



Appeal Decisions

Site visit made on 9 August 2023

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal A Ref: APP/W5780/C/22/3291320

Appeal B Ref: APP/W5780/C/22/3291321

Land at, 7 Katherine Gardens, Hainault, Ilford, IG6 2LF

- Appeal A is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Oleg Leu against an enforcement notice issued by London Borough of Redbridge.
 - Appeal B is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Ms Viorica Leu against the same enforcement notice issued by London Borough of Redbridge.
 - The notice was issued on 16 December 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of an unlawful single storey rear extension that extends 4.2 metres to the rear with approximate maximum height of 3.8 metres and eaves height of 3.6 metres, as measured from natural ground level.
 - The requirements of the notice are to:
 - i. Remove the single storey rear ground floor extension in its entirety; and
 - ii. Clear all debris arising from [the] above requirements.
 - The period for compliance with the requirements is six 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. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - Appeal B is proceeding on the ground 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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Decisions

Appeal A

1. It is directed that the enforcement notice is corrected by deleting the words 'an unlawful' in section 3 and substituting with 'a'.
2. Subject to the correction, 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 the erection of a single storey rear extension that extends 4.2 metres to the rear with approximate maximum height of 3.8 metres and eaves height of 3.6 metres, as measured from natural ground level at Land at 7 Katherine Gardens, Hainault, Ilford, IG6 2LF, as shown on the plan attached to the notice.

Appeal B

3. Appeal B does not fall to be considered.

Preliminary Matters

4. The alleged development refers to 'an unlawful single storey rear extension...'. As I am allowing Appeal A on ground (a), retaining the matters as stated would be contradictory and misleading. I will therefore correct the notice by deleting the unlawful reference, under the powers transferred to me by s176(1)(a) of the 1990 Act. I am satisfied that I am able to do so without injustice to any party.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of No 5 Katherine Gardens, with particular reference to outlook and light.

Reasons

6. The alleged breach of planning control relates to a single storey extension to the rear of the two storey, semi-detached appeal dwelling.
7. The Council's main reason for issuing the enforcement notice is that the rear extension has, through its height and positioning along the property boundary, adversely affected the neighbouring property at No 5 and caused loss of light to and outlook from the nearest ground floor rear window and rear patio area.
8. Based on the Council's site visit photographs I would not disagree with that assessment. However, since those photographs were taken, No 5 has been extended at ground floor level to a similar depth to No 7, replacing the pre-existing patio in that location. Consequently, there is no loss of light or outlook from the patio doors at No 5 as they are now roughly in the same plane as the back wall of the extension of No 7. Moreover, there is no patio to be subjected to those harms.
9. It follows that I do not find unacceptable harm to the living conditions of the occupants of No 5 or conflict with Redbridge Local Plan 2015 - 2030 (March 2018) Policies LP26 or LP30. Those policies state, amongst other things, that the Council will support householder development that maintains an acceptable outlook from surrounding dwellings and avoids adverse impacts on sunlight/daylight.

Conditions

10. The Council does not suggest any conditions are imposed and I consider none are necessary.

Conclusion

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

Richard S Jones

INSPECTOR