
Appeal Decision

Site visit made on 11 April 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th April 2023

Appeal Ref: APP/W5780/D/23/3315577

80 Levett Gardens, Seven Kings, ILFORD, IG3 9BU

- 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 and Mrs Mohammad Manzoor Ishaq and Begum against the decision of the Council of the London Borough of Redbridge.
 - The application Ref. 3236/22, dated 30 September 2022, was refused by notice dated 7 December 2022.
 - The development is rear outbuilding ancillary to the main house. Used as a gym.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above has been taken from the Council's decision notice and the appellants' appeal form. Whilst normally this would be taken from the original application form, the above is more succinct. I have omitted reference to the application being retrospective to reflect the definition of development within the terms of the Planning Acts.

Background

3. The building the subject of this appeal has been constructed. The planning application form confirms that it was built between March 2021 and April 2022 to comply with a Certificate of Lawfulness issued for a rear outbuilding on 30 September 2016, under application ref. 3667/16.
4. The appeal site is located within the Bungalow Estate Conservation Area, and an Article 4 Direction was made on 4 December 2017 and confirmed on 17 January 2019. It restricts Permitted Development rights under the Town and Country Planning (General Permitted Development) Order 2015 (as amended), including the provision of outbuildings. As such, there appears to have been a material change in circumstances between the issuing of the Certificate of Lawfulness and the construction of the building.

Main Issue

5. The main issue is the effect of the appeal development on the character and appearance of the host property and the Bungalow Estate Conservation Area.

Reasons

6. The appeal property is a semi-detached single-storey dwelling within the Bungalow Estate Conservation Area, characterised by its low density, interwar bungalow development of repeated dwelling designs and Arts and Crafts detailing. This gives the area a cohesive appearance, and a distinct suburban character. The Council's published Character Appraisal (CA) sets out the special interest of the area, which includes generous plot widths and depths, gaps between bungalows allowing views to trees and greenery beyond, and large rear gardens giving a verdant quality to the Conservation Area and acting as a haven for wildlife.
7. One of the issues facing the conservation area identified in the CA is development pressure for separate annexes or similar large garden structures noted as harming the balance between buildings and gardens. As a result, the published 'Bungalow Estate Conservation Area Design Guide' Supplementary Planning Document 2018 (SPD) includes design criteria for outbuildings, aimed at ensuring that new outbuildings do not cause further detriment to the significance of the conservation area.
8. The Council does not appear to oppose the design or materials of the appeal building, but rather its size relative to the host house and the setting. Its distance from boundaries and height accord with the SPD guidance but it exceeds the floor size limit of 25% of the original property, prior to any extensions or alterations. The parties agree that the appeal building floor area represents 36% of the original dwelling. It therefore exceeds the guideline by some margin. However, aside from a technical guideline, on the ground it appears as a disproportionately large building relative to the original bungalow.
9. Although the CA notes that gaps between bungalows allow views to trees and greenery beyond, the garden and outbuilding are screened from Levett Gardens by buildings on this and neighbouring sites. It is nevertheless intrusive when viewed in the rear garden environment due to its significant size. Based on the imagery in the appellants statement, it appears to be bigger and less linear than most others in this stretch of Levett Gardens. It is more akin to the larger structures visible in Dawlish Drive, which are less sensitively sited beyond the conservation area boundary. As their scale was apparent on site, I consider that the appeal building would also be appreciated from surrounding properties despite the boundary fencing.
10. The Council applies its guidance flexibly, as evidenced in the grant of planning permission at 19 Gyllyngdune Gardens (No.19) under ref. 3318/20. However, the Council advises that the decision at No.19 was justified by its larger garden size. This appeal building is bigger than that at No.19 both in terms of footprint and percentage increase relative to the host house, but without any greater garden size than others in the vicinity. There is no other obvious factor that would justify a more flexible approach at this particular site.
11. The DG confirms that large garden buildings are not part of the traditional character of the Bungalow Estate Conservation Area. As such, despite the amount of amenity space which remains, the outbuilding has a dominant presence which has disrupted the balance between buildings and gardens. The new fencing and landscape improvements may be enhancements, but they would not outweigh the effect of the building.

12. The appellants consider that the appeal scheme is in keeping with an established land use pattern of outbuildings of varying sizes in the conservation area, but as noted above, the DG and the Article 4 Direction aim to introduce a degree of control to avoid harm to the heritage asset. Whilst I agree with the appellants that each case must be determined on its own merits, the legitimate aims of the Article 4 Direction would be undermined by, without robust justification, the piecemeal acceptance of buildings materially greater in size than the recommended guidelines. On the basis of the information supplied, there is no such justification to disregard the floor space guideline at this site.
13. I am mindful that the Council has previously decided that it is not expedient to enforce against the outbuilding. Nevertheless, I am obliged to consider the development against the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions. The introduction of a large outbuilding has altered the character and appearance of the site, and therefore the conservation area, to a degree that would neither preserve nor enhance. Having regard to paragraph 202 of the National Planning Policy Framework (the Framework), I consider that this is towards the lower end of less than substantial harm to the significance of the heritage asset, but this harm must nevertheless be weighed against public benefits. In this case, no evidence has been supplied of such benefits to justify the development.
14. I therefore conclude that the appeal development detracts from the character and appearance of the appeal property and The Bungalow Estate Conservation Area. This is in conflict with the statutory duty, the Framework and Policies LP26 and LP33 of the Redbridge Local Plan 2018, as supported by the CA and DG, which together seek to secure high quality design which conserves and enhances the character and significance of the historic environment and complements the borough's heritage assets.
15. For the reasons given above I conclude that the appeal should be dismissed.

H Lock

INSPECTOR