



Appeal Decision

Site visit made on 17 November 2023

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 December 2023

Appeal Ref: APP/W5780/W/23/3317875

2A Guildford Road, Seven Kings, Redbridge, Ilford IG3 9YB

- 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 B Gilligan against the decision of the London Borough of Redbridge.
 - The application Ref 1573/22, dated 7 May 2022, was refused by notice dated 9 December 2022.
 - The development proposed is a residential build to replace vacant office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refer to 334 and 336 Green Lane in the Decision Notice. This is a typographical error and should have referred to 366 and 368 Green Lane. I have dealt with the appeal accordingly.

Main Issues

3. These are the effect of the proposal on:
 - a) The living conditions of the occupiers of the upper floors of 366 and 368 Green Lane with specific regard to outlook; and,
 - b) The Epping Forest Special Area of Conservation.

Reasons

Living conditions

4. The proposal is for a 2 storey detached house, located adjacent to 2 Guildford Road. The dwelling would be located to the rear south western corner of the site, providing frontage parking and a side garden to the north.
5. Located on the northern side of the site are the rear elevations of 366 and 368 Green Lane. These properties directly face the site. The ground floor extends to the boundary and contains no windows. However, the upper floors contain windows that would directly face the side elevation of the proposed dwelling.
6. The appellant claims that Nos 366 and 368 are used as storage in connection to the ground floor commercial use. Conversely, the Council claim that they are used as 2 residential flats. Given the Council holds records for addresses, I favour their evidence that the first floor is used for residential accommodation. The appellant also provides no evidence to establish that the first floor is not in residential use.

7. The side wall of the dwelling would be around 4.5m from the “kitchen” window of a 2 storey outrigger and around 9m from the other windows on the rear elevation of Nos 366 and 368. The “kitchen” window would have views to the south west, but a good proportion of the outlook would be towards the side wall and rear corner of the proposed dwelling. Other clear glazed windows in the rear elevations would directly face the side wall of the proposal.
8. Whilst the Council does not advocate any set distances in guidance, the proximity of the proposal to these windows would be simply insufficient. Even accounting for the hipped roof design, the height of the wall combined with the distance between would result in a woeful outlook. This would be unacceptably overbearing and lead to an intolerable sense of enclosure for the existing occupiers.
9. The lack of objection would not weigh in favour of the scheme, as my consideration is not limited to the living conditions of existing residents but also future residents of the flats.
10. Therefore, there would be an unacceptable effect upon the living conditions of the occupiers of the upper floors of Nos 366 and 368. This would be contrary to Policy D3 of the London Plan (March 2021), Policy LP26 of the Redbridge Local Plan (March 2018) (the RLP) and Paragraph 130 of the National Planning Policy Framework (the Framework). Together, these seek to ensure developments result in a high standard of amenity for existing users and do not result in an adverse impact upon the living conditions of neighbouring occupiers.

Habitats

11. The site is located within the recreational zone of influence (ZoI) to the Epping Forest Special Area of Conservation (EF SAC). The proposal would increase the human population in the ZoI, and this is likely to increase recreational impacts upon qualifying features of the SAC. Based on the evidence before me, this would have a likely significant effect on the EF SAC.
12. In terms of mitigation, the Council suggest that this should be in the form of a payment towards Strategic Access Management Measures. I note that the appellant has agreed to this payment and the Council seems to have adopted an alternative payment approach. Nevertheless, I do not have a planning obligation before me to secure the requirement. Without this, I cannot be satisfied that the scheme would not adversely affect the integrity of the EF SAC.
13. Therefore, the proposal would be contrary to Policy LP39 of the RLP. This seeks to protect and enhance the borough’s natural environment by not permitting development which would adversely affect the integrity of the EF SAC.

Planning balance

14. The Council’s Housing Delivery Test indicates that the delivery of housing was substantially below the housing requirement over the previous 3 years. Therefore, paragraph 11d) of the Framework would be engaged, which means granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. EF SAC would be one of these areas of particular importance. This means that there would be a clear reason to refuse the development proposed.

15. Notwithstanding, even if I did have a suitable planning obligation that mitigated the recreational pressure, the adverse impact upon the living conditions of the occupiers of Nos 366 and 368 would significantly and demonstrably outweigh the benefits of the proposal.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR