



Appeal Decision

Site visit made on 9 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2021

Appeal Ref: APP/W5780/W/20/3262977

46 Five Oaks Lane, CHIGWELL, IG7 4FH

- 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 Dr N Pandhi against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2363/20, dated 9 July 2020, was refused by notice dated 24 September 2020.
 - The development proposed is detached outbuilding, climbing frame and two air conditioning units.
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Decision

1. The appeal is allowed and planning permission is granted for detached outbuilding, climbing frame and two air conditioning units at 46 Five Oaks Lane, CHIGWELL, IG7 4FH in accordance with the terms of the application, Ref 2363/20, dated 9 July 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: DWL 01 Existing Plans 1 of 2; DWL 02 Existing Plans 2 of 2; DWL 03 Existing Block Plan; DWL 04 Site Location Plan; DWL 04 Pre-Existing Block Plan; DWL 05 Pre-Existing and Existing South Elevation.
 - 2) Noise emitted from the approved air conditioning units shall be restricted to a level at least 10dB below the lowest representative existing background noise level when assessed in accordance with BS4142:2014 at a position 1m from the window of the nearest noise sensitive premises.
 - 3) The building hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 46 Five Oaks Lane, Chigwell.

Preliminary Matters

2. The development has already been carried out and therefore I was able to see it as part of my visit.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the development on the character and appearance of the area and the dwelling;

- the effect of the outbuilding and air conditioning units on the living conditions of existing occupiers, in respect of noise and disturbance;
- the effect of the climbing frame on the living conditions of existing occupiers in respect of privacy.

Reasons

Green Belt

4. The site is located within the Green Belt where policy LP34 of the Redbridge Local Plan 2015-2030 (LP) states that the Council will protect designated Green Belt and Metropolitan Open Land and resist new development regarded as inappropriate within the National Planning Policy Framework (the Framework).
5. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145.
6. The exception that has been brought to my attention by the Council is that the proposed development would represent the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and they have concluded that the development is not inappropriate within the Green Belt under Framework paragraph 145 c).
7. The development as a whole is ancillary to the existing dwelling in its design, as well as in its proposed function. Whilst the development is clearly visible from within the garden and there are some limited views from outside of the site this is within the context of surrounding residential development and the outbuilding is not disproportionately or excessively bulky in relation to the dwelling.
8. Taking into account the proximity of the climbing frame and outbuilding to the existing dwelling and its use for domestic purposes and the minor scale of the air conditioning units, I am satisfied that the development would represent an exception under Framework paragraph 145 c). The development does not result in disproportionate additions over and above the size of the original building and consequently is not inappropriate development in the Green Belt and accords with policy LP34 of the LP.

Character and appearance

9. 46 Five Oaks Lane is a two storey detached dwelling, within a residential housing estate. The garden is a triangular shape which is bordered by the gardens of neighbouring properties and enclosed by close boarded fencing. The appellant has constructed an outbuilding and climbing frame within their garden, together they cover the majority of the existing garden.
10. The climbing frame comprises a swing set, slide and tower. It extends to approximately 3.2m in height and the top of the tower is visible above the existing fence. Neighbouring properties comprise similar garden play equipment which are regularly found in residential gardens and these are

visible from both the appeal site and from the parking area which lies immediately adjacent to the appeal site.

11. Whilst the climbing frame would be visible from the parking area, I do not consider that this would be detrimental to views of the appeal site and the area, which are part of rear gardens. In addition, the wider views from within the estate are softened by the presence of the woodland adjacent to the development. In conclusion, the introduction of the climbing frame would not be detrimental to the character and appearance of the area as it is typical of the type of structure that is associated with the use of a domestic garden.
12. The outbuilding fills the depth of the plot directly behind the double garage which is attached to the appeal site, but serves other properties within the estate. However, noting the awkward shape of the garden the footprint of the building has maximised the space available without creating unusable areas of garden. The single storey building has a lightweight appearance with glazing to the elevation fronting the garden which limits its overall bulk and scale when viewed from within the garden.
13. The building accords with the Housing Design Supplementary Planning Guidance (SPD) which requires outbuildings to be appropriately located with a footprint size subordinate to the original footprint of the house and original garden. It also requires proposals to not result in any impact on the open character of the garden or surrounding area.
14. There are limited views of the building from outside of the site, with only the roof lanterns being visible over the boundary fence adjacent to the parking area. The building is screened from the frontage of the site by the existing garages of the adjoining properties. Therefore, any glimpsed views of the outbuilding would be read in context with the neighbouring residential development and will not detract from the overall character of this part of Five Oaks Lane.
15. The two air conditioning units are of modest proportions and positioned on the side of the building just below the top of the garage roof. Having regard to their overall size and position they are subservient to the host dwelling and not obtrusive within the street scene.
16. I therefore conclude that the proposal would not harm the character and appearance of the surrounding area. The development would therefore accord with policies LP26 and LP30 of the LP which together promote high quality design and require development to be subordinate to the existing building in terms of size, scale and height and maintain the appearance of the locality or street scene.

Noise and Disturbance

17. The appellant does not seek planning permission for a business use of the outbuilding, which it states is ancillary to the domestic occupation of the dwelling. Therefore, I have considered the appeal on this basis. At the time of my visit the building was laid out in part as an office and consulting room for use by the appellant when they are working from home, as well as providing additional living space for use by the family.
18. There is no information to show that the effects of noise from the use of the building would be in excess of normally accepted conditions, or that there

would be a noticeable increase in overall ambient or specific levels. In addition, there is nothing within the evidence to suggest that the ancillary use of the outbuilding would generate a significant amount of additional comings and goings which would lead to an increase in noise and disturbance to the surrounding area, or an unacceptable level of increased vehicle activity.

19. The air conditioning units are sited on the side elevation of the dwelling and face onto the roof of the attached double garage and this provides a degree of separation to the nearest habitable dwelling. Whilst, no technical details have been provided of the existing air conditioning units, I have not been made aware that the existing units have caused any significant noise disturbance to existing residents. However, in order to ensure the living conditions of nearby residents are protected, I have imposed a condition restricting noise levels from the units to an acceptable level.
20. I conclude that the effects of the proposal on the living conditions of the occupants of surrounding properties would be acceptable in respect of noise and disturbance. There would be no conflict with policies LP26 and LP24 of the LP which seek to ensure that development does not result in an adverse impact in relation to noise and vibration.
21. The Council's decision notice refers to Policy LP17 of the LP. However, this deals with delivering community infrastructure, including health facilities. However, as I have dealt with the appeal on the basis of an ancillary outbuilding it is not relevant to this main issue.

Existing Occupiers – Privacy

22. The climbing frame is positioned close to the boundary of the site and adjacent to neighbouring gardens and includes a raised platform which is enclosed by timber slats, which would to an extent restrict views towards the neighbouring properties. The design of the climbing frame is intended for children and given the limited size of the platform and the age of the likely users any overlooking would be fleeting and limited to when it was in use.
23. Furthermore, these areas already experience a degree of mutual overlooking from the existing first floor windows in the appeal site, as well as the other windows within the neighbouring properties. Therefore, taking into account the scale of the climbing frame, its intended users and the level of privacy currently afforded to the garden areas of neighbouring properties, I conclude the development would not detract from the ability of the adjoining residents to enjoy their properties, in particular their private gardens.
24. The development would accord with policy LP26 of the LP which ensures that development does not result in an adverse impact upon the amenity of the neighbouring occupiers in relation to overlooking and privacy.

Conditions

25. I have attached a plans condition as this provides certainty. I have also added a condition to ensure that the use of the outbuilding is ancillary to the residential use of 46 Five Oaks Lane to ensure that the outbuilding will remain solely for domestic purposes, having regard to the buildings position close to other residential uses. A condition limiting noise from the air conditioning units is necessary to safeguard the living conditions of neighbouring occupiers.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR