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## Appeal Decisions

Site visit made on 24 January 2023

**by Felicity Thompson BA(Hons) MCD MRTPI**

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

**Decision date: 15 February 2023**

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**Appeal A Ref: APP/Z5060/C/21/3286372**

**Appeal B Ref: APP/Z5060/C/21/3286373**

**Land and premises at 19 Tenby Road, Chadwell Heath, Romford RM6 6NB**

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended.
  - Appeal A is made by Mr Martin Parris against an enforcement notice issued by the Council of the London Borough of Barking and Dagenham.
  - Appeal B is made by Mrs Natasha Parris against an enforcement notice issued by the Council of the London Borough of Barking and Dagenham.
  - The notice was issued on 12 October 2021.
  - The breach of planning control as alleged in the notice is without planning permission, the unauthorised erection of an outbuilding located in the rear garden.
  - The requirements of the notice are:
    - Remove the unauthorised outbuilding in its entirety.
    - Remove all subsequent waste material from the premises.
  - The period for compliance with the requirements is three months.
  - Appeal A is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.
  - Appeal B is proceeding on the grounds set out in section 174(2)(f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act have lapsed.
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### Decision

1. Appeal A is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an outbuilding at 19 Tenby Road, Chadwell Heath, Romford RM6 6NB as shown on the plan attached to the notice.
2. The appeals on ground (f) do not need to be considered.

### Appeal A on ground (a) and the deemed planning application

3. The main issue is the effect of the outbuilding on the living conditions of the occupiers of neighbouring houses with particular regard to outlook.
4. The outbuilding is located in the rear garden of 19 Tenby Road, a semi-detached house located on a residential street.
5. The outbuilding is located at the end of the garden and occupies almost the entire width. It is around the same overall height as that outbuilding in the garden of the neighbouring 21 Tenby Road and follows a similar front building line. Accordingly, since those gardens have the same ground level, there is no harmful overbearing impact on the outlook from within the garden at No.21.

6. The garden of 17 Tenby Road is situated at a lower ground level and has an outbuilding which is set further back at the end of their garden. Consequently, the outbuilding, subject of the appeal, is visible from the garden and within the outbuilding at No.17.
7. However, outlook from the garden and within the outbuilding would already be limited to some extent by the relatively tall boundary fence. Whilst the outbuilding projects above the boundary fence by a reasonable amount, it does not extend along the entire length of the boundary.
8. Consequently, although the outbuilding will be seen from the house and garden at No.17, given its distance from the rear of the house and as views from the garden are otherwise largely unobstructed, I find there is no materially harmful overbearing impact on the outlook from within either the house or garden.
9. Accordingly, I find there is no conflict with Policies BP8 and BP11 of the Council's Borough Wide Development Policies Development Plan Document Adopted March 2011. Together these require development not to lead to loss of outlook and maintain residential amenity. There is also no conflict with the Council's Residential Extensions and Alterations Supplementary Planning Document Adopted February 2012.

#### *Conditions*

10. The Council has not suggested, nor do I consider any conditions are necessary since the outbuilding is complete.

#### **Conclusion**

11. For the reasons given above, I conclude that Appeal A succeeds on ground (a). I shall grant planning permission for the outbuilding as described in the notice.
12. The appeals on ground (f) do not therefore fall to be considered.

*Felicity Thompson*

INSPECTOR