



Appeal Decision

Site visit made on 26 November 2020

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/W5780/W/20/3258387

57A Balfour Road, Ilford IG1 4HR

- 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 U Bhattibi against the decision of the London Borough of Redbridge.
 - The application Ref 1732/20, dated 16 June 2020, was refused by notice dated 31 July 2020.
 - The development proposed is described as a 'retrospective application of garden storage shed'.
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Decision

1. The appeal is allowed and planning approval is granted for a garden storage shed at 57A Balfour Road, Ilford, IG1 4HR in accordance with the terms of the application Ref 1732/20, dated 16 June 2020, and the plans numbered JND/1029/10, JND/1029/11, JND/1029/12, JND/1029/13 (Proposed elevations) and JND/1029/13 (proposed elevations, as built) and the Design and Access Statement, subject to the following condition:

- (1) The use of the building hereby permitted shall remain incidental and subservient to the primary use of the site/premises as a dwellinghouse.

Procedural Matter

2. The structure has already been erected on the site.

Main Issue

3. The main issues are the effect of the development upon (i) the living conditions of the occupants of 57A Balfour Road in respect of the provision of usable outside amenity space and (ii) the occupants of 59 Balfour Road in respect of sunlight/daylight and outlook.

Reasons

Outside amenity space

4. Properties on Balfour Road are two-storey buildings with hipped roofs and with front outside amenity spaces largely given over to off-street car parking. Rear outside amenity spaces are largely hidden from public view with only narrow spaces between the houses and apartments.

5. The rear amenity space of the appeal property has an existing outbuilding at its far end, spanning the width of the space. The appeal building abuts the side of the amenity space facing 59 Balfour Road and has a size of approximately 1.6 metres by 5.6 metres and with a height of some 2.15 metres on the appellant's side and approximately 2.5 metres if measured from the ground levels at 59 Balfour Road. It is similar in the use of materials to the larger outbuilding in the garden. It is rendered and has a flat roof finished in felt. It abuts a wooden boundary fence of some 2 metres in height.
6. The Local Planning Authority (LPA) in its officer report, considers that the larger outbuilding at the end of the garden, together with the appeal building, would take up less than 50% of the rear garden space. The occupier of the adjoining property considers that it would take up some 70%. As this is a retrospective proposal, I was able to consider the amount of available open garden space as part of my site visit. It has not therefore been necessary for me to reach an actual conclusion on the percentage figures.
7. On my site visit, I was able to see that whilst there remains a relatively small area of open amenity land to provide space for sitting out and relaxation, it would nevertheless be adequate for such purposes. Moreover, I have not been referred to any minimum space requirements for such purposes.
8. Therefore, I conclude that the development complies with the Redbridge Local plan policy LP26 which is concerned with good design and with policy SLP30, though the latter relates to house extensions. While the appeal building is not an extension, it nonetheless accords with the broad aims of the policy which are to ensure that development is subordinate to the main building and in character with it.

Effect upon the living conditions of the occupiers of 59 Balfour Rd

9. The appeal building exceeds the height of the existing boundary fence by little more than the horizontal fascia board at the top of the walls and surrounding the flat roof of the appeal building.
10. Whilst I have no technical evidence before me regarding sunlight and daylight impact, I do not consider that the height of the building above the fence is such as to lead to a significant loss of sunlight and daylight.
11. As the appeal building is only just visible above the boundary fence separating no's 57A and 59 Balfour Road, I find that the building would not be enclosing when viewed both from the windows of no 59 or from its own amenity spaces.
12. Therefore, I conclude that the appeal proposal accords with LP policies LP26 and LP30 for the reasons already stated. I conclude that there is some conflict with the Council's Housing Design Supplementary Planning Document 2019 (SPD) which advises that outbuildings should be appropriately located towards the end of gardens. However, its purpose is to prevent an adverse impact upon the open nature of gardens and to protect the outlook of the occupants of neighbouring properties. In this instance I have found that, by its size and height, there would be no significant adverse impacts of the structure regarding these matters.

Other Matters

13. Reference has been made to the possibility of the building being used for residential accommodation in association with the existing larger outbuilding in the rear space. However, I have determined the application upon the basis that it is to be used for incidental purposes only. I have also imposed a condition to this effect.

Conditions

14. As the building has already been erected on the site, I have not imposed conditions relating to a time limit for the commencement of the development or to the materials of construction.
15. I have imposed a condition relating to the use of the outbuilding, in the interests of certainty and precision.

Conclusion

16. For the reasons outlined above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR