



Appeal Decision

Site visit made on 21 November 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2023

Appeal Ref: APP/W5780/W/22/3293553

Land adjacent to 2 Seagry Road, Wanstead, LONDON, E11 2NP

- 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 M Ishaq against the decision of London Borough of Redbridge.
 - The application Ref 3850/21, dated 15 August 2021, was refused by notice dated 10 December 2021.
 - The development proposed is erection of a double storey building to contain five self-contained flats (2 x 1 bedroom, 2 x 2 bedroom and 1 x 3 bedroom).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form describes the proposal as a new build dwelling to house 5 flats. However, the flats would be self-contained and the description of the building as a dwelling (in the singular) is not entirely correct. I have therefore taken the description of development from the appeal form and decision notice, which more accurately describes the proposal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the effect on the adjacent footpath,
 - Whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outdoor amenity space, outlook and internal space standards, and
 - Whether the proposal would make sufficient provision for cycle storage, having regard to policy requirements.

Reasons

Character and appearance

4. Seagry Road is an attractive cul-de-sac, lined with large detached and semi-detached houses, many of which have prominent front bays and gables. The houses differ in design, but are generally similar in terms of their overall scale and height.

5. The appeal site is located at the end of the cul-de-sac, between the final property in the row and the brick retaining wall of the A12. The site, which forms part of a larger area of open space, comprises of a grassed strip with a row of bushy shrubs.
6. A paved footpath runs between the site and the adjacent property, connecting Seagry Road to Draycot Road and George Green beyond. The path is currently bounded by a high brick wall and partial hedge on one side, but is open on the other, with regular streetlights. When I visited the area, I saw that the footpath was well used, even on a wet and miserable day.
7. The proposed double fronted apartment block, with matching front bays and gables, has been designed to reflect the style of the surrounding properties, including the pair of semi-detached houses which has recently been constructed on land opposite. The design of the front elevation would be appropriate in this context, but the incorporation of accommodation within the loft space would result in a large and bulky roof form. In the absence of any streetscape drawings, it is difficult to ascertain how the overall height of the proposed building would relate to that of the existing properties, which are generally uniform in height. If it were notably higher than the adjacent houses, the proposed building would appear out of character.
8. The proposed building would be roughly T-shaped in form, with a substantial rear element. In itself, the incorporation of a crown roof on the rear section of the building would not be objectionable, particularly as such a roof form exists in the new development opposite. However, the need for the crown roof stems from the overly large scale of the rear part of the building. With its significant width and depth; minimal reduction in ridge height, and limited set back on either side, the substantial rear element would not appear subservient to the front section of the building. It would be too large to appear as a traditional outrigger, and whilst this would not be particularly noticeable from the street, it would be clearly apparent from the adjacent footpath.
9. The surrounding properties are substantial, but read as individual houses. In contrast, the scale and form of the proposed development would give the impression of a larger development, which would fail to reflect the domestic character of Seagry Road.
10. Like many of the surrounding houses on Seagry Road, the proposed building would fill the width of its plot, but this would mean that the side of the apartment block would be very close to the footpath. Owing to its height and depth, the proposed building would enclose this section of the path to a very significant extent. The scale of the proposed building, in such close proximity to the path, would appear imposing, resulting in a dark and unwelcoming space, akin to a narrow alleyway. The limited set in of the rear element would not be sufficient to mitigate this harm, and the erection of a wooden boundary garden fence would further contribute to the sense of enclosure.
11. Whilst the section of footpath affected would not be particularly long, it would have a significant impact on the attractiveness of the overall route for users, and the extent to which it felt safe. In addition, questions remain about how the affected part of the route would be lit.
12. The existing site provides an attractive area of greenery at the end of the street, and provides a well-used through route. As such, it contributes

positively to the character of the area. The proposal would incorporate a small landscaped area to the front and rear, but this would be insufficient to mitigate the loss of greenery.

13. I acknowledge that an area of open space was redeveloped to form the pair of new houses opposite, but that site was self-contained, with no footpath. As such, its overall value as an area of greenspace would have been less than that of the appeal site.
14. It is clear from representations received that the site is valued by local people, who have also highlighted the biodiversity benefits that it provides. The proposal would not enhance biodiversity, and the removal of the existing shrubs would result in some, albeit small, loss. The proposal would not contribute to the protection and enhancement of biodiversity, which is sought by Local Plan Policy LP39.
15. Taking into account all of the above considerations, I conclude that the proposal would cause harm to the character and appearance of the area, and would significantly reduce the attractiveness of the adjacent footpath. Consequently, the proposal would conflict with Policy LP26 of the Redbridge Local Plan 2018 and Policy D3 of the London Plan 2021, both of which require that new development respects local context and character. There would be further conflict with Local Plan Policy LP38, which supports development which integrates trees and other landscape features into design and layout.

Living conditions

External amenity space

16. In order to provide a quality living environment, Local Plan Policy LP29 requires the provision of 5m² private amenity space in flatted development for a 1-2 person dwelling, with an additional 1m² for each additional occupant. This provision should be in addition to, or instead of, 5m² of communal amenity space for each flat.
17. The proposed development would provide private garden space for the two ground floor units, at a level which would comply with the policy. However, no private amenity space would be provided for the three upper floor flats, and the only communal space would be the small area at the front of the property, which would be used in part for bin storage.
18. In respect of flats 3, 4 and 5 the proposal does not comply with Policy LP29, but the explanatory text does acknowledge the need for a flexible approach in some cases. I acknowledge that the provision of balconies or terraces may not be appropriate in design terms in this case. I also recognise that, by providing dedicated private amenity space for the ground floor units rather than a shared communal space, the proposed arrangement would be more practical, and would avoid potential privacy concerns.
19. Nonetheless, I share the Council's view that the provision of private amenity space on site is important, particularly for the 3 bed loft unit, which is of a size which would be suitable for a family. The appeal site is close to the large area of open space at George Green where future residents could spend time relaxing outdoors. However, this is an unenclosed park with roads on three sides, and is not particularly well suited for young children to play safely.

Furthermore, such public open space does not compensate for all the functions of on-site amenity space, such as space to dry clothes outside.

20. Overall, I find that the lack of on-site amenity space to serve the first and second floor flats would result in unsatisfactory living standards for occupiers of units 3, 4 and 5.

Internal space standards

21. In order to provide functional layouts which are fit for purpose, Policy D6 of the London Plan sets out standards for internal accommodation which new housing developments should meet. This includes the requirement that ceiling heights should be 2.5m for at least 75% of the gross internal area (GIA). Paragraph 3.6.3 of the London Plan explains that adequate ceiling heights are required to ensure that new dwellings have adequate daylight penetration, ventilation, cooling and sense of space.
22. The submitted plan shows that the floor to ceiling height would be 2.6m in the central areas of the space under the crown roof, but would reduce at the sides of the loft space under the sloping roofs. The appellant has not disputed that the loft unit would be below the required standard in terms of floor to ceiling height. Nor have they provided an alternative figure in response to the Council's suggestion that only 66% of the floor area would be above 2.5m.
23. The internal floorspace of the proposed loft unit would be 103m², so would exceed the requirement for a 3 bed unit with 5 bedspaces, contained in Table 3.1 of the London Plan. Nonetheless, there is nothing in Policy D6 to suggest that a larger floorspace would justify relaxing the ceiling height requirement. Rather, the explanatory text makes clear that, whilst up to 25% of the gross internal area can be below 2.5m to allow for some essential equipment in the ceiling space above bathrooms and kitchens, this should be kept to a minimum.
24. In the appeal case, all of the rooms within the loft unit would have sloping roofs, which would reduce the amount of useable space and the overall quality of the accommodation. The loft unit would fail to meet the requirement for floor to ceiling heights set out in Policy D6, and would provide substandard living conditions for future occupiers of that unit.

Outlook

25. The ground floor flats (units 1 and 2) would both have large bay windows facing the front, which would serve the main living areas. Both bay windows would look out to the street, which would provide an acceptable outlook. However, the outlook from the front of flat 1 would also include the bin storage area, which would need to be large enough to contain 10 bins, and would be positioned only a short distance away. This would reduce the attractiveness of the outlook from this main window.
26. A secondary window at the rear of the main living area of flat 1 would provide additional light to the kitchen. This window would look out along the narrow rear passage at the side of the building, which would not be particularly attractive. On its own, this would not be a major concern, but would add to concerns about the outlook from the main window of flat 1. The result would be that all of the main living areas of flat 1 would have a less than satisfactory outlook.

27. The outlook from bedroom 1 of flat 1 would be towards the garden area, but bedroom 2 would look out towards the 2m high boundary retaining wall, less than a metre away. Bedroom 2 would have a poor outlook, and the presence of the brick wall in such close proximity would also limit the amount of natural light entering this north-west facing room. Together, these factors would result in unsatisfactory living conditions for future occupiers of flat 1.
28. In flat 2, the kitchen area would be at the side of the property. Natural light to the kitchen would be provided primarily by a full length window and glazed door, which would look out towards the boundary fence, a very short distance away. Whilst not ideal, the outlook from the main front and rear bedroom windows of this unit would be acceptable. Overall, the outlook from the windows of flat 2 would therefore be satisfactory.
29. To conclude on this main issue, I have found that the proposed development would fail to provide satisfactory living conditions for future occupiers, with particular regard to outdoor amenity space, outlook and internal space standards. The proposal would fail to comply with the standards for amenity space set out in Local Plan policy LP29, and would not provide the high standard of housing accommodation, including external private and communal amenity space, sought by Policy LP26.
30. In relation to the loft unit, there would be further conflict with London Plan D6, which requires adequate floor to ceiling heights.

Provision for cycle storage

31. In order to facilitate health benefits and reduce car dependency, Policy T5 of the London Plan requires secure and well located cycle parking in new development, in accordance with the standards contained in Table 10.2.
32. The submitted plans show areas for cycle storage in the rear gardens, which would serve flats 1 and 2. However, no cycle storage is shown for the other three flats. The appellant has indicated that this could be provided at the front of the property, which would be a small space, part of which would be taken up by bin storage. However, it appears from the submitted drawings that there would be space for cycle storage in front of flat 2. If the development was otherwise acceptable, this could be secured by condition.
33. I am satisfied that the proposal is capable of providing sufficient cycle storage to meet policy requirements. The proposal would therefore comply with the requirements for cycle parking contained in London Plan Policy T5. It would also be consistent with Local Plan Policy LP23, which requires compliance with the standards contained in the London Plan.

Other Matters

Epping Forest Special Area of Conservation

34. The Council indicates that the site is within 6.2km of the Epping Forest Special Area of Conservation (SAC). The SAC is protected as a European Site of Nature Conservation Importance, and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. The Council has advised that, prior to any permission being granted, a financial contribution would be required to mitigate the effects of the proposed residential development on the SAC.

35. Had I concluded that the development would be acceptable in terms of the main issues, it would have been necessary to investigate the effect of the proposal on the integrity of the SAC, and any suggested mitigation, in greater detail, as part of an Appropriate Assessment. However, given the harm identified above and that I am dismissing the appeal for other reasons, I have not pursued this matter further.

Housing need and supply

36. The Council has acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites, and that it did not meet the Housing Delivery Test interim target by February 2021. Given the ongoing shortfall in the borough's housing supply, I must consider this appeal in light of the presumption in favour of sustainable development, set out in paragraph 11 of the National Planning Policy Framework (the Framework).
37. The Framework supports the provision of new housing, but it also emphasises the need for high quality design. Paragraph 130 of the Framework promotes development which is sympathetic to its local context, and which maintains a strong sense of place, using the arrangements of spaces and building types to create attractive and welcoming places to live. The requirements to enhance local context and character, contained in Local Plan policy LP26 and London Plan policy D3, are consistent with these aims.
38. Local Plan Policy LP29 and London Plan Policy D6 are concerned with the quality of new housing, and seek to ensure that new residential development is of a high standard, with adequate internal and external space. These aims align with paragraph 130 of the Framework, which supports the creation of places which promote health and well-being, with a high standard of amenity for future users.
39. London Plan Policies D3 and D6, and Local Plan policies LP26 and LP29 are consistent with the Framework. I therefore give significant weight to the conflict with these policies in this appeal.

Planning balance

40. The scheme would contribute to local housing needs, in an area which is close to local services, facilities, and public transport links. The proposal would also make use of a small site, the value of which in contributing to local housing needs is recognised in Framework paragraph 69. However, in the context of the overall housing shortfall, the net addition of 5 units would make little difference, and the contribution towards meeting identified housing needs would be small. Furthermore, these social benefits of the scheme would be undermined by its failure to provide satisfactory living conditions for future occupiers.
41. In environmental terms, the scheme would make efficient use of urban land, but the proposal would result in the loss of an existing open area, and the proposed reduction in greenery would not be mitigated. In addition, the scale and form of the proposed building would cause harm to the character and appearance of the area. In particular, there would be significant harm to the existing footpath, which would become less attractive as a route.
42. There would be modest economic benefits resulting from the construction of the scheme and the activity of future occupiers.

43. An appropriate level of cycle storage could be secured by condition, but this matter, which represents a lack of harm, is neutral in the planning balance.
44. Overall, the modest benefits of the scheme are not sufficient to outweigh the significant harms identified. When assessed against the policies in the Framework taken as a whole, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits that the additional 5 dwellings would provide.

Conclusion

45. The proposal would conflict with the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

R Morgan

INSPECTOR