



Appeal Decision

Site visit made on 5 June 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/W5780/W/23/3336066

Waylands Court, Staines Road, Ilford IG1 2UR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Waylands Developments Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 1328/23.
 - The development proposed is Prior Approval under Class A to Part 20 of Schedule 2 (New dwellinghouses on detached blocks of flats) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the construction of a roof extension to a detached block of flats to create new third and fourth floors providing 16 x 1-person self-contained flats (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). The planning application and this appeal were made pursuant to Schedule 2, Part 20, Class A of the GPDO. I have determined the appeal on this basis.
3. Under Article 3(1) and Schedule 2, Part 20, Class A of the GPDO planning permission is granted for new works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, subject to limitations and conditions.
4. Conditions A.2 (1) require the local planning authority to assess the prior approval application on various defined matters including (e) the external appearance of the building and (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light. The Council confirm that the matters in dispute are the effect of the proposal on the external appearance of the building and the effect upon the amenity of neighbouring premises.
5. The GPDO does not define external appearance for the purposes of assessing this prior approval matter, but the CAB Housing Ltd¹ judgment has established

¹ CAB Housing Ltd v Secretary of State for Levelling Up, Housing and Communities & Broxbourne BC [2023] EWCA Civ 194

that consideration of external appearance is not confined to an assessment of the impact on the appearance of the building itself, but also includes impact on neighbouring premises and the locality. It is a matter of planning judgement as to whether consideration is given to the effect in terms of the building's intrinsic design and/or to the effect in terms of the building's relationship with nearby properties. Whilst the judgment related to Class AA of Part 1 to Schedule 2 of the GPDO, it would be reasonable to apply a similar logic in this case. As it was not presented in evidence, both parties were given the opportunity to comment on this judgment during the appeal process. A response was received by the Council and I have taken it into account in my reasoning.

6. As part of their appeal submission, the appellant has provided a daylight and sunlight assessment. The submission of the additional information has not changed the scheme that was considered by the Council and upon which they consulted neighbours at application stage. Both the Council and interested parties have had the opportunity to comment on the light assessment as part of this appeal. As such, I am satisfied that no party has been prejudiced by the submission of the additional information.

Main Issues

7. The main issues are the effect of the proposal on:
 - the external appearance of the building; and,
 - the living conditions of nearby occupiers with particular regard to loss of light and outlook.

Reasons

External appearance

8. Waylands Court is a detached three-storey flat-roofed block of flats dating from the mid twentieth century. It occupies a prominent corner site at the junction of Staines Road and Gordon Road. There is a block of garages located adjacent to the building for the use of the flats, with vehicular access from Staines Road. The area is residential in character, with the streets immediately surrounding the appeal site containing two storey terraced houses with pitched roofs. The form, regular pattern and ridge height of the surrounding houses lends a uniformity to the character and appearance of surrounding streets. The three-storey block sits comfortably in the streetscape due to its height relative to the ridge height of surrounding dwellings.
9. The proposed two storey addition would provide eight additional flats, along with eight additional off street parking spaces.
10. The design and materials of the additional storeys would reflect those of the existing building, including the use of brick side elevations, red clay hanging tiles to the fascia beneath the windows, and white boarded cladding to the stair cores. Whilst the overall approach to the fenestration and materials would match the existing building, each additional storey appears to have a higher floor to ceiling height than those of the original building. The appellant indicates that the spacing is a requirement of the proposed construction which would require steelwork to be erected above the existing roof to enable the retention of the existing structure. Whilst this may be the case, as a

consequence, the two top floors would appear out of proportion to the floors below and would give the building a rather unbalanced appearance.

11. I note the existence of a prior approval for a single storey roof extension² where the single additional storey is of the same detailed design as the appeal proposal. The proportions of the single storey addition relative to the existing building compared to a two-storey addition would be significantly different. The increased separation between floors when seen as two storeys would appear more pronounced in relation to the original three storeys than the single storey scheme. The top two storeys would have the effect of almost doubling the height of the existing three storey building.
12. The proposal would make the building substantially higher than those in the surrounding area and it would appear as a dominant and overbearing feature in an otherwise fairly uniform townscape, rising significantly above the height of the adjacent trees and surrounding buildings. The building would be more visible and the disproportionate spacing of the upper floors more apparent given the prominent position and height of the proposal.
13. As such, I conclude that the proposal would be harmful to the external appearance of the building and the character and appearance of the surrounding area.

Living conditions

14. The submitted daylight and sunlight report has assessed the effect of the proposal in relation to the windows immediately opposite the site at 168-172 Eton Road, 171-173 Gordon Road and 192-204 Staines Road. The report is informed by the Building Research Establishment Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2022) (BRE guidelines).
15. The report shows that there would be a 'major adverse' effect upon the rear garden of 173 Gordon Road, in that there would be a significant loss of the area capable of being sunlit on 21 March. The appellants point out that by mid-summer, there would be no loss of sunlit garden area. However, the BRE guidelines state that to be determined as adequately sunlit throughout the year, at least half of a garden should receive at least two hours of sunlight on 21 March. With the proposed development in place, the assessment shows that the sunlit area of garden would be 18.09 sqm, of a total garden area of 64.78 sqm. The existing sunlit area is shown as being 38 sqm. In this respect therefore, the proposed additional storeys would have the effect of unacceptably overshadowing the rear garden of 173 Gordon Road.
16. There would be some loss of winter sunlight to the rear ground floor windows of the Eton Road properties. This loss would be negligible given that the windows would still receive more than the 5% annual probable sunlight hours stated in the BRE guidelines as a benchmark for rooms to appear sufficiently sunlit during the winter months. In this respect therefore the proposal would be acceptable.
17. Although the proposal would involve a substantial increase in height, given the separation distance between the appeal site and the houses immediately opposite on Staines Road and directly to the rear on Eton Road, the proposal would not result in an unacceptable loss of outlook. The houses on Gordon

² Reference 1304/22 dated 12 July 2022.

Road, whilst closer to the appeal site, are oriented so that the rear windows would not directly overlook the proposed roof extension and as such they would maintain a reasonably open aspect.

18. Given the magnitude of overshadowing to the rear garden of 173 Gordon Road, however, I conclude that the proposal would not comply with part g of Conditions A.2 (1) in that it would harm the living conditions of the neighbouring premises.

Other Matters

19. I note that interested parties have raised objections on various matters in addition to those relevant to the main issues in this appeal. As I am dismissing on the basis of the two main issues identified, I have not pursued these matters further since they would not alter the outcome of the appeal.
20. I also note that the appeal site is within the zone of influence of the Epping Forest Special Area of Conservation. As I am dismissing the appeal, I shall not pursue this matter further because it would not lead me to a different conclusion.

Conclusion

21. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR