



Appeal Decision

Site visit made on 24 October 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06.11.2023

Appeal Ref: APP/W5780/D/23/3325734

8 Gyllyngdune Gardens, Seven Kings, Redbridge, Ilford IG3 9HH

- 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 Denesh Awotar against the decision of the Council for the London Borough of Redbridge.
- The application Ref 1569/23, dated 2 June 2023, was refused by notice dated 10 July 2023.
- The development proposed is described as "converting existing garage into a habitable room. Replacing garage door with window and door. All materials, windows, glass and door will match the existing property."

Decision

1. The appeal is allowed and planning permission is granted for converting existing garage into a habitable room. Replacing garage door with window and door. All materials, windows, glass and door will match the existing property at 8 Gyllyngdune Gardens, Seven Kings, Redbridge, Ilford IG3 9HH in accordance with the terms of the application, Ref 1569/23, dated 2 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: unnumbered location plan at 1:1250 scale, unnumbered block plan at 1:500 scale, 133/31 PA 03, 133/31 PA 04 and 133/31 PA 05
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.

Preliminary Matters

2. The appellant's statement refers to them making a costs claim application. However, while the appeal statement mentions that the Council failed to consider other examples of similar developments within the conservation area, I find that the Council was able to substantiate their reasons for refusal and did reach a conclusion that was objective and reasoned in its analysis. Furthermore, there does not appear to be a fully reasoned or formal cost application before me. Therefore, I have not considered this matter further.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Bungalow Estate Conservation Area (BECA).

Reasons

4. The appeal site is a detached bungalow with a double fronted gabled roof, located on the eastern side of Gyllyngdune Gardens in Ilford. The area is mainly residential with a pleasant suburban feel. The appeal site is located within the BECA as shown on the submitted Conservation Area Map and confirmed by the Council in their questionnaire. As such, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the BECA.
5. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
6. The architectural significance of the BECA is typified by 1920-30s Bungalows set within a garden landscape setting. The compact scale and spatial planning of the bungalows with their low horizons and views through to their garden settings is a fundamental aspect of the character of the area. However, the views through to the gardens at the rear of these sites has been somewhat eroded over time, through the provision of single storey side extensions and other paraphernalia such as gates, fences and garages which front the street scene. In response the Council has renewed an Article 4 Direction, removing permitted development rights within the BECA, which would usually allow residents to undertake the type of development proposed in the appeal scheme without the need for planning consent.
7. The BECA Design Guide Supplementary Planning Document (SPD), adopted June 2018 provides guidance for the types of development that would be appropriate in the BECA to ensure that the character and appearance is preserved and enhanced. The SPD highlights that side extensions should not include additional doorways and should instead include windows which complement the character of the host property. The appeal site contains an existing side extension, which incorporates a setback garage and up-and-over door. The proposal would replace the garage door with a single pedestrian door and small window to create a habitable room.
8. The appellant draws my attention to several other properties within the BECA that include additional doorways within side extensions. However, I have been presented with little substantive evidence relating to their planning history or any planning policy in place at the time when these works were undertaken, thus I am unable to directly compare these examples. Furthermore, these limited examples do not provide an overriding influence over the character of the BECA.

9. Nevertheless, while I find that despite the regular rhythm and scale of development within the BECA, there is a degree of variation in design styles and materials used. The garage at the appeal site, unlike the majority of properties within the area is significantly set back from the main façade and street scene, thus providing a distinctly subservient feel. In this case, given its set back and tucked away nature, the garage itself does not have any strong visual impact on the character and appearance of either the host property or the BECA. Therefore, individually the garage does not have anything other than a limited effect on the significance of the BECA and the provision of a new pedestrian doorway and window would have a neutral impact.
10. Consequently, I find the proposal would be of a high quality of design, complementing the character of the building, particularly in terms of scale, style form and materials, which can be secured through condition, and would conserve the significance of the heritage asset. The scheme would therefore accord with Policies LP26, LP30 and LP33 of the Redbridge Local Plan 2015-2030, adopted March 2018, Policy HC1 of the London Plan, March 2021 and the aims and objectives of the BECA Design Guide SPD. The scheme would also accord with the Framework which seeks good design that would conserve and enhance the historic environment.

Other Matters

11. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. One of the residents has a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
12. The proposal would allow additional habitable accommodation at the ground floor level and the intended occupier a degree of independence whilst still living within the existing family home. Furthermore, I have had regard to the evidence setting out their health conditions and the bearing they have on their living arrangements. The appellant submits that the additional accommodation is required to provide essential care to them.
13. Whilst it is acknowledged that alternative living arrangements could be sought, this would be at the expense of the family's settled home life, and may involve them splitting up, and losing the care that the family environment provides. Having regard to these matters, I attach considerable weight in favour of the appeal scheme to the considerations raised.

Conditions

14. No conditions have been suggested in respect of the proposed development by the Council, however I have attached the necessary conditions in the interests of precision and clarity to establish the time limit for the commencement of development as well as to list the approved drawing numbers. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and the BECA.

Conclusion

15. For the reasons given above, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR