



Appeal Decision

Site visit made on 6 August 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2024

Appeal Ref: APP/W5780/W/24/3337948

5 Mayfair Avenue, Ilford, London IG1 3DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by S Ashiq against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 1723/23.
 - The development proposed is first-floor rear extension. Loft conversion with rear dormer. Three rooflights. Alterations to fenestrations. Creation of one flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's decision notice as it is more comprehensive than the original application description and has also been used by the appellant.

Main Issues

3. The main issues are:
 - The effect on the character and appearance of the surrounding area;
 - Whether the development would provide its occupants with satisfactory living conditions, with particular regard to outlook, light, ventilation, and garden space;
 - The effect on the integrity of designated sites of nature conservation.

Reasons

Integrity of designated sites of nature conservation

4. The Council advises that the appeal site is within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC) which is a European Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) for its special habitats and wildlife species.
5. The increase in population arising from the development, both alone and in combination with other development projects, may generate extra recreational visits and traffic which could result in potential disturbance and pollution effects on the SAC's special features. Thus, there would likely be a significant effect on the integrity of the SAC.

6. From the evidence, one potential mitigation for the impact is a financial contribution towards the Council's Strategic Access Management and Mitigation Strategy. However, this would need to be secured through a completed legal agreement prior to planning permission being granted. It is not a matter which can be left to a planning condition.
7. There is no legal agreement before me and it is not part of the appellant's case that no alternative solutions or imperative reasons of overriding public interest exist. I am therefore unable to undertake the appropriate assessment or address the matter further.
8. In these circumstances, I can only conclude that the development would adversely affect the integrity of the SAC, contrary to Policy LP39 of the Redbridge Local Plan 2018 (the RLP) and Chapter 15 of the National Planning Framework (the Framework). Moreover, section 63(5) of the Regulations precludes the proposal from proceeding as it has not been ascertained that it will not adversely affect the integrity of the SAC.

Character and appearance

9. Mayfair and the surrounding streets are characterised by a tight arrangement of two-storey terraced houses of traditional design.
10. The roof alterations required to facilitate the creation of a new flat includes a rear dormer window. I do agree with the Council's assessment that the dormer would dominate the rear roof slope as a result of its size and box-like form. Nevertheless, the rear of the terraces are well concealed from public view and contain a variety of extensions, including some roof alterations. As such, whilst there is some conflict with the Council's Housing Design Supplementary Planning Document 2019 (SPD) in relation to the size of the dormer, the effect on the surrounding area would be minimal.
11. The Council did not raise any objections in relation to the proposed first-floor rear extension and front rooflights, and I agree that those elements would be acceptable.
12. Therefore, despite some conflict with the SPD, I conclude that the development would not be harmful to the character or appearance of the area, and so, complies with Policies LP26 and LP30 of the RLP, in so far as they require development to respect local character and maintain the appearance of the locality and street scene. The proposal also complies with Section 12 of the Framework in this regard.

Living conditions

13. Policy D6 of the London Plan 2021 (the LP) seeks to avoid the provision of single aspect dwellings unless there is adequate ventilation, daylight, privacy, and overheating is avoided. In addition, 1-2 person dwellings should be provided with at least 5m² of private outdoor space. Policy LP26 of the RLP requires high standards of accommodation in terms of size, internal space, and external amenity space in line with LP Policy D6.
14. The new flat within the loft would have one bedroom, a shower room, and a separate open-plan kitchen/dining/living room. Both of the main habitable rooms would be served by a large window providing each room with a reasonable view out over the rear gardens, while the living room area would

have additional rooflights providing a further source of natural light and ventilation to the flat. Consequently, even though this flat could be classed as single aspect, it would provide its occupants with adequate outlook, light, and ventilation. I also note that the Council did not raise any objection in relation to the internal dimensions and ceiling heights, and I have no reason to disagree.

15. The Council's officer report states that there would be no private amenity space for any of the flats in the building. However, the drawings clearly show that the rear garden would be subdivided with each flat being provided with its own private garden ranging between 22m² to 30m² in area, all accessed via the central lobby. As such, the proposal makes suitable provision for external amenity space.
16. I therefore conclude that the development would provide its occupants with satisfactory living conditions in terms of outlook, light, and garden space, and so, complies with LP Policy D6 and RLP Policy LP26 in these regards.

Other Matters

17. The development would contribute towards the overall housing supply and mix, albeit at a small scale. It would also make more efficient use of an existing residential plot in a reasonably accessible location. These are factors that are encouraged by the Framework and are positive aspects of the scheme.
18. A neighbour has raised concerns in relation to overshadowing, parking, and general disturbance. However, as I intend to dismiss the appeal for other reasons, it has not been necessary to address these matters as it would make no difference to the appeal outcome.

Planning Balance and Conclusion

19. As it appears that the Council's Housing Delivery Test results are substantially below the threshold of 75%, paragraph 11 d) of the Framework is relevant. In such cases, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. As noted above, there would be some public benefits arising from the development. I have also found that it would be acceptable in terms of design and living conditions. However, in the absence of an appropriate mechanism to secure mitigation in respect of the effects of the development on the integrity of the SAC, the proposal conflicts with policies in the Framework relating to habitat sites. This provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply.
21. Notwithstanding the benefits of the scheme, the adverse effect on the integrity of the SAC is an overriding consideration and means that the proposed development would be contrary to statutory provisions, the Framework, and the development plan when taken as a whole. For this reason, the appeal fails.

A Caines

INSPECTOR