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# Appeal Decision

Site visit made on 7 March 2022

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 March 2022**

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**Appeal Ref: APP/W5780/D/21/3279149**

**5 Ellesmere Gardens, Ilford, IG4 5DA**

- 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 Mrs Tara Patel against the decision of London Borough of Redbridge.
  - The application Ref 1981/21, dated 10 May 2021, was refused by notice dated 29 June 2021.
  - The development proposed is a detached rear outbuilding.
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## Decision

1. The appeal is allowed, and planning permission is granted for a detached rear outbuilding at 5 Ellesmere Gardens, Ilford, IG4 5DA in accordance with the terms of the application, Ref 1981/21, dated 10 May 2021 subject to the following conditions:
  - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: NHA-0066-PL-001, NHA-0066-PL-002.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
  - 4) The building hereby permitted shall not be brought into use until the side-facing windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing and any means of opening shall be submitted to and approved in writing by the local planning authority before the windows are installed. Once installed the windows shall be retained as such thereafter.

## Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.

3. A second reason for refusal related to the effect of the proposal on tree coverage in the Borough. However, at the time of my site visit, there were no large third-party trees close to the site of the proposed development as referred to in the decision notice. There was, however, a large pile of woodchips. As such, I have proceeded on the basis that this reason for refusal no longer applies.

## **Main Issues**

4. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of occupiers of neighbouring properties with specific regard to visual amenity.

## **Reasons**

### *Character and appearance*

5. The appeal site is an end of terrace property in a residential area with a variety of roof-forms, gabled and hipped, which backs onto a parking court accessed from a different nearby road. That parking court, which forms the built context to the location for the proposed outbuilding has a number of flat-roofed garages. The Council notes that a number of outbuildings have been approved nearby, albeit not as tall as the appeal proposal.
6. The proposed outbuilding would be taller than the surrounding garages, and the roof would have a different form. Despite that, I do not consider that it would be so different, particularly given the mixed appearance of its surroundings that it would harm the character and appearance of the area.
7. I note the concerns from the Council about the scale of the proposal, particularly its footprint, relative to that of the main house. Whilst I do not dispute the measurements provided, having had regard to the overall size of the site, the gap which would remain between the host property and the proposed outbuilding, I am satisfied that the scale would not be disproportionate or appear otherwise unacceptable.
8. Similarly, whilst the proposal would be visible from neighbouring properties, given the backdrop to it from those views, being an existing parking court with existing garages and other dwellings in different styles, character and appearance beyond, I do not find that it would be unacceptable.
9. Overall, I therefore find that the proposal would not harm the character and appearance of the area, as its position, footprint, bulk and scale would not be intrusive. The proposal would not therefore conflict with Policy LP26 of the Redbridge Local Plan (the Local Plan), which amongst other things, seeks to promote high quality design and development that has regard to the form, style, massing, scale, character and appearance of the surrounding area.

### *Living conditions*

10. I acknowledge the concerns of the Council of the effect of the proposal on the visual amenity of neighbouring properties. However, the outbuilding is proposed to be at the end of the garden, not adjacent to the habitable rooms or windows of any neighbouring properties. Whilst the proposal would be visible from neighbouring properties, as I have set out above in relation to character and appearance, given the existing mixed appearance of the site and its

surroundings, I do not consider that the proposal simply being visible would in itself be harmful or unacceptable.

11. Turning specifically to the depth of the proposal along common boundaries, I note the orientation of the building and its roof layout, which reduces the scale immediately adjacent to those common boundaries.
12. The Council has suggested that the two side-facing windows be fixed shut and obscurely glazed to protect the privacy of occupiers of neighbouring properties. Although the windows are high-level and would look towards the end of the neighbouring garden, I agree that such a condition would be appropriate and have imposed it above.
13. I therefore find that the proposal would not harm the living conditions of occupiers of neighbouring properties with specific regard to visual amenity. It would therefore not conflict with Policy LP26 of the Local Plan which seeks, amongst other things, to ensure that development does not result in adverse impact on the amenity of neighbouring properties.

### **Conditions**

14. The Council has suggested a number of conditions to be attached, should planning permission be granted. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1), requiring compliance with the submitted plans (2) and requiring the use of matching materials (3), in order to ensure the satisfactory appearance of the completed development.
15. The Council also requested a condition requiring the side-facing windows be obscurely-glazed and fixed-shut. I am satisfied that such a condition would be reasonable and necessary to protect the privacy and amenity of occupiers of the neighbouring property.
16. I am therefore satisfied that the conditions I have imposed meet the tests in, and requirements of both the Framework and the Planning Practice Guidance.

### **Conclusion**

17. For the reasons given above I conclude that the proposal accords with the development plan as a whole and there are no material considerations which indicate that a decision be taken other than in accordance with it.
18. The appeal should therefore be allowed, and planning permission granted.

*S Dean*

INSPECTOR