



Appeal Decision

Site visit made on 9 October 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/W5780/D/23/3325158

8 Cavendish Gardens, Cranbrook, Redbridge, Ilford, IG1 3EA

- 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 Mr I Wahid, against the decision of the Council of the London Borough of Redbridge.
- The application Ref 0850/23, dated 24 March 2023, was refused by notice dated 25 May 2023.
- The development proposed is the removal of flat roof construction to existing rear outbuilding and construction of new part pitched part flat roof.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the appeal property and surrounding area; and
 - The effect of the proposal on the living conditions of neighbouring properties 6 and 10 Cavendish Gardens in terms of outlook.

Reasons

Character and appearance

2. The application site is located on Cavendish Gardens, a residential street of traditional, two storey terraced houses. The appeal property is at the end of a short terrace and has a side access to the rear garden. The main house has been significantly extended to the rear and a large proportion of the remaining garden area is taken up by a flat roofed outbuilding that extends across the entire width of the rear garden. The outbuilding is ancillary to the appeal property and is used as a gym, sauna, shower and spa. The building is on a lower ground level than the remaining garden area, with a step descending to the entrance.
3. The proposed development includes the formation of a pitched roof over the front part of the existing outbuilding, to allow for a first floor storage area. The remaining roof, to the rear, would be flat. In order to accommodate the height of the proposed first floor area the pitch of the roof would be steep and would significantly increase the height of the building. When viewed from the rear garden, due to the close proximity to the rear of the dwelling, the outbuilding would appear overly dominant and top heavy. When viewed from the rear gardens of neighbouring properties in Cavendish Gardens

the mix of roof types would appear discordant in terms of scale. The ridge height of the pitched section would be considerably higher than other outbuildings in the vicinity and would be overly prominent when viewed from neighbouring properties.

4. It is acknowledged that other properties within the area have ancillary buildings that include pitched roofs. However, these buildings are of a smaller scale and the pitched roofs are shallower and lower.
5. An appeal for the formation of a pitched roof over the entire outbuilding was dismissed in 2020¹. I understand that in proposing to form a pitched roof over only part of the roof the appellant is aiming to resolve the concerns raised by the inspector. However, based on the evidence before me, the ridge height of the proposed pitched section would be 4.8m which would be 0.8m higher than the ridge height of the previous appeal proposal. This increased height and the steep pitch of the proposed roof fails to suitably address the concerns raised by the previous inspector in terms of character and appearance.
6. For the reasons detailed above I conclude that the proposal would have a harmful impact on the character and appearance of the appeal property and surrounding area. As such the proposal would conflict with Policies LP26 and LP30 of the Redbridge Local Plan where these policies require high quality design that respects local character.

Living conditions

7. The rear garden is bound by high close boarded timber fencing. The neighbouring properties on either side, 6 and 10 Cavendish Gardens, have long rear gardens. The rear garden of 6 Cavendish is largely undeveloped and number 10 Cavendish Gardens has a relatively modest pitched roof garden across the width of the rear boundary.
8. It is acknowledged that the existing fencing already results in a certain degree of enclosure. However, despite being at a slightly lower ground level the proposed pitched roof would be significantly higher than the existing fence. As the building is directly adjacent to the boundary with both neighbouring properties the impact of the increased height would be particularly apparent. It would, therefore have an overbearing effect on the use of the neighbouring gardens. While 10 Cavendish Gardens has an outbuilding as existing the proposed pitched roof would be forward of the building line of this outbuilding. Therefore, the existing development within the garden of this neighbouring property would not reduce the impact of the proposal.
9. Both neighbouring properties have relatively long narrow rear gardens. However, the outbuilding extends along a large proportion of the boundary with the neighbour to either side. As such length of the rear gardens of both neighbouring properties is not sufficient to ameliorate the harm I have identified.
10. In terms of the previous appeal proposal on the site it is acknowledged that the proposed design would result in a narrower gable on the pitched section of the roof. However, as detailed above, the height and pitch of the proposed roof is such that the appeal proposal does not overcome the concerns raised by the

¹ APP/W5780/D/20/3258416

previous Inspector, specifically, in relation to the living conditions of the occupants of 6 Cavendish Gardens.

11. I therefore conclude that the proposal would have a harmful effect on the living conditions of neighbouring properties 6 and 10 Cavendish Gardens in terms of outlook. As such the proposal would conflict with Policies LP26 and LP30 of the Redbridge Local Plan where these policies require development to not have an adverse impact upon the amenity of neighbouring occupiers.

Other Matters

12. The proposed development would not result in an increase of potential overlooking and loss of privacy of the occupants of neighbouring properties. However, the absence of harm in these respects is a neutral factor and does not outweigh the harm I have identified.
13. I acknowledge the wishes of the appellant to create additional storage space and that making sustainable and effective use of an existing dwelling is an objective which is encouraged by the Framework in Section 11 and that this national policy objective supports the principle of extending existing houses. However, paragraph 122 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting and in the following section at paragraph 127 the Framework requires development to create places with a high standard of amenity for existing and future users.
14. I am not therefore persuaded that either sustainable and effective use of the dwelling or the personal circumstances of the appellant outweigh the harm to the character and appearance and living conditions as a result of the proposal or justify an exception to policies and guidance in this case.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

C Livingstone

INSPECTOR