



Appeal Decision

Site visit made on 12 September 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2023

Appeal Ref: APP/W5780/W/23/3314372

Land adjacent to 100 Pulteney Road, London E18 1PS

- 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 Ms Tina Din against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3583/22, dated 31 October 2022, was refused by notice dated 5 January 2023.
 - The development proposed is described on the application form as 'new build 1 bed unit set over three storeys.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The site address in the banner heading above is taken from the appeal form as this is more accurate than the address given on the application form.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal space and external amenity space; and
 - the effect of the proposal on the Epping Forest Special Area of Conservation.

Reasons

Character and appearance

4. The appeal site relates to an access drive and open yard between the side of 100 Pulteney Road and the rear of properties on George Lane. It provides access to the block of flats at Dean Court to the rear. The surrounding area is of mixed character with mainly residential properties on Pulteney Road and a variety of retail and other commercial premises on George Lane.
5. Properties on Pulteney Road consist predominantly of two storey terraced and semi-detached properties with pitched roofs. They are set back a short distance from the road behind low boundary walls and railings. Whilst there is some variation in the design of properties, typical features include bay windows, recessed entrance doors, decorative door and window surrounds and front

gable features. There is a high degree of uniformity in terms of consistent building lines and plot widths, which contributes positively to the character of the area.

6. The proposed dwelling would be an end terraced property attached to the side of No 100. It would respect the building line and eaves and ridge height of Nos 98 and 100. However, it would have a notably narrower front elevation than these properties and others on the road. The smaller proportions of the dwelling, and the lack of external space surrounding it, would result in a cramped appearance which would fail to reflect the more spacious character of properties on Pulteney Road.
7. Moreover, the lack of a bay window and recessed entrance door to the front would be at odds with the architectural rhythm of neighbouring properties. The proposed undercroft design, featuring vehicular gates alongside a separate pedestrian door, is not characteristic of residential properties on this road and would be incongruous, thus exacerbating the visual harm to the street scene.
8. For these reasons, I conclude that the proposal would be significantly harmful to the character and appearance of the area. It would therefore fail to accord with Policy LP26 of the Redbridge Local Plan 2015-2030 (2018) (Local Plan), which seeks, amongst other things, to promote high quality design and ensure that development respects local character.

Living conditions

9. The appeal proposal would be a one bedroom dwelling with accommodation provided over three levels. The Technical housing standards – nationally described space standard (March 2015) (NDSS) sets out that the minimum gross internal floor area for this type of dwelling is 58m². The application form states that the gross internal floor area of the unit would be 52m², whilst the Council's figures suggest that the proposal would have an internal floor area of about 48m² when those areas that do not achieve a headroom of at least 1.5m have been discounted, as set out in the NDSS. That represents a significant shortfall in recommended floor space for this type of dwelling.
10. In addition, the evidence indicates that considerably less than 75% of the gross internal floor area of the dwelling would achieve a minimum floor to ceiling height of 2.5m and it would fail to comply with Policy D6 of the London Plan (2021) in this respect. Although the appellant says that the proposal would meet all criteria relating to size and floor to ceiling heights, no substantive evidence has been submitted to demonstrate that the proposal would meet the required standards. Therefore, on the basis of the evidence before me I consider that the proposal would not provide an acceptable standard of accommodation in terms of internal floor area and floor to ceiling heights.
11. Policy LP29 of the Local Plan requires 50m² of private amenity space for new houses consisting of one or two bedrooms. The proposed external amenity space would consist of a first floor terrace to the rear of the kitchen and a further outside area below the terrace.
12. The overall size of the external space is unclear from the submitted drawings. However, the appellant says that the development would provide 7m² of external amenity space, while the Council puts the figure at around 19m². Either way, the private external amenity space would fall significantly below the

minimum required by Policy LP29. Although Policy D6 of the London Plan has lower requirements than those contained in Policy LP29 of the Local Plan, the external space proposed would nevertheless be very restricted in size, hemmed in and so very confined in nature, such that it would not provide an adequate space to cater for the needs of future occupiers. The appellant refers to the availability of nearby public open spaces, such as Elmhurst Gardens, but these are not private spaces and therefore would not provide sufficient mitigation for the shortage of private external amenity space on the site.

13. I conclude that the proposal would not provide satisfactory living conditions for future occupiers, having regard to both the internal space and external amenity space. Therefore, the proposal would conflict with Policies LP26 and LP29 of the Local Plan, Policy D6 of the London Plan and the NDSS. Amongst other things, these require development to provide high standards of accommodation for housing in terms of the size, quality and arrangement of internal space and external private amenity space.

Epping Forest Special Area of Conservation

14. The Council states that the proposal is located within 6.2km of the Epping Forest Special Area of Conservation (SAC) and that a financial contribution would be required to mitigate the effects of the proposed development on the SAC in terms of recreational pressure. In this regard, the Council makes reference in the third reason for refusal to Policy LP39 of the Local Plan, which seeks to protect and enhance the Borough's natural environment and increase the quantity and quality of biodiversity.
15. In summary regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 places a duty on me, before deciding to grant permission for a plan or project which is 'likely to have a significant effect' on a site designated pursuant to European legislation to make an appropriate assessment of its implications. However, given that I have found harm in relation to the effect of the development on the character and appearance of the area and in respect of living conditions for future occupiers, it is not necessary for me to consider this matter any further.

Other Matters

16. Interested parties have raised other concerns with the proposal, including the effect on access to Dean Court and the rear of the shops on George Lane and the impact on highway safety and car parking. However, these matters do not form part of the Council's reasons for refusal. Access to the side and rear of No 100 can already be restricted by the existing gates, as observed by the Inspector for the previous appeal for this site¹, and the submitted plans show that vehicular and pedestrian access to the rear of the development would be retained from Pulteney Road. Interested parties also state that a small part of the appeal site is not within the appellant's ownership. However, the planning application form indicates that the appellant owns all the land to which the application relates. Ownership issues are a private matter between the relevant parties as are access rights over land.

¹ Appeal ref APP/W5780/W/15/3003227

Planning Balance and Conclusion

17. The Council has delivered 68% of its annual housing target for the three years up to 2020/21, which has resulted in the requirement to produce an action plan. As a consequence of this, a 'Presumption in favour of sustainable development' for housing schemes has been applied. The baseline annual housing delivery target for Redbridge increased by 23% to 1409 homes when the new London Plan was published in March 2021. This means there is still a continued need for housing in both the short and medium term. The presumption in favour of sustainable development means that Local Plan policies relating to the supply of housing are now considered to be 'out of date'. Therefore, paragraph 11(d) of the National Planning Policy Framework (the Framework), which provides that policies are out of date when the LPA cannot demonstrate a five year supply of deliverable housing sites, is engaged.
18. I have found that the proposal would be harmful to the character and appearance of the area and would not provide acceptable living conditions for future occupiers. These harms are worthy of significant weight. I have no reason to disagree with the Council's assessment that the proposal would not adversely affect the living conditions of neighbouring occupiers or highway safety, though these are neutral matters which do not weigh positively in favour of the proposal.
19. The development would offer benefits in terms of providing a new dwelling in an accessible location close to shops and other facilities. It would also have economic benefits through employment opportunities created during the construction phase and on-going support for local services by future occupiers. However, given the modest scale of the development, the weight attributable to these matters is limited. I am satisfied that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. In these circumstances, the proposal would not be sustainable development.
20. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR