



Appeal Decision

Site visit made on 30 May 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2023

Appeal Ref: APP/W5780/W/22/3308332

48 Aldersbrook Road, Wanstead, London E12 5DY

- 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 Liqueat Khan against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1832/22, dated 1 June 2022, was refused by notice dated 29 July 2022.
 - The development proposed is the demolition of existing outbuilding and erection of new 3 bedroom 5 person house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the Aldersbrook and Lake House Conservation Area;
 - the living conditions of occupiers at 50 Aldersbrook Road, with particular regard to outlook; and
 - the Epping Forest Special Area of Conservation (the SAC).

Reasons

Character and appearance

3. This appeal concerns the rear garden of a semi-detached dwelling which occupies a corner site within the Aldersbrook and Lake House Conservation Area (the ALHCA). The significance of the ALHCA appears to be derived from the dense collection of properties which display similar Edwardian features, thus creating a distinctive and attractive sense of place.
4. The proposed dwelling would primarily be read in the context of the Herongate Road street scene, which is characterised by uniform rows of terraced dwellings which give the street scene a strong rhythm and consistent character. The proposal would take design cues from the surrounding built form, namely with regards to alignment, fenestration details, materials and landscaping, amongst others. In this respect, elements of it would be contemporaneous with neighbouring properties.

5. However, the appeal site is of a restricted size, thus the proposed dwelling would have a wide front elevation and would be narrow in depth. This, along with a ridge height which would be lower than the adjacent property, would give the dwelling awkward proportions which would fail to respect or integrate well with the form and layout of the built form in the locality. The proposal's incongruous massing would be readily apparent from public vantage points and it would be noticeably cramped within its plot.
6. Additionally, by virtue of the appeal site's corner location and position opposite a bowling green, it currently contributes towards a pleasant sense of space and openness in this part of the street scene. The proposed dwelling would harmfully erode this positive characteristic. The introduction of landscaping would fail to overcome this concern.
7. Accordingly, the proposal would neither preserve nor enhance the character or appearance of the ALHCA. It would therefore conflict with policies LP26 and LP33 of the Redbridge Local Plan 2015-2030 (March 2018) (the RLP) which seek to ensure that developments are of high quality design which respects local character and conserves the significance of heritage assets. It would also fail to accord with the aims for good design as set out in chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions

8. The rear, two storey elevation of the proposed dwelling would be sited along a considerable stretch of the shared boundary with 50 Aldersbrook Road. Whilst outlook from the windows of No 50 may not be significantly reduced given the distance and orientation between them and the proposal, the proposed dwelling would nevertheless be readily apparent from within the garden of No 50.
9. Due to its substantial massing and close positioning, the proposal would create a poor outlook from and have an overly dominant presence on the garden. This would result in an overbearing sense of enclosure for occupiers.
10. Consequently, the proposal would result in harm to the living conditions of occupiers at No 50. It therefore fails to accord with policies LP26 and LP30 of the RLP which seek to ensure that developments do not result in adverse impacts upon the amenity of neighbouring occupiers.

Epping Forest SAC

11. The appeal site is within the zone of influence of the Epping Forest SAC. The Council has indicated that a financial payment would be required to secure suitable mitigation against adverse effects on the SAC. The appellant considers conditions to address this matter would be appropriate.
12. Notwithstanding the above, as the competent authority, I would have to carry out an assessment on the likely significant effects of the proposal on the SAC or explore the necessity for undertaking an Appropriate Assessment and secure mitigation where required. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further as it would not alter the overall conclusion on this appeal.

Heritage and Planning Balance

13. Given the scale of the proposed development, the level of harm it would cause to the ALHCA would be less than substantial. Nevertheless, paragraph 199 of the Framework is clear that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
14. The proposal would deliver one additional unit of residential accommodation, which would make a small contribution towards increasing housing supply. There would be some economic benefits generated during the construction of the proposal, and on the subsequent occupation of the dwelling there would be more long-term spending in the local area. I note the support within the RLP and The London Plan, The Spatial Development Strategy for Greater London (March 2021) for the provision of larger family homes and small-scale infill development.
15. Accordingly, there are benefits which weigh in favour of the proposal. However, the weight attributable to them in the overall balance is limited due to the small scale of the proposal. Therefore, set against the great weight afforded to the heritage asset's conservation, the benefits would not outweigh the harm that would occur.
16. The Council's Housing Delivery Test results (HDT) demonstrate recent under-provision of new housing. Paragraph 11 d) of the Framework is therefore engaged, which states that planning permission should be granted unless, in the first instance, the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Policies relating to designated heritage assets are such a policy.
17. As I have identified above, the proposed development would be contrary to section 16 of the Framework given the implications of my findings under paragraph 202. This therefore provides a clear reason for refusing the development proposed. Thus, despite the Council's performance in the HDT, the 'tilted balance' in paragraph 11 d)ii of the Framework is not relevant on this occasion.

Conclusion

18. The proposal would harm the character and appearance of the ALHCA and the living conditions of neighbouring occupiers. As a result, there would be conflict with the development plan taken as a whole. There are no other considerations, including the Framework, which indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR