



Appeal Decision

Site visit made on 31 January 2023

by C McDonagh BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2023

Appeal Ref: APP/W5780/W/22/3301957

7 North View Drive, Woodford Green IG8 8QJ

- 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 S Rana against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4988/21, dated 15 December 2021, was refused by notice dated 6 April 2022.
 - The development proposed is 1no 1 bedroom flat within existing basement.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide suitable living conditions for prospective future occupiers of the dwelling with regards to light and outlook.

Reasons

3. The appeal site comprises the basement of a two-storey, semi detached dwelling located on the corner of Northview Drive and Portman Drive. To the front of the property is an off-road parking area while to the side a brick wall lines the boundary with the street. The basement has existing windows to the front, side, and rear.
4. The proposed layout of the flat would include a bedroom towards the front elevation of the host building while a living/kitchen/dining area would cover the remaining section. Doors would be installed on the rear elevation leading to an external patio area for use by future occupiers.
5. During my site visit, I observed that the basement area was somewhat gloomy and artificial lighting was used at the time. The windows to the front are set below the level of the parking area while the window to the side elevation faces north. Both look out onto brick walls. As such, the amount of daylight entering the space was minimal through these openings. To the rear, the window looks out over the rear garden and more light was able to illuminate the basement. However, the proposed plans indicate that the patio would be set below the existing garden level and includes a picket fence at existing ground level to enable privacy. As such, this would likely reduce the amount of daylight entering the flat from this elevation.

6. Some sunlight could enter the property from the front lightwell, although given the location of this opening immediately below the front parking area, I share the concerns of the Council that when cars are parked here this would be minimal. Given the level of the patio and presence of the fence to the rear patio, this would also be subject to low levels of sunlight which would mainly occur in the late afternoon and early evening.
7. Although I acknowledge the additional sectional drawing and 3-d analytical work, this shows sunlight entering the side window, which would not occur given the orientation of the property and the presence of the street boundary wall immediately opposite. In the absence of an appropriate internal daylight and sunlight assessment, I am not persuaded that the flat would receive adequate levels of internal illumination.
8. The front lightwell looks out onto a retaining wall for the parking area, while the side windows face the brick wall which lines Portman Drive. Both include a small gap in between, although from my observations the outlook afforded to prospective future occupiers of the flat from these windows would be oppressive and generally poor, resulting in a distinct sense of enclosure to the front and side.
9. Outlook from the flat to the rear would be improved as there would be some views of the garden above the fence. Evidently, the proposed patio area meets the required external space standards at 6.2m². As such, given its outlook is adequate and it would receive some light, I accept that the patio area would be fit for purpose, notwithstanding my findings with regards to other aspects of outlook and light.
10. Notwithstanding those findings in the preceding paragraph, the proposal would not provide suitable living conditions for prospective future occupiers of the flat with regards to outlook and daylight/sunlight. This would be contrary to Policies LP29 of the Redbridge Local Plan 2015 – 2030 (adopted March 2018) (RLP) and D6 of the London Plan (adopted March 2021) (LP). These seek, among other things, to ensure that the design of development should provide sufficient daylight and sunlight and be orientated to optimise opportunities for visual interest.

Other Matters

11. There is reference to the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), which allows additional storeys, among other things, under the requisite classes and parts. However, these are subject to limitations and conditions and the nature of those types of development are different to the proposal before me. I have assessed the proposal on its own merits, as the appellant agrees each case should be. There is no in-principle objection to the sub-division of an existing property, but this is subject to site specific circumstances and assessment.
12. 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.

13. 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. Although I acknowledge the appellant's willingness to make such a contribution towards this mitigation, given the harm identified above and that I am dismissing the appeal for other reasons, I have not pursued this matter further.

Planning Balance and Conclusion

14. The proposal would provide an additional unit to the Council's existing stock. Moreover, the flat would make use of an existing building with minimal works required to facilitate the conversion. The National Planning Policy Framework (the Framework) generally seeks to boost the supply of homes nationwide, among other things, and paragraph 69 recognises the contribution that small sites make to the housing mix. While this is worthy of positive weight in favour of the scheme, the appellant advises the Council's housing supply is 135% of its target for the three-year period up to 2021. Although meeting housing supply targets is not a ceiling to further approvals, the amount of weight attributed to the proposal for one dwelling is limited in this context.
15. I am informed there were no public objections to the scheme. There appears to be sufficient space for bin storage and new pedestrian access. Furthermore, the location is considered suitable with regards to access to shops, such as the nearby supermarket, and public transport links. However, these were not disputed by the Council and a lack of harm is neutral in the planning balance rather than weighing in favour.
16. I have found that the proposal would not provide future occupiers of the property with suitable living conditions in terms of outlook and provision of daylight and sunlight overall. The proposal conflicts with Policies LD29 of the RLP and D6 of the LP in these respects. This conflict should be given substantial weight in this appeal.
17. Therefore, taking into account all these matters, the adverse impacts of the development would outweigh the benefits as a whole. Consequently, for the reasons given above, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR