



Appeal Decision

Site visit made on 27 June 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th July 2025

Appeal Ref: APP/W5780/W/25/3359498

102 - 104 Tanners Lane, Barkingside, Ilford, Redbridge IG6 1QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Tomas Joseph on behalf of Tanners Lane Developments Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2473/22/04 sought approval of details pursuant to condition No 3 of a planning permission Ref 2473/22, granted on 26 September 2022.
 - The application was refused by notice dated 25 October 2024.
 - The development proposed is two storey extension above ground floor commercial units to contain 4no. (4 x 2 bedrooms) self-contained flats with associated balconies, cycle storage units, refuse area, communal amenity green space and all associated works. (Some matters reserved). (Summary).
 - The details for which approval is sought are: layout, scale, appearance, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Paragraph 16.1 of the Procedural Guide: Planning appeals – England¹ advises that the appeal process should not be used to evolve a scheme and that what is considered at appeal should be essentially the same scheme that was considered by the Council and interested parties. The appellant has submitted revised plans which would make substantive changes to the proposal, namely through an amended roof profile at the commercial units and addition of a green roof. Consultation is an important part of the planning system, and to accept the revised plans would result in procedural unfairness due to the extent of the changes and the potential significance to those who might be consulted. Therefore, I have not accepted the revised plans and have determined the appeal on the basis of the plans submitted alongside the planning application and considered by the Council.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposed development would achieve a suitable standard of design quality, with particular regard to appearance, layout and landscaping;

¹ Available at: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>

- Whether the proposed layout and scale would provide adequate living conditions for future occupants, with particular regard to internal space and outlook; and
- The effect of the proposed layout and scale on the supply of retail floorspace.

Reasons

Design quality

4. The appeal site is located at the rear of nos 102 and 104 Tanners Lane, at the end of a small parade of terraced, commercial properties and next to a large supermarket building. Behind the site is an access road and the supermarket's loading area, beyond which is a row of dwellings. The area comprises a mix of uses but is characterised predominantly by commercial uses, such as retail.
5. Nos 102 and 104 are prominently sited near the junction of Tanners Lane, Cranbrook Road and the High Street. The proposed development would provide a two-storey extension above the ground floor commercial units, thereby increasing the height of the buildings to three storeys. The proposed extension would project above the roofs of nos 102 and 104. Therefore, whilst situated to the rear of nos 102 and 104, the proposed development would be clearly visible in the street scene of Tanners Lane and on the approach to the junction from Cranbrook Lane.
6. Condition no 5 of the original planning permission requires details of all facing materials be submitted and approved, prior to commencement of works above ground. However, in addition to proposed architectural design features, the elevation drawings provide details of specific external materials. Therefore, approval of reserved matters regarding the appearance of the development would result in the approval of certain materials.
7. External facing materials would include red brick with blue brick details and Bath stone windowsills and headers. Windows, soffits and fascias would be white uPVC, and gutters and downpipes would be black uPVC. I am therefore satisfied the external appearance, including the colour and specifications of brickwork and design features, can be readily understood from the submitted plans.
8. The elevation drawing does not specify the colour and materials of the proposed balconies. At criterion (d), condition no 5 of the original planning permission requires details of balconies be submitted and approved. Nonetheless, the design and form of the balcony balustrades are clearly illustrated on the elevation plans.
9. Policy LP26 of the Redbridge Local Plan 2018 (RLP) requires proposals be of high architectural, urban and landscape design quality, respect the local character of the area, and makes a positive architectural and urban design contribution to its context and location, and consist of high-quality details and materials that respects or improves local character.
10. The Council consider the style of the balustrades would benefit from simplification, and the proposed brickwork would be poor quality, lacking in richness and detail. The design and access statement identifies the site is in an area of mixed character where building heights range between one and four storeys, and the scale and mass of buildings within the immediate locality vary significantly. However, beyond height and massing, it is unclear how local character has informed the appearance of the building through its proposed design, architectural

features, and materials choices. Therefore, it has not been demonstrated that the proposal would respect local character and make a positive contribution to its context and visually prominent location.

11. The submitted plans indicate an outdoor space at the rear of the site with seating and raised planters which would be accessible to occupants of the proposed development. Provision of the outdoor communal space is not required by the development plan, since the proposed flats would each be served by balconies to satisfy the amenity space standards of RLP Policy LP29. The appellant asserts that since the outdoor space is surplus to the requirements of the development plan, it should not be assessed as communal amenity space. However, the space would comprise a part of the living environment, available for use by future occupants as communal amenity space and therefore should be of suitable quality for its intended purpose.
12. RLP Policy LP29 requires amenity space be of an appropriate scale to maximise usability and to be of a functional and practical configuration to enable a range of reasonable activities including sitting out, dining, child's play, gardening and social interaction; be orientated to maximise sunlight and outlook and be free from adverse microclimate and noise; and, be "fit for purpose" in terms of the particular building it serves. In addition, Policy D3 of the London Plan 2021 requires development provide conveniently located green and open spaces for social interaction, play, relaxation, and physical activity, and achieve outdoor environments that are comfortable and inviting for people to use.
13. The outdoor space would be north-facing and enclosed by the tall elevations of the proposed development and neighbouring supermarket and would be partly internalised by the proposed building's built form. There would be little opportunity for landscaping or growing vegetation and the space would lack opportunities for a variety of activities and play.
14. I acknowledge the outdoor space is not required to satisfy the development plan's quantity standards. However, the outdoor area would not appear comfortable and inviting and would be poorly designed and lacking purpose. Therefore, the outdoor space detracts from the design quality of the proposed layout.
15. Paragraph 135 of the National Planning Policy Framework (the Framework) supports proposals which are visually attractive as a result of good architecture, are sympathetic to local character including the surrounding built environment, and establish or maintain a strong sense of place, including through use of materials. Framework paragraph 139 indicates that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. The submitted details of appearance, layout and landscaping fail to demonstrate the proposed development would achieve a high standard of design quality.
16. The proposal would therefore conflict with Policy D3 of the London Plan 2021, which requires development enhance local context by delivering buildings and spaces that positively respond to local distinctiveness, including through their layout and appearance; and, RLP Policy LP26 which requires development be of high architectural, urban and landscape design quality, respect the local character of the area, make a positive architectural and urban design contribution to its

context and location, and consist of high quality details and materials that respects or improve local character.

17. In addition, the proposal would conflict with London Plan 2021 Policies D3 and D6, and RLP Policy LP29, which together require development achieve qualitative standards for outdoor environments, such as being comfortable and inviting for people to use, with opportunities for social interaction, play, relaxation and physical activity, and of functional and practical configuration to enable a range of reasonable activities.

Living conditions

18. The proposed north south elevations drawing² shows the building would be three storeys tall and have a total height of 11m. Condition no 10 of the original planning permission requires that no building on any part of the development hereby permitted shall exceed three storeys or 11m in height above natural ground level. The appellant asserts that to comply with the condition, either parameter must be met. However, I consider condition no 10 restricts both the number of storeys and the overall height of the building. Any increase in height beyond 11m would breach condition 10 and would be inconsistent with the submitted plans.
19. Whilst the elevation drawing implies the flats would have ceiling heights of 2.5 metres, this measurement is shown at the north elevation only. The proposed building has a simple form with a flat roof, and the proposed flats are identical in layout, and the appellant indicates no dropped ceiling sections would be required. However, in the absence of section plans, it is not demonstrated a 2.5m ceiling height would be achieved across at least 75% of the gross internal floor area (GIA) as required by Policy D6 of the London Plan 2021.
20. The Council indicates it would expect a floor depth of 0.5m to account for the slab, servicing, insulation, and floor finish, and would expect a 0.8m gap between the ceiling of the top floor and the eaves of the flat roof to allow for thermal/acoustic protection and drainage falls.
21. The appellant's diagram shows a 0.25m floor depth, comprising a structural substrate, insulating panels, and fibre gypsum board. The appellant indicates no service void would be required as alternative means of ventilation would be available. The elevation drawing shows a roof depth of 0.3m, and the appellant indicates that the roof would provide insulation of the required U-value and a 50mm air gap to comply with Building Regulations, roof pitch and servicing.
22. However, the section diagrams do not include floor finishes, internal ceiling finish for the second-floor flats, or roof felt/chippings. Whilst insulation of 30mm thickness is specified, I have been provided no details that this would provide adequate thermal or acoustic insulation. Therefore, I cannot be certain the proposed floor depths and roof depths would be adequate, and any increase in depth would either breach the minimum ceiling height standard or the height limit of condition no 10.
23. Therefore, insufficient evidence has been provided to demonstrate the minimum ceiling height standard would be achieved, whilst also providing adequate separation between storeys and complying with the overall height constraint.

² Drawing BS 10g, 26 Aug 2024

Therefore, it has not been demonstrated the proposal would satisfy the relevant internal space standards.

24. The floor of the second-floor front flat would be level with the eaves of nos 102 and 104's roof. Therefore, views from the south elevation windows at bedroom 1 and the kitchen/living room would be of nos 102 and 104's roof slope and thus would be short and lacking visual interest.
25. Outlook from bedroom 1's east elevation window would be wholly obstructed by the flank wall of the neighbouring supermarket building.
26. The kitchen/living room window in the west elevation would exceed the height of existing buildings and therefore would offer some distant views. However, views from the west elevation French doors would be predominantly obscured by the rear projection at no 106. Therefore, whilst the west-facing window would offer some outlook, views from the kitchen/living room's main areas of glazing would be severely limited by surrounding buildings.
27. Consequently, habitable rooms at the second-floor front flat, namely bedroom 1 and the kitchen/living room, would feel enclosed by built form and future occupants would experience poor outlook.
28. As set out above, the proposal contains insufficient evidence it would provide a minimum floor to ceiling height of 2.5 metres for at least 75% of the GIA of each flat. In addition, future occupants of the second-floor front flat would experience poor outlook. The proposal therefore fails to demonstrate that the proposed scale and layout would provide adequate living conditions for future occupants.
29. For these reasons, the proposal would conflict with Policy D6 of the London Plan 2021 which requires housing developments be of high-quality design, provide adequately sized rooms, and comply with its minimum standards. In addition, the proposal would not comply with RLP Policy LP26 which requires development provide high standards of accommodation for housing in terms of size, quality and arrangement of internal space, and RLP Policy LP29 which requires new development meet the needs of occupants, including through being orientated to maximise outlook.

Supply of retail floorspace

30. The ground floor plan indicates there would be structural alterations to create a lobby area at the rear of the ground floor retail unit at no 102. This area would be accessed from both the entrance hall and under-croft amenity area, and would contain services meters, service risers, and would provide lift access and a staircase to the proposed flats. Whilst the appellant has provided details of a Valuation Office Agency assessment showing the rateable values of zones within the existing commercial unit, the proposal would nonetheless reduce the area of retail floorspace at no 102.
31. The effects of a loss of retail floorspace were not assessed as part of the outline proposal. This is a material change which did not form part of the original outline planning permission. No evidence has been submitted to justify the loss of retail floorspace within this town centre location. Nonetheless, there is no scope to consider this issue at the reserved matters stage.

32. The proposed scale and layout would exceed the terms of the outline planning permission and would result in an unjustified loss of floorspace at no 102. Therefore, the proposal would have an adverse impact on the supply of retail floorspace within a town centre.
33. The proposal therefore conflicts with RLP Policy LP10 which seeks to promote the vitality and viability of the borough's town centres, requiring proposals for alternative town centre uses be considered against a range of factors including period of vacancy, extent of marketing, and whether the proposed use would attract a significant number of shoppers and visitors.

Planning Balance

34. The latest Housing Delivery Test measurement indicates that housing delivery in the Council's area has met only 39% of its target.
35. In this circumstance, paragraph 11(d) of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, and (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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
36. The proposal would not conflict with the Framework's policies that protect areas or assets of particular importance.
37. Whilst the key policy at Framework paragraph 129 supports development that makes efficient use of land, it requires decisions take into account the importance of securing well-designed, attractive places. As set out above, I have found the proposal would not achieve high quality design and would not provide suitable living conditions for future occupants. Therefore, the proposal would not satisfy paragraph 135 of the Framework which requires proposals function well, be sympathetic to local character, and provide a high standard of amenity for future users. Paragraph 139 requires development that is not well designed be refused.
38. Furthermore, paragraph 90 of the Framework requires decisions support the role of town centres. As set out above, I have found the proposal would result in the unjustified loss of retail floorspace.
39. Therefore, I afford significant weight to the conflict between the proposal and London Plan Policies D3 and D6 and RLP Policies LP26, LP29, and LP10, and consider the proposal would conflict with the development plan as a whole.
40. Whilst the proposal already benefits from outline planning permission, approval of the reserved matters would facilitate the provision of four dwellings and therefore would make a positive contribution to the area's housing supply. Even taking account the Framework's objective of boosting significantly the supply of housing and the Council's poor past delivery of housing, the addition of four dwellings would be a relatively small contribution to the area's housing supply. Such benefits therefore carry moderate weight in the scheme's favour.

41. Consequently, the adverse impacts of the proposed development in respect of design quality, living conditions, and the supply of retail floorspace, would significantly and demonstrably outweigh the scheme's benefits. Therefore, the presumption in favour of sustainable development would not apply.

Conclusion

42. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR