefore, the adverse impacts would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be sustainable development.

Conclusion

27. I conclude that the proposal would be contrary to the development plan as a whole and material considerations, including the Framework, do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR