



Appeal Decision

Site visit made on 12 December 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2024

Appeal Ref: APP/W5780/W/23/3318648

Development at 210 and 208 Ilford Lane, Ilford IG1 2LW

- 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 M Khan c/o Ken Judge Associates Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3666/22, dated 9 November 2022, was refused by notice dated 11 January 2023.
 - The development is proposed new fifth floor to provide an additional 1no. x one bedroom self-contained flat unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have for completeness used the full details provided on the planning application form for the appellant in the banner heading above.
3. The National Planning Policy Framework (the Framework) was revised in December 2023 and is a material consideration in planning decisions. The main parties were given the opportunity to comment on any relevant implications for the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposed development upon the character and appearance of the area;
 - whether the proposed development provides appropriate mitigation for the effect upon Epping Forest Special Area of Conservation (the SAC).

Reasons

Character and appearance

5. The appeal property is a substantial mixed use building, it is located on the corner of Ilford Lane and Jersey Road. Overall the existing building has a visually striking tiered effect and is larger and taller than surrounding buildings, and four storeys in total.
6. Policy LP26 of the Redbridge Local Plan 2018 and Policy D3 of the London Plan The Spatial Strategy for Greater London 2021 (the London Plan) seek to ensure new development is of high quality design, which respects local character as

well as optimising site capacity responding to a site's context. Thus these policies are consistent with the provisions contained within chapter 11 of the Framework which seeks to make effective use of land, and chapter 12 relating to well-designed and beautiful places.

7. The appeal building is positioned next to a small area of public open space, and across the road from a petrol station forecourt and canopy. The surrounding area comprises relatively dense but lower built development. The buildings opposite the appeal site along the vibrant and primarily commercial Ilford Lane comprise a mix of predominantly two as well as some three storey properties of varying architectural character. There are many roads which lead off from Ilford Lane which comprise traditional two-storey homes, including those at the rear of the appeal site on Jersey Road and Mayville Road.
8. The existing building has commercial uses to the lower two storeys with residential uses above. What appears to be a lift shaft rises above the uppermost floor and is visible from Hampton Road, Ilford Lane and Jersey Road, although it is not shown on the existing plans.
9. The Council has approved an application for an additional fifth storey¹ to the building. From the plans provided this development would be gradually set-back again and would be a continuation of the existing form of the host building with matching materials positioned centrally. The construction of this had not commenced at the time of my site visit.
10. The appeal proposal in seeking to erect an additional flat roof storey would increase the residential density of a brownfield site in an accessible location. However, due to its height at six storeys the development would have considerable height compared to buildings in the surrounding area. It would be in stark contrast to the appearance of the gabled fronted commercial properties opposite the appeal site as well as the two-storey homes at the rear on Jersey Road.
11. While taller three storey buildings exist in the locality, they do not define the character of the area. Their heights are moderate and consistent with neighbouring two-storey buildings with pitched roofs. Against this context the lack of buildings immediately flanking the appeal site along the Ilford Lane frontage allows greater views of the Jersey Road elevation. The cumulative increase of the approved and proposed scheme would not represent a further incremental increase in height. It would appear very conspicuous and overbearing in the immediate area as well as in longer distance views.
12. The host building has an asymmetrical appearance, but from the third storey there is a roughly corresponding reduction in scale and each storey is roughly centrally positioned on the floor below it, leaving space to all sides. The proposed development would not continue this approach. The proposed development would be positioned in line with the approved fourth floor rear and side elevation to Jersey Road. Although it would have a distinctly smaller mass and notwithstanding the use of similar materials, this irregular approach would leave a greater impression of unbalance and overall discord in the building's appearance. Appearing bulky and highly visible the totality of the increased massing, height and density of the appeal building would not satisfactorily integrate with the local context.

¹ Planning application reference 0045/22.

13. Overall the proposal would harm the character and appearance of the area. Notwithstanding the care that has been taken to address the reasons for refusal of an earlier scheme² this does not alter nor detract from the harm that would result. Consequently, the proposal would be contrary to the provisions of Policy LP26 of the Local Plan and Policy D3 of the London Plan.

Epping Forest SAC

14. From the evidence before me, the appeal site is located within 6.2km of the Epping Forest Special Area of Conservation (SAC) which is a European designated site under the Habitats Regulations³. As the competent authority, I do acknowledge an assessment is required to test if the proposal could significantly harm the designated features of a European site. Related to this the Council have indicated that a financial payment of £255.84 (plus a £90 monitoring fee) is required to secure suitable mitigation so that no adverse effects on the integrity of the SAC would arise. In this regard the appellant is willing to make the relevant contribution identified by the Council if the appeal were to succeed.
15. In the circumstances of this case where there is no formal agreement or undertaking through a planning obligation provided as part of the appeal submissions, there is no certainty that the necessary contribution will be made and no means of securing it through the appeal process. Nor is there evidence that the required amount has already been paid to the Council.
16. However, the proposal fails to ensure that adequate provision would be secured for the mitigation of the likely effects on Epping Forest SAC. The proposal would therefore be contrary to Local Plan Policy LP39, which concerns nature conservation and biodiversity, and which specifically refers to the effects of development on the SAC and the provision of adequate compensatory measures.
17. The Council's decision notice refers to the proposal being contrary to both Policies, but Policy LP33 of the Local Plan concerns the effect of development on heritage matters and does not refer to the SAC. There is no substantive evidence before me that the proposal is contrary to this policy.

Planning Balance

18. I note the support within the Framework, the London Plan and the Local Plan for the optimisation of windfall and brownfield sites in locations close to transport links. The benefits of the proposal would be the provision of a 1-bed unit where there is a shortfall. The development would provide good quality accommodation that exceeds the minimum external and internal space standards⁴. 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. However the scale of the development is small and the overall benefits and weight attributable to these would be no more than moderate.
19. There are no highway or parking objections and the development would make suitable provision for cycle storage and refuse. It would provide a suitable

² Planning application reference 1501/22

³ The Conservation of Habitats and Species Regulations 2017 (as amended)

⁴ Technical housing standards-nationally described space standards 2015

outlook, light and privacy for future occupiers. Nor would the proposal harm the living conditions of the occupiers of neighbouring buildings. However, these matters carry little weight as they would have been necessary, in any event, to fulfil separate criteria in local and national policy requirements.

20. There is no dispute between the parties that the presumption in favour of sustainable development contained within paragraph 11d) of the Framework is engaged. This 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. However, as identified in Footnote 7⁵ and paragraph 187 of the Framework this includes the SAC. Given my findings above this means that there would be a clear reason to refuse the development proposed.
21. Even if adequate mitigation of the likely effects on the SAC were secured, the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

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

K Williams

INSPECTOR

⁵ Footnote 7 to Paragraph 11 d) of the Framework - The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.