

Appeal Decision

Site visit made on 17 December 2020

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26/02/2021

Appeal Ref: APP/W5780/D/20/3261360

187 Fencepiece Road, Ilford, IG6 2TG

- 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 Adrian Gheran against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 1803/20, dated 20 June 2020, was refused by notice dated 22 September 2020.
 - The development proposed is described as the erection of a '*Back garden terrace with barbeque and pizza oven*'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made retrospectively and at the time of my visit I saw that the development had taken place and was in use.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area, and upon the living conditions of neighbouring occupiers, with particular regard to nuisance from use of the integrated cooking facilities.

Reasons

4. The development comprises a detached single-storey outbuilding at the foot of the garden to No 187. It is a pitched roof building constructed from brick and timber, with a slate roof. It is open to one side and to the front elevation, which faces back towards the rear elevation of the dwelling. To the other side there is a range of brick built and integrated cooking facilities comprising a wood fired pizza oven, a wood fired grill and stove top, and a sink area. The cooking facilities are served by a flue and chimney positioned close to the boundary of the appeal site with 189 Fencepiece Road. At the time of my visit

the covered 'terrace' appeared to be in use as an outside dining, bar, and cooking area.

5. From beyond the appeal site, the building appears largely as a typical garden outbuilding. Although it would have an obvious visual presence when seen in the outlook from neighbouring houses and gardens, it is set within the context of garden buildings to other surrounding properties, including a large flat roof garage immediately beyond the foot of the garden to 195 Fencepiece Road, which is orientated perpendicular to the appeal site, as well as a brick-built block of outbuildings to the rear of the terraced cottages at Nos 195-199 (odd). These all contribute to the established character of the area when seen from the backs of surrounding properties. My impression overall is that the building is neither over-large in terms of height or scale, nor out of keeping in its context. As such, I am not persuaded that it is harmful to the character or appearance of the area. In this regard, I find no conflict with Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (LP) insofar as they provide support for development that respects the character of an area.
6. The gardens nearest to the position of the flue, at Nos 189 and 195, are reasonably short. Due to the layout of properties along this part of Fencepiece Road, the rear garden environment is tight and constrained by the positions and proximity of the dwellings and other buildings. The flue has the potential to expel its smoke and smells into this closed environment and I note that there is an open investigation with the Council's Environmental Health Department into such nuisance. I have also noted the anecdotal experiences expressed by some neighbouring occupiers in terms of smoke and smells nuisance, causing them to avoid use of their gardens at times and to close their windows and doors. Significantly, these objections are based on experience from the use of the cooking facilities and not on perceived effects from a proposed development. As such, I attach a significant amount of weight to the concerns expressed.
7. The use of outdoor barbecues is not uncommon in many residential gardens. However, the frequency of their use is mostly occasional. Such facilities are usually portable and limited in size. Moreover, their impact upon neighbouring amenities is largely controlled by prevailing weather conditions and restricted ease of use. The facilities at the appeal property are permanent and capable of use all year round. The impact from such an arrangement of outdoor cooking facilities is likely to be profound and felt most by those not involved with the occasions when the facilities are being used. This is atypical for the area, which is entirely residential in character and nature.
8. Overall, I find that the development would have a harmful effect on the living conditions of adjoining occupiers from nuisance generated by the use of the cooking facilities. In this regard it fails to display the high quality of design that is required by LP Policy LP26 in order to avoid adverse impacts upon the amenity of neighbouring occupiers. It would also conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places by failing to create a high standard of amenity for the existing users of adjoining properties. None of the other policies of the Framework that have been referred to by the appellant support the appeal to an extent that would overcome the harm that I have found and the conflict with the development plan.

9. I have noted a suggestion that part of the building overhangs the boundary of a neighbouring property but this matter is not directly relevant to the planning merits of the case.

Conclusions

10. Notwithstanding my findings as they relate to the effect of the development upon the character and appearance of the area, for the reasons given, I find that the development is harmful to the living conditions of neighbouring occupiers. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR