
Appeal Decision

Site visit made on 10 February 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2024

Appeal Ref: APP/W5780/D/23/3332154

1 Priestley Gardens, Chadwell Heath, Redbridge, Romford RM6 4SP

- 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 Mohammed Shabir against the decision of the London Borough of Redbridge Council.
 - The application Ref 2561/23, dated 31 August 2023, was refused by notice dated 6 October 2023.
 - The development proposed is described as 'retrospective application for the existing outbuilding.'
-

Decision

1. The appeal is allowed and planning permission is granted for the existing outbuilding at 1 Priestley Gardens, Chadwell Heath, Redbridge, Romford RM6 4SP in accordance with the terms of the application, Ref 2561/23, dated 31 August 2023, subject to the following condition:
 - 1) The development hereby permitted is based upon with the following approved plans: 210206/L/100, 210206/L/101, 210206/L/102, 210206/L/103, 210206/L/104, 210206/L/105, 210206/L/106 and 210206/L/107.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the character and appearance of the surrounding area, and its impact on the living conditions of nearby neighbouring occupiers of Nos 78 and 80 Barley Lane and Nos 4 and 6 Langham Drive.

Reasons

3. A 'Certificate of Lawfulness – Proposed' was issued for the erection of a detached outbuilding in the rear corner of the appeal site garden. An outbuilding has been constructed in the same location. However, it differs from the lawful scheme because the structure is some 1.7m taller than the lawful scheme and the roof has a hipped 'tabletop' design, rather than a low-pitched roof. The appeal proposal seeks to regularise this outbuilding.
4. It is not disputed that the footprints of the lawful outbuilding and the appeal outbuilding are the same. Within this context it is necessary to consider the effects of the additional height and the amended roof design on the character of the surrounding area and on the living conditions of neighbouring occupiers.

5. As a structure of the identical footprint could lawfully be built, in my judgement the effect of both structures on the open character of the garden area would be the same. Furthermore, the garden is large and a sufficiently sized usable area remains. Various types of garden structures are commonly found in back gardens and the proposal is not out of place in this regard. There is no convincing evidence to indicate that there is any other harm to local character or to the pattern of development. In the specific circumstances of this appeal, there is no conflict with the Council's Housing Design SPD (2019) (SPD) which requires that outbuildings do not impact on the open character of gardens or surrounding areas.
6. The appeal site is a corner plot bounded by properties on Barley Lane and Langham Drive. The outbuilding is set in from both boundaries and is screened to varying degrees by shrubs in the gardens of the appellant and the neighbouring properties. Overall, the building is bulkier than the lawful proposal, due to its roof height and design. However, I have considered the distances between it and the neighbouring properties, including their sitting out areas nearest the houses, and the changes in ground levels.
7. In my judgement, the distances are sufficient to overcome any concerns about unneighbourly visual impacts and there is no overbearing effect on neighbouring occupiers. This conclusion is supported by the appellant's evidence based on the Building Research Establishment document 'Site Layout Planning for Daylight and Sunlight: A guide to good practice.' The submitted analysis indicates that there would be no unacceptable overshadowing or loss of daylight or sunlight. Additionally, the boundary planting further softens any views of the structure.
8. Therefore, having regard to the design, scale and height of the detached outbuilding and its position in relation to the site boundaries, I conclude that the appeal proposal does not amount to a visually intrusive or unneighbourly development and does not unacceptably impact on the outlook of the occupiers of Nos 78 and 80 Barley Lane and Nos 4 and 6 Langham Drive. For these reasons, the proposal does not conflict with Policies LP26 and LP30 of the Redbridge Local Plan (2018) and the broad aims of the SPD.
9. Neighbouring occupiers have raised concerns about the residential occupation of the outbuilding. However, the appeal proposal is for a use ancillary to the host dwelling. Concerns about its use for other purposes would be more appropriately addressed by the Council.
10. Having regard to all other matters raised, the appeal is allowed. As the development has already been completed, the standard pre-commencement conditions are unnecessary. I have included a condition identifying the approved drawings for the avoidance of doubt and in the interests of proper planning.

Elaine Benson

INSPECTOR