



Appeal Decision

Site visit made on 12 August 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/W5780/W/23/3332180

3a Station Passage, South Woodford, London E18 1JL

- 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 Mr Grant Foxley against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 1311/23.
 - The development proposed is a two storey side extension, alterations to roof profile, alterations to fenestrations and change of use from garage to offices.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development above from the planning decision notice and the appeal form as this is the most accurate version provided.

Main Issues

3. The main issues are a) whether the property and waste storage areas can be accessed, and b) the effect of the proposal on the living conditions of occupiers at 1 Daisy Road, with particular regard to light and outlook.

Reasons

Access

4. The appeal site comprises a two storey former garage/storage building located at the end of an alleyway off Station Passage. The Council is concerned that the property and space identified on the submitted plans for the storage of waste could not be accessed from the public highway.
5. The plans before me fail to demonstrate access arrangements from Station Passage to the entrance of the proposed building and its waste storage area. I cannot therefore confidently conclude that the alleyway would be made available for future occupiers to access all parts of the site.
6. I acknowledge the contents of the waste management plan provided and the clear intention to limit, segregate, sort, collect and properly dispose of waste generated on site, and I consider that the dedicated waste storage space would be of sufficient size. However, it nevertheless remains that it has not been demonstrated that this area could be accessed and that waste could be brought to the highway for collection.

7. Accordingly, the proposal fails to provide access to the appeal property and thus is in conflict with Policy LP26 of the Redbridge Local Plan 2015-2030 (March 2018) (the RLP) which requires developments to provide appropriate facilities for refuse, recycling and servicing. Policies LP22 and LP23 of the RLP, as referred to in the Councils first reason for refusal, are not of direct relevance to this main issue.

Living conditions

8. The proposed development includes alterations to the roof, resulting in a full height first floor. This would project along the boundary with the residential property at 1 Daisy Road and would be within very close proximity to its first floor window on the rear elevation. This window is finished in transparent glazing and appears to serve a habitable room.
9. Due to the presence of an existing first floor extension at No 1 to the other side of this window, the appeal proposal would create a tunnelling effect. This would result in a very restricted outlook from the affected room, an overbearing sense of enclosure and would reduce the amount of light reaching it. This would be to an unacceptable degree and there is no evidence before me to indicate to the contrary.
10. I appreciate there is a tight urban grain within this mixed commercial and residential location and that the design of the proposal may be reflective of this context. However, these factors, along with the profile of the proposed first floor, do not overcome the poor relationship between the appeal proposal and the first floor window of No 1.
11. Consequently, the proposal would result in significant harm to the living conditions of occupiers of No 1 and thus it conflicts with Policy LP26 of the RLP which requires developments to be of a high quality design which includes ensuring they do not result in an adverse impact upon the amenity of neighbouring occupiers.

Other Matter

12. The appellant has drawn my attention to the recent approval for the change of use of the appeal property to office space along with various alterations. I do not know the full circumstances around that approval. However, I note that the first floor addition is a dormer which is set back from the eaves thus its projection is not as significant along the boundary with No 1 as the proposal before me.
13. I also note the location and block plan of that approval is not reflective of this appeal, namely the access route between the highway and the front of the building and its waste storage area has been indicated. As such, it is not directly comparable to the appeal proposal, which I have determined on its own merits based on the evidence provided.

Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

15. The proposal would redevelop a derelict, brownfield site in an accessible location. The National Planning Policy Framework (the Framework) and the RLP promote an effective use of land, including commercial uses in centre locations and new office space to accommodate small and medium enterprises in Investment and Growth Areas such as this. Benefits would also arise from job creation on construction and on subsequent occupation, and through spending in the local area.
16. However, due to the small size of the proposal, the likely low number of jobs created and as no identified need for such a use in this locality has been demonstrated, I afford only limited weight to these benefits.
17. Weighing against these benefits is the above identified harm to the living conditions of neighbouring occupiers and the failure to demonstrate that adequate access arrangements can be achieved. I afford this harm significant weight.
18. The proposal therefore conflicts with the development plan when read as a whole and there are no other considerations that indicate a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR