



Appeal Decision

Site visit made on 23 October 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/W5780/W/24/3343550

Frederick Court, 63 Albert Road, South Woodford, London, E18 1LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Croll against the Council of the London Borough of Redbridge.
 - The application Ref is 0008/24.
 - The development proposed is described as “garage conversion studio flat”.
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Decision

1. The appeal is dismissed and planning permission for garage conversion studio flat is refused.

Preliminary Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has provided a statement setting out how they would have determined the application. This forms the basis of the main issue that I have identified.
3. On the 30 July 2024 the Deputy Prime Minister and Secretary of State for Housing, Communities, and Local Government issued a Written Ministerial Statement “Building the homes we need” regarding changes to the planning system, and consultation was started on “Proposed reforms to the National Planning Policy Framework and other changes to the planning system”. The main parties have had the opportunity to make submissions regarding both documents in the context of the appeal proposal, which have been taken into account in my decision.
4. Both main parties have referred to an earlier appeal decision¹ (the previous appeal decision) for a very similar proposal at the appeal site, although no copy of it has been submitted. As no party would be prejudiced by me seeing it, I have secured a copy and have had regard to it in my decision.

Main Issue

5. Accordingly, the main issue with the appeal is:
 - Whether future occupiers of the proposed development would have satisfactory living conditions with particular regard to privacy, outlook, and outdoor space provision.

¹ Ref: APP/W5780/W/16/3160348

Reasons

6. The appeal property has a diagonal alignment with Albert Road and has four storeys, with garages at ground floor and 3 no. 1 bedroom flats on each of the floors above. There is a private access track that directly passes along one side of the appeal site, providing pedestrian and vehicular access to other properties, including Falcon Court, which also contains flats, and is attached to the rear of the appeal property.
7. The proposal relates to the conversion of the garages to create a 1-bedroom flat, which would have its main openings facing onto its own private amenity space, as well as towards the side elevation of a nearby property on Albert Road (with the private access track located in-between), and partly towards the pavement adjoining its front boundary. The previous appeal decision found the single aspect of the previous proposal, which also faced the same direction would be unacceptable and that it would provide a poor outlook.
8. To try and avoid a single aspect, 1 no. full height window is proposed on its side elevation, and 1 no. high level window is proposed onto its rear elevation facing onto a path and private space for the occupiers of Falcon Court. Both of these windows would be directly onto land not owned by the appellant.
9. Regarding the proposed window on the side elevation, I saw on my site inspection that the land it would face onto is not green space as shown on the appellant's proposed plan, moreover it was being used for ad hoc storage and contained a building of blockwork construction. Whilst the proposed window on this side could help to provide a different aspect for future occupiers, it would mainly be looking into a small storage area enclosed mostly by tall fencing, it would do little to improve the outlook for future occupiers from within the proposed dwelling, and as that land is not within the ownership or control of the appellant, it is not certain that any outlook to that side could be maintained. It is noted that the appellant has indicated that they would accept a condition in respect of the side window being obscure glazed, for privacy reasons. In which case, other than allowing some light into the property, it would do very little to provide an additional aspect for future occupiers of the proposed dwelling.
10. Turning to the proposed rear window, as it would be very near to windows on neighbouring Falcon Court, and adjoin its communal path and outside space, it would need to be obscure glazed and fixed for privacy reasons (which could be secured by condition). This, along with it being high-level would negate any meaningful outlook from within the proposed dwelling to that side.
11. Even considering the 2 no. windows on the side and rear elevations of the proposed dwelling, future occupiers would only be certain to have a single meaningful aspect. Given the orientation of its main aspect, and the proposed 2 metre front and side brick wall and landscaping, which would be very close to its main aspect, the outlook from within the proposed accommodation would be very poor and harmful to the living conditions of future occupiers.
12. The submitted sun light and day light assessment states that the proposed development would have adequate daylight and sunlight levels, and that a centre line from the proposed flat would look directly across Albert Road and not be interrupted by existing buildings. However, those points do not alter my findings in respect of the poor outlook from the proposed dwelling.

13. Whilst the size of the proposed outdoor space would be in excess of that required by Policy D6 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), it would be significantly overlooked by the main habitable rooms of the 3 no. flats directly above it, which include inward opening doors with Juliet style balconies on the two flats directly above at first and second floor level. As a result, the proposed outdoor space would not be private and there would likely be a strong perception of being overlooked from the occupiers of the flats above, harming the living conditions of future occupiers.
14. Although it is accepted that suitable boundary treatment could prevent unacceptable privacy issues from the nearby pavement and access track, and allow adequate defensible space for future occupiers of the proposed dwelling.
15. In support of their appeal the appellant has said a property nearby has its rear garden parallel to the pavement. Be that as it may, the appeal scheme is likely to be much different, with its proposed outdoor space adjoining both the pavement and an access track, and it would be directly overlooked by flats above it. Consequently, this point has not altered my findings above.
16. The appellant has also drawn my attention to other developments in support of their appeal, including a planning permission² relating to a property on the corner of Woodville Road and Victoria Road, said to have been converted into flats with private amenity space abutting the pavement. On the limited information before me its relationship with surrounding properties is much different to the appeal proposal, and without floor plans, I cannot be certain of the layout of the flats and their arrangement around the private amenity space.
17. Regarding the Old Mill Court, Chigwell Road example, the side window and rear windows on that flat do not appear to be like the appeal scheme, which would need to be obscure glazed and non-opening. In addition, the example referred to at 86 Chigwell Road, appears to have ground floor outdoor space serving a flat that is near to the pavement, with flats having balconies above it. I accept that situation would have some similarities to the appeal scheme, but I am not aware of the reasons why that proposal was granted planning permission, and whether any conflict was identified in respect of that outdoor space. Moreover, with the proposal being part of a much larger development, the planning issues are likely to have been much different to those before me. These examples have not led me to conclude differently regarding the appeal scheme.
18. I therefore conclude that whilst the proposed development would provide defensible outdoor space, it would not provide future occupiers with satisfactory outlook and privacy, thereby harming the living conditions of future occupiers. In doing so, I find the proposal to conflict with LP Policies D3 and D6 and Policies LP26 and LP29 of the Redbridge Local Plan 2015-2030 dated March 2018, which amongst other things requires single aspect dwellings to be avoided, and that new development provides appropriate outlook and privacy, and a high standard of accommodation including the quality and arrangement of internal space and external private amenity space, which should be fit for purpose. In addition, the proposal would conflict with

² Ref. 2653/19

paragraph 135 of the Framework, insofar as it requires a high standard of amenity for existing and future users.

Other Matters

19. Whether the adjoining owner has requested a financial sum from the appellant in respect of the proposal is not directly relevant to the planning merits of the proposal before me.
20. The appellant has said that the flats above the proposed development have a similar layout, a main northern aspect, and have a window on their side elevations and the occupiers of the flats have not made objections regarding this arrangement. Whether this is so, those flats are at an elevated position in comparison to the appeal proposal, and their side windows are positioned differently, all being above the blockwork building and not directly abutting the adjoining land.
21. It has been said that the appellant has tried to engage with the Council; that the proposal meets minimum size requirements; it would use matching materials; it would meet the needs of disabled occupiers; that there are no objections regarding parking implications; and that adequate bin and cycle storage arrangements would be provided. However, most of these points are likely to be requirements of any well-designed scheme, which are neutral factors that neither weigh in favour or against the proposal.

Planning Balance and Conclusion

22. The Council has advised that it delivered 50% of its housing on its latest Housing Delivery Test, and as result the presumption in favour of sustainable development as set out within paragraph 11 of the Framework applies.
23. As no identified conflict with policies referred to in footnote 7 of paragraph 11 of the Framework applies in this case, paragraph 11 d) ii is engaged, which states permission should be granted unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. The benefits of the proposal include the provision of one additional small unit of accommodation that would contribute towards Redbridge's overall supply of housing, in a location that is near to public transport links. There would also be some economic benefits arising from the construction works for the proposed development, although given that it relates to the conversion of an existing part of the building, these are likely to be minimal. Taking the benefits together, these are limited, particularly given the small scale of the proposed development.
25. Against this would be the harm arising to the living conditions for future occupiers from the poor outlook from within the proposed dwelling, relating to its mainly single aspect, that would be partly enclosed by its own boundaries. In addition, the privacy afforded to its outdoor space provision would be unacceptable, due to the inward opening doors and windows on flats directly above the proposal, further harming the living conditions for future occupiers. There would be conflict with paragraph 135 of the Framework that requires a high standard of amenity for existing and future users. I give this significant weight.

26. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
27. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, including the Framework's presumption of sustainable development, that would outweigh the conflict. Therefore, the appeal should be dismissed.

A Hunter

INSPECTOR