



Appeal Decision

Site visit made on 14 June 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 30 June 2023

Appeal Ref: APP/W5780/D/22/3305964

12 Avondale Crescent, Ilford IG4 5JB

- 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 S Shaikh against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2083/22 dated 18 June 2022 was refused by notice dated 5 August 2022.
 - The development proposed is to retain the kitchenette within single storey outbuilding
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Decision

1. The appeal is allowed and planning permission is granted to retain the kitchenette within single storey outbuilding at 12 Avondale Crescent, Ilford IG4 5JB, in accordance with the terms of the application Ref 2083/22 dated 18 June 2022 subject to the following condition:
 - 1) The outbuilding as approved shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 12 Avondale Crescent, Ilford IG4 5JB

Main Issues

2. The main issues are the effect of the proposed development on: the character and appearance of the area; and the living conditions of future and neighbouring occupiers.

Reasons

Character and appearance

3. The site comprises a detached single storey outbuilding in the rear garden of No. 12 Avondale Crescent, erected under planning permission 4424/19. It contains a shower room and lounge/ games room, which the Council acknowledges are similar in layout to the development approved under permission 4424/19. However, a kitchenette has also been installed, which did not form part of the approved development. The proposal relates to the retention of this kitchenette.
4. The Council states that the presence of both a kitchenette and shower room at the outbuilding would facilitate its conversion to a self-contained unit, which would be harmful to the character of the area. It cites an enforcement case that found such a change of use to have taken place, and claims the outbuilding is currently tenanted.
5. Little substantive information of any rental arrangement or the enforcement case has been provided. In any event, that case concerned the residential use of the building separately from the host property. I must assess the proposal on its own

merits as it appears before me, i.e. the retention of a kitchenette in the outbuilding. While this may result in the outbuilding having the types of facilities likely required for separate accommodation, that is not the scheme before me. Even acknowledging concerns regarding independent occupation, it remains that the proposal is not for a self-contained residential use in a separate planning unit.

6. The outbuilding is located in the rear garden of No. 12 Avondale Crescent, with habitable windows at No. 12 providing clear and direct views of it. It is subservient in scale to the main dwelling, with no independent access road or footpath, and the facilities provided, even as a result of the proposal, remain basic and limited. Overall, the outbuilding reads as incidental to the main dwelling, with a strong visual and functional link between the two.
7. The retention of the kitchenette would not in itself result in the outbuilding having either a dominant or separate use at the site. Due to its positioning and clear relationship with the main dwelling, it would remain ancillary and incidental to the residential use of the site. In addition, an appropriate condition could ensure such a link between the outbuilding and main property at No. 12, providing clarity that it would not become a separate dwelling, even with the kitchenette in place.
8. With regard to the wider character and appearance, the outbuilding is experienced alongside a similar building in the neighbouring rear garden of No. 14 Avondale Crescent. This building is similar in scale and external appearance to the outbuilding, leaving a comparable area of external space at the site free from built form. In this context, and given that the outbuilding would remain incidental to the use of the main dwelling with no subdivision of the site or external changes as a result of the proposal, the proposal itself would not create a form of development that would read as cramped or out of place.
9. For the reasons given, the proposal would not result in harm to the character and appearance of the area. In this regard there would be no conflict with Policies LP7 and LP26 of the Redbridge Local Plan 2015-2030 (2018) (the Local Plan), and Policy D3 of the London Plan 2021 (the London Plan) insofar as they seek to resist the use of outbuildings in gardens as separate living or sleeping accommodation and to ensure development of good design that respects local character and has regard to the surrounding area.

Living conditions

10. The outbuilding has an internal floorspace of 21.85sqm, and a headspace of 2.0m, with no independent amenity space. This does not meet the standards of Policy D6 of the London Plan or Policy LP29 of the Local Plan for a studio or one-bedroom, one-person dwelling. However, as outlined above, the proposal would not create a separate dwelling. The outbuilding would continue to be used in conjunction with the main dwelling at No. 12, sharing its facilities, and floorspace.
11. Even with the kitchenette, the outbuilding would not be occupied independently, but would be used for purposes incidental to the main dwelling. As such, it would not result in the rear habitable rooms or garden of No. 12 being overlooked by a separate dwelling space. Its incidental use would also prevent levels of light, noise, and activity of a nature that would be unsuitable at the site or that would cause harm to the living conditions of occupiers of the main dwelling or neighbouring properties.

12. On this basis, there would be no harm to living conditions as a result of the proposal. As such, there would be no conflict with Policies LP26 and LP29 of the Local Plan and Policies D3 and D6 of the London Plan insofar as they seek to ensure development provides appropriate levels of internal and external space and has no adverse impact on the amenity of neighbouring occupiers.

Other Matters

13. Interested parties have raised concerns regarding the maintenance of the site and the position of the outbuilding relative to neighbouring boundaries. However, no alterations are proposed in this regard, with the external appearance and location of the outbuilding remaining as previously approved. As such, these concerns attract little weight.

Conditions

14. As the development has already been carried out the standard time limit condition as well as a condition relating to approved plans are not necessary. While the Council has stated that information on refuse and cycle storage could be the subject of a condition if planning permission were granted, given the incidental use of the outbuilding, which would share such facilities of the main dwelling, this is not necessary.
15. For the reasons given, a condition to ensure that the building remains incidental to the main dwelling is necessary for the avoidance of doubt. I have sought parties' comments on this and have taken responses into account.

Conclusion

16. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the condition at paragraph 1 of this decision.

C Rafferty

INSPECTOR