

Appeal Decision

Site visit made on 9 January 2018

by J Bell-Williamson MA MRTPI

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

Decision date: 24 January 2018

Appeal Ref: APP/W5780/D/17/3181384

21 Rosedene Gardens, Barkingside, Ilford IG2 6YE

- 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 Mr Davinder Sohal against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2313/17, dated 14 May 2017, was refused by notice dated 10 July 2017.
 - The development proposed is erection of a single-storey outbuilding in the rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed outbuilding on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a two storey semi-detached dwelling in a residential road of similar property types.
 4. Policy SP3 of the Redbridge Core Strategy and Policy BD1 of the Borough Wide Primary Policies (BWPP) document require the built environment to be high quality and to respect the amenity of the locality. These policies are consistent with the National Planning Policy Framework, particularly section seven concerning good design. The Council's *Householder Design Guide 2012* requires outbuildings to be positioned one metre away from boundaries.
 5. The submitted plans show the outbuilding as a brick-built structure with a pitched, tiled roof positioned 0.6 of a metre from either side garden boundary and 0.4 of a metre from the rear garden boundary. The proposed building would be relatively large for a domestic outbuilding, principally due to its width across almost the full span of what is quite a wide garden, positioned close to the rear and side boundaries. The setting is open with back-to-back rear gardens and little screening vegetation in the host garden or immediately neighbouring gardens. Consequently, its prominence would be heightened in this open setting.
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6. Most visible examples of outbuildings are of smaller scale than that proposed and are not positioned as close to three shared boundaries. I agree, therefore, with the Council that a building of this scale in such close proximity to shared boundaries would be uncharacteristic and contrary to the prevailing pattern of development in the immediate area. As a result of its prominence, position and scale the appeal building would be an uncharacteristic, visually dominant and incongruous feature, both in its own right and compared to other outbuildings.
7. The appellant draws attention to an example of a brick outbuilding in the nearby garden of No 24 Queensborough Gardens. It is unclear from the site inspection of the extent and position of this building, because unlike the garden of the appeal property it is in part screened by mature trees. Moreover, as the appellant indicates, it is unclear whether planning permission was sought or required for the development. For these reasons, and due to this being the only visible example of this type of building in the immediate area, I do not consider that it sets a favourable precedent for the current proposal.
8. I have had regard to the other examples of outbuildings referred to by the appellant. While some of these are in nearby roads, including the other side of Rosedene Gardens, they are not visually related to the immediate locality of the appeal site, which is a self-contained area comprising adjoining gardens. Furthermore, the planning status of a number of the buildings referred to is unclear; and, for those which were permitted, it is also unclear whether they pre-date the 2012 guidance, which requires outbuildings to be set away from boundaries.
9. Additionally, the specific example referred to at No 28 Rosedene Gardens was granted a certificate of lawful use or development on appeal¹. From my reading of the decision, the building in that case satisfied the limitations in force at the time under the relevant Permitted Development Order while, in contrast, planning permission is sought for the current proposal. Therefore, while I acknowledge these other examples, for the reasons given, they do not outweigh the harm found in the particular circumstances of this appeal, which I have considered on its individual merits.
10. Any limited variability in the line of the boundary fences would have little effect on the prominence of a building of this scale in this particular setting. Similarly, the provision of a hipped roof design would have a limited effect in this regard, particularly due to the building's substantive width. I give limited weight, therefore, to these contentions and to the suggestion that greater separation of the building from boundaries would attract foxes or other wildlife. While an outbuilding could help to conceal a prospective intruder, the building's position would not be a determinative issue in relation to crime prevention, which would rely on a range of security-related issues. Consequently, while I have had regard to these matters, they do not outweigh the harm that would result from the proposed outbuilding.
11. The appellant indicates that the proposed building could be set further away from the boundary and that this could be required by condition. However, I am required to determine the proposal as submitted and, in any case, the changes

¹ Reference APP/W5780/X/09/2110966 dated 1 February 2010.

proposed would not meet the Council's guidelines for the position of outbuildings.

12. Accordingly, for all these reasons, I conclude that the proposed outbuilding would have an unacceptably harmful effect on the character and appearance of the surrounding area. As such, it is contrary to Policy SP3 of the Core Strategy, Policy BD1 of the BWPP and the *Householder Design Guide 2012*, as described. Policy BD5 of the BWPP, also referred to by the Council, is not directly relevant to this case in my reading of it.

Other Matters

13. I have had regard to a number of other matters raised by interested parties. These involve the effects on the living conditions of occupiers of Nos 28 and 30 Queensborough Gardens, the rear of which face towards the appeal property. The scale and position of the proposed building would not be sufficient to harmfully affect the natural light enjoyed by the residents of these two properties. However, its combined width and height in such close proximity to the shared rear boundary would make the building a dominant and overbearing feature seen from the two properties' gardens. Accordingly, this finding adds weight to my conclusion on the main issue that the proposal would result in unacceptable harm. Other matters concerning property values are not within the proper scope of this appeal, which I am required to determine on its planning merits.

14. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR