



Appeal Decisions

Inquiry opened on 6 May 2010
Site visit made on 29 June 2010

by **Mrs H M Higenbottam**

BA (Hons) MRTPI

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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**Decision date:
17 August 2010**

Appeal for Scheme 3: Ref: APP/W5780/A/10/2121325 Chepstow House, 49 Leicester Road, London E11 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Telford Homes Plc against the decision of the Council of the London Borough of Redbridge.
- The application Ref 2393/09, dated 26 October 2009, was refused by notice dated 20 January 2010.
- The development proposed is development of 24 dwellings comprising of 6 x 4 bedroom two storey semi detached houses and 3 x three storey and part 2.5 storey apartment blocks (referred to as block A, B and C) totalling 16 x 3 bedroom flats and 2 x 2 bedroom flats together with associated car parking and landscaping.
- The Inquiry sat for 6 days on 6, 7, 25 and 27 May and 14 and 28 June 2010.

Appeal for Scheme 2: Ref: APP/W5780/A/10/2119252 Chepstow House, 49 Leicester Road, London E11 2DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Telford Homes Plc against the decision of the Council of the London Borough of Redbridge.
- The application Ref 3398/08, dated 19 December 2008, was refused by notice dated 28 July 2009.
- The development proposed is development of 24 dwellings comprising 6 x 4 bedroom two storey semi detached houses and 3 x three storey apartment blocks (referred to as blocks A, B and C) totalling 17 x 3 bedroom flats and 1 x 2 bedroom flats together with associated car parking and landscaping.

Application for Costs

1. At the Inquiry an application for costs was made by Telford Homes Plc against the Council of the London Borough of Redbridge. This application is the subject of a separate Decision.

Decisions

2. I dismiss both appeals.

Introduction

3. The appeal sites for Scheme 3 and Scheme 2 are the same. Although both appeals propose the same total number of residential units, 6 x 4 semi-detached dwellings and three apartment blocks, the design of the various elements, their siting and mix of units are different.
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4. There are 16 trees the subject of Tree Preservation Order No 29/04 (TPO) on the appeal site. Both schemes propose the removal of T1 (Spruce) located at the corner of 10 Gloucester Road and T12 (Walnut) located close to the northern boundary of the site with 57 Nutter Lane. In addition, Scheme 3 proposes the removal of tree T1 (Cypress) on the Gloucester Road frontage, which is not designated under the TPO, to enable the proposed semi-detached dwellings to be accommodated.
5. Although I have considered each appeal scheme on its individual merits, to avoid duplication I have dealt with the schemes together in this decision except as otherwise indicated.
6. During the Inquiry minor discrepancies within the submitted plans for Scheme 3 were identified. Amended plans, drawing nos F639_100 Rev D and F639_102 Rev E were submitted to address these discrepancies. Due to the minor nature of these amendments I will determine the appeal on the basis of these amended plans.

Main Issue

7. The main issue in both cases is whether the proposals would preserve or enhance the character or appearance of the Wanstead Grove Conservation Area (CA).

Reasons

Site and Surrounding Area

8. I see no reason to disagree with the general description of the appeal site and surrounding area set out in paragraphs 9 to 14 of a previous decision on the appeal site (Scheme 1) (reference APP/W5780/A/07/2058172). However, I note that since this decision the dwelling which was on the appeal site has been demolished and the CA was designated in March 2009. The CA extends beyond those surroundings considered by my colleague in relation to Scheme 1.
9. The CA is characterised by the variety of age, architectural style and materials that are utilised in the construction of the buildings within it. The area is predominantly residential with a mixture of detached, semi-detached, terraced housing and flat blocks. The buildings vary in height from bungalows to three storey houses, some with basements, and blocks of flats of two, three and four storeys. Some dwellings have no garaging, some have detached garages and some have attached or integral garaging, others rely on areas of hardstanding or on-street parking. I conclude that the CA represents a wide diversity of building types with examples of many styles of speculative residential development common to London from the period 1890 to the present day.
10. The appeal site has a low brick wall fronting Leicester Road with the remaining frontages to Gloucester Road and Nutter Lane having mainly 1.8m high close boarded fencing with hedging behind. There is a pair of large access gates to the Nutter Lane frontage. The existing boundary fencing to Gloucester Road and Nutter Lane detracts from the character and appearance of the area.

11. A document entitled *The Grove Park and Counties Estates Wanstead Character Appraisal Final Draft* (CAFD) was produced by consultants on behalf of the London Borough of Redbridge in January 2009. This document assessed the special architectural and historic interest of the Grove Park Estate and the Counties Estate.
12. The Council has sought to rely on the CAFD. I note that the CAFD recommended the exclusion of a number of areas from the proposed CA which were in fact incorporated, and areas not covered by the CAFD have been included. The Council has not produced a Conservation Area Appraisal of the CA as designated. However, they sought to rely upon the CAFD despite its inconsistency with the CA as designated. The CAFD has not been adopted by the Council and has not been the subject of public consultation. As such I treat it as a background document and I give it little weight in the determination of these appeals.
13. The Council accepted at the Inquiry that the proposals would not affect the setting of the grade II listed building known as Applegarth. I concur with this view.

Semi-detached Houses

14. Fronting Gloucester Road both schemes propose 3 pairs of semi-detached dwellings. There are significant differences between the design of the houses in Scheme 3 and Scheme 2. These differences include:
 - the front gable feature is on the outside of each pair in Scheme 2 and central in Scheme 3;
 - Scheme 2 has integral garages whereas Scheme 3 has frontage parking and no garaging;
 - Scheme 2 has gable roofs whereas Scheme 3 has hipped roofs with a roof pitch of 38 degrees to the front roof slopes and 25 degrees to the flank hipped roof slopes.
 - Scheme 3 has white render at first floor level in place of brickwork and the window fenestration style differs to that for Scheme 2.
15. My colleague in relation to Scheme 1 accepted that the proportions of the dwellings would be comparable to existing houses in the road and a ridge height similar to adjoining houses. However, he also noted that the houses would be considerably deeper, the roof pitch would be shallower and when seen obliquely or from the rear the buildings, would have a greater bulk than is typical of the dwellings in this road. The CA was designated since that decision, which is a material change in circumstances.
16. The semi-detached dwellings within Scheme 2 are the same as those within Scheme 1. Within Scheme 3 the house designs have been altered as set out above. The form and rhythm of the front elevations of the dwellings seeks to complement the dwellings within Gloucester Road.
17. Views between existing houses within Gloucester Road allow an appreciation of the depth of the existing dwellings and their roof form, with consistent roof pitches. This is an attractive and important feature of the area.

18. The depth of House 1 would be seen within public views between 10 Gloucester Road and House 1. The depth of House 6 would be viewed in the gap between it and Block A. In the Scheme 1 appeal the block adjacent to the semi-detached dwellings (then known as Block B) was closer to the road frontage and to House 6 than either in Schemes 2 or 3, thus restricting the visual effect of the depth of the dwellings on the street scene. The increased separation and increased set back of the flat block from the road would result in the full depth of House 6, close to the junction with Leicester Road, being appreciable within the street scene.
19. English Heritage considered that the semi-detached properties would preserve the character and appearance of the CA. However, I consider that the views of the flanks of Houses 1 and 6, together with the increased appreciation of the greater bulk and depth of the row of houses resulting from the increased separation between buildings within Schemes 2 and 3 compared to Scheme 1 would result in harm to the character and appearance of the CA.
20. Additionally, in Scheme 3 the roof pitches of the front and side roof slopes are not the same. This non-traditional roof form would be at odds with the more traditional hipped roofs which are a characteristic of Gloucester Road and the wider area adding to the harm to the CA.
21. I concur with my colleague who dealt with Scheme 1 that the retained trees would blur perceptions of the building line and the trees would be an attractive feature in the street scene. As such the varying alignments of both the proposals have a neutral effect within the street scene.
22. In conclusion on this topic, whilst the alignment of the dwellings would be acceptable, the depth of the dwellings in both schemes, which would be appreciated when walking along Gloucester Road and in views across the site from Nutter Lane and Leicester Road; and the non-traditional roof forms in Scheme 3, would be out of keeping with the area, and thus harmful, and in consequence would fail to preserve the character or appearance of the CA.

Block A

23. There are only minor differences between the two schemes which do not affect my conclusions on this topic.
24. The tallest element of Block A would be the corner pyramid roof element (12.235m high), which would step down to the lower mansard roof element (9.65m high). The junction between these two parts would have an asymmetric roof on the north facing elevation. This asymmetric roof would be viewed when approaching Leicester Road along Gloucester Road, and would create a poor junction between the various elements of this block.
25. Opposite the flank elevation of Block A, on the other side of Gloucester Road, 47 Leicester Road is a detached dwelling with an atypical design and a lower ridge height than adjacent properties. The pyramid corner roof element of Block A would be higher than No 47. However, it would be comparable with the height of 31 Leicester Road and that of the Edwardian development to the north. I therefore consider that the height of Block A would not be out of place within the street scene or within the wider context of the CA. The step down in height of the mansard roof element and the asymmetrical element

would provide a transition between the houses proposed in Gloucester Road and Block A. Furthermore, unlike in Scheme 1 where Block B of that scheme fronted Gloucester Road, the current Block A fronts Leicester Road, thereby maintaining the relationship of corner buildings fronting Leicester Road.

26. The mansard roof element would have a significant area of flat roof within it. I appreciate the mansard roof form was encouraged and supported by English Heritage. However it results in a top heavy building in a prominent corner location, and adds to the undesirably complex and varied roof form of Block A, which is out of keeping, and therefore harmful, to the character and appearance of the area and adds to the harm I have already found.
27. In conclusion on this topic, the complex roof form of Block A with the introduction of a mansard roof to part of the block, and the asymmetrical roof element on the north facing elevation, would appear incongruous and out of character with the established character of the CA and for that reason would fail to preserve it.

Block B and C

28. Nutter Lane comprises housing of the widest variety of architectural styles within the CA, and has a significantly less formal layout than other more planned roads within the CA. The wider CA has an example of Art Deco style in the form of The Shrubbery in Grosvenor Road which is a 1930's grade II listed building, comprising three 3 storey blocks of flats. Whilst the previous Inspector in relation to Scheme 1 considered that The Shrubbery was not an integral part of the visual context of the appeal site, it is now part of the designated CA along with the appeal site.

Scheme 2

29. Scheme 2 has pursued an Art Deco style for these two blocks. The 3 storey blocks have a recessed top floor with a front semi circular staircase and lift shaft projection and a slightly lower height than Roding Cottages, which are locally listed buildings. The two blocks are sited at an angle to one another following the curve of Nutter Lane, with Block B slightly forward of Block C. To the front elevations are balconies and to the rear elevation are Juliet balconies and terraces to the top floor flats. Blocks B and C are sited nearly 5.5m apart at the front elevation reducing to just less than 1.5m at the rear.
30. The form of the Art Deco Blocks B and C would contrast with the adjacent Arts and Crafts style of Roding Cottages. Whilst the blocks would be flat roofed, this would be in keeping with their Art Deco style and would not compete with the steeply pitched roofs of Roding Cottages, thus emphasising the contrast between the two styles of architecture, which I consider to be a valid approach.
31. Block C would be sited some 11.5m from the flank elevation of No 57 and around 2m from the flank boundary. Due to the separation I consider the blocks would not harm the setting of Roding Cottages. Furthermore, they would respect the variety of architectural styles within the CA.
32. The gap between Blocks B and C, although reducing to the rear of the blocks, would allow views between the buildings to the rear of the semi-detached

dwellings proposed on the Gloucester Road frontage and of the retained Cypress (Tree T14). Buildings set at angles to one another are not an unusual feature within the CA and would not be out of character. In fact Nos 65 and 63 Nutter Lane are set at an angle to one another, albeit they are closer at the front than at the rear.

33. Long distance views across Nutter Recreation Ground would encompass the bungalows on the corner of Nutter Lane and Leicester Road in the foreground and 31 Leicester Road beyond, as well as two storey dwellings along Nutter Lane. The height of the blocks, being lower than Roding Cottages, would not look out of place in these long distance views.
34. Whilst the design of Blocks B and C would be a contrast to the Arts and Crafts style of Roding Cottages there would be adequate separation between the groups of buildings to accommodate such a difference in architectural styles. The removal of the existing boundary fencing would benefit views of the site from across the Nutter Recreation Ground and allow Blocks B and C to be appreciated within their own landscaped setting. Subject to appropriate boundary treatment and soft landscaping, these blocks would enhance the road frontage, compared to the existing situation, and preserve the setting of Roding Cottages.
35. In conclusion on this topic for Scheme 2, subject to appropriate hard and soft landscaping and use of appropriate materials these blocks would be likely to enhance the character and appearance of the CA.

Scheme 3

36. Scheme 3 has pursued an Arts and Crafts style for Blocks B and C, but fails to do so with sufficient rigour and attention to detail, with a flat roofed element to each block, lack of brick arches over openings, and inconsistent roof pitches to the gables and main roof. Furthermore, the dormers would be excessively large in comparison to the roof slope and thus out of proportion. The blocks are not identical and are sited parallel to one another, with a gap of about 3.5m. Block C is set back a little within the site and aligns with the front elevation of 57 Nutter Lane.
37. Although the blocks would have a higher ridge height than the adjacent Roding Cottages I do not find this unacceptable in itself. However, compared to Roding Cottages the proportion of the roofs of Blocks B and C to the elevations is too small. The poor detailing when compared to Roding Cottages and the poor proportions of the blocks would detract from Roding Cottages by being a mediocre interpretation of Arts and Crafts. Therefore, whilst the blocks seek to reflect the design of Roding Cottages, they would detract from their unique design qualities, thereby harming the character and appearance of the CA.
38. In conclusion on this topic for Scheme 3, the lack of detailing, inappropriate proportion of roofs to elevations and excessively large dormers, particularly when viewed within the context of Roding Cottages, would be harmful and would fail to preserve the character or appearance of the CA.

General Layout Issues

39. Overall the layout of both schemes would enable adequate spacing of blocks and houses and would not appear cramped. The retention of significant trees within the site would help maintain the character and appearance of the area. Furthermore, soft and hard landscaping, particularly of the frontage boundaries to Gloucester Road, Leicester Road and Nutter Lane, would enhance the appearance of the site within the CA.
40. Although I note the Council's concerns in relation to the effect of the proposals on views of the chimneys at Roding Cottages from public vantage points, I am satisfied that the layout of the schemes would not result in the loss of important views of them. Views of the chimneys from Leicester Road would be maintained in both schemes and views from Gloucester Road are limited by the existing vegetation and are not, to my mind, so significant that they need to be retained.
41. Parking spaces 7 to 18 would be provided to the east of Block A, with access off of Leicester Road. Subject to suitable surfacing materials, and frontage boundary treatment I consider that this parking area would be discrete and would preserve the character and appearance of the CA. Furthermore, the positioning of the parking area would enable views of the chimneys of Roding Cottages to be maintained from Leicester Road.
42. Parking spaces 1-4 would be accessed from Gloucester Road and parking bays 5 and 6 would be accessed from Leicester Road. There would be adequate space for soft landscaping around the pairs of parking bays to soften their visual effect and help to assimilate the parking bays into the street scene. Adequate amenity space would be provided in both Scheme 2 and 3 for the use of future occupiers of the proposals.
43. In conclusion on this topic the general layout would preserve and in some areas enhance the character and appearance of the CA.

Other Matters

44. On 25 June 2010 the appellant made a Unilateral Planning Obligation in respect of each scheme, Scheme 2 and 3, under Section 106 of the Town and Country Planning Act 1990 (as amended) (S106) with respect to the payment of contributions for affordable housing, community care and social services, education, healthcare, libraries and public art. The contributions sought are in accordance with CS Policies SP8 and SP12, and the Council's Supplementary Planning Documents entitled Planning Obligations, Affordable Housing and Percent for Art, Archaeology and Conservation. I am satisfied that the obligations meet the three tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and I shall therefore take them into account in reaching my decisions.

Conclusions

45. The appeal site is prominent within the CA, fronting three roads. It requires an integrated design concept that respects and responds to the adjacent historic development and the area as a whole. In both schemes, when walking along the street the disparate and ill considered elevations/roofscape

of Block A and the depth of the semi-detached dwellings would fail to respond to the rhythm and detailing of the attractive historic development within the CA.

Scheme 2

46. Whilst I consider that Blocks B and C would preserve and could enhance the character and appearance of the CA and there would be potential to enhance the frontage boundaries through appropriate hard and soft landscaping, these factors would not outweigh the harm to the CA resulting from the poor design and detailing of the semi-detached dwellings and Block A. Furthermore, the benefits of the S106 would not make this unacceptable development acceptable. This proposal would be contrary to Policy SP3 of the London Borough of Redbridge Core Strategy Development Plan Document (CS) as well as Policies BD1 and E3 of the Borough Wide Policies Development Plan Document (BW) which requires proposals to be of a high quality, respecting the character and amenity of the area in which it is located, and preserves or enhances the character or appearance of the conservation area.

Scheme 3

47. Although I consider that there would be potential to enhance the frontage boundaries through appropriate hard and soft landscaping, the semi-detached dwellings, and Blocks A, B and C would harm the character and appearance of the CA. As with Scheme 2, the S106 benefits would not make this unacceptable development acceptable. Therefore, this proposal would be contrary to CS Policy SP3 and BW Policies BD1 and E3.
48. For the reasons given above I dismiss both appeals.

Hilda Higenbottam

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Kelly QC	Instructed by Mr Hicks, Planning Director CgMs
He called	
Mr Hicks	CgMs
BSc (Econ) MCD MRTPI	
Mr Wood MA (Hons)	David Wood Architects LLP
Dip Arch RIBA	
Dr Miele	Montague Evans LLP
MRTPI IHBC FRHS FSA	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Horton QC	Instructed by Mr Goodwin, Borough Solicitor, London Borough of Redbridge
He called	
Ms Williams	Urban Design Officer, London Borough of Redbridge
BArch (Hons) PGDip Urban Planning and Design	
Mr Algar	Conservation Officer, London Borough of Redbridge
BSc (Hons) MRTPI	

INTERESTED PERSONS:

Miss Temple	Wanstead Society
Mr Estop BA Hons MA MRTPI	Wanstead Society
Mr Dowers	The Counties Residents Association
Ms Zammatt	Local Resident

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

- 1 Notification letter and list of those notified
- 2 List of appearances submitted by the appellant
- 3 Unilateral Undertaking dated 6 May 2010 for scheme 3 submitted by the appellant
- 4 Unilateral Undertaking dated 6 May 2010 for scheme 2 submitted by the appellant
- 5 Rebuttal proof by Dr Miele submitted by the appellant
- 6 List of suggested conditions
- 7 Mr Kelly QC Opening Statement
- 8 Conservation Area Plan at A3 size
- 9 Committee Report in relation to scheme 3
- 10 CRA letter dated 6 May 2010
- 11 Statement of Common Ground dated May 2010
- 12 Conservation Area designation information
- 13 Email dated 4 June 2009 from Mr Hickman English Heritage to Mr Algar and Mr Ridley
- 14 Statement by Ms Zammatt
- 15 Planning Obligations Breakdown and Justification statement
- 16 Statement of Common Ground dated May 2010 and appendices

- 17 Policy 4B.1 of The London Plan and Policy BD3 of the Borough Wide Primary Policies Development Plan Document
- 18 List of Suggested Conditions for Schemes 2 and 3
- 19 List of qualifications of members of the Conservation Area Panel
- 20 Email from Ms Evans to Ms Neshati dated 1 October 2009 and note of meeting held on 22 September 2009
- 21 Written Statement of Ms Temple on behalf of the Wanstead Society
- 22 Written Statement of Mr Estop on behalf of the Wanstead Society
- 23 Written Statement of Mr Dowers on behalf of The Counties Residents' Association
- 24 Extract from the Constitution of the London Borough of Redbridge and an email trail confirming delegations.
- 25 Information in relation to the experience of Mr Booth and Mr Lloyd-Sweet of the Conservation Studio
- 26 Response by Dr Miele to the Wanstead Society Written Statement
- 27 Mr Wood's Practice Profile – Awards List
- 28 Amended drwg nos F639_100 Rev D and F639_102 Rev E
- 29 Extract from drwg no F639_100 Rev D annotated with roof pitches
- 30 Extract from 1901 Census Wanstead Parish
- 31 A3 Plan of the Wanstead Grove Conservation Area
- 32 Written questions to Dr Miele on behalf of the Wanstead Society
- 33 Unilateral Undertaking dated 25 June 2010 for scheme 2 submitted by the appellant
- 34 Unilateral Undertaking dated 25 June 2010 for scheme 3 submitted by the appellant
- 35 Written response to questions relating to Unilateral Undertakings dated 6 May 2010
- 36 Written request from the Wanstead Society of areas to be visited during the site visit
- 37 Note of meeting between Telford Homes and the London Borough of Redbridge held on 23 March 2010 – submitted by the LPA during the application for costs

DOCUMENT RECEIVED AFTER THE CLOSE OF THE INQUIRY

- 1 Letter from the LPA to the Wanstead Society