



Appeal Decision

Site visit made on 8 October 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 21 October 2024

Appeal Ref: APP/W5780/D/24/3343862

31-32 Aldborough Road North, Ilford IG2 7SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Patel against the decision of the London Borough of Redbridge.
 - The application Ref. is 0226/24.
 - The development proposed is "detached rear outbuilding for use as a granny annexe for ancillary use to the main dwelling house and alteration to the existing outbuilding roof along with Garage Conversion."
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the appeal site address from the appellant's Planning Application Form but I have noted that the address/appeal site is also described as 31 and 32 Spearpoint Gardens, Aldborough Road North, in the Decision Notice and elsewhere in the documentation. Nothing material turns on this.

Main Issues

3. The main issues in the appeal are the effect of the proposal on the character of the area having particular regard to policies LP26 (Promoting High Quality Design) and LP7 (Back Gardens) of the Redbridge Local Plan 2015-2030, and the effect on the living conditions of immediate neighbours in relation to noise and disturbance.

Reasons

Character of the Area

4. The appeal site is located on the east side of Aldborough Road North and comprises two properties, 31 and 32. Each property is an end-of-terrace, two storey dwelling. There are two single attached garages on the site, access to which is obtained via one driveway between the dwellings.
5. Whilst the appeal site comprises two dwellings, at the time of my site visit, no.31 had its own small private amenity area to its immediate rear and the remainder of its rear eastern area was part of the garden area to no.32.
6. No.30 adjoins no.31 to its south and no.33 adjoins no.32 to its north.

7. There is an existing outbuilding at the rear (eastern side) of the gardens of 31 and 32 which straddles the notional boundary. It has a flat roof and three front entrances. The proposal includes building pitched roofs on the outbuilding, changing the fenestration and internal arrangement so that there are two units, each with a front entrance. Each unit would have a living/dining/kitchen space, a separate one person bedroom and a separate shower/WC room. The appellant wishes to care for elderly parents/in laws who would, it is said, be using the accommodation as annexes to the main properties. One proposed occupier suffers from ill health, lives in a different city and has had to undergo multiple treatments.
8. The proposal also includes the conversion of the garages into habitable space for use as gyms. It would involve the replacement of the garage doors with windows to the front elevation. The Council does not object to this element of the proposal and I have no reason to disagree with their assessment.
9. Policy LP7 of the Redbridge Local Plan 2015-2030 sets out that the Council will resist the use of outbuildings ordinarily used for ancillary and incidental purposes within the curtilage/garden of a dwelling as separate sleeping and living accommodation. In this proposal, whilst it is not proposed that the two units would be new dwellinghouses, they would be used as separate sleeping accommodation. They would provide cooking facilities, showering and WC facilities and a living room space, as well as a bedroom. Whilst some time could be spent in the main dwellinghouse(s), the proposed accommodation would, in my planning judgment, constitute "separate .. living accommodation" as well as separate sleeping accommodation contrary to policy LP7. Having separate sleeping accommodation and what is tantamount to separate living accommodation in the rear garden fails to integrate well with the surrounding area or respect or reinforce the character and grain of the area. Nor does it reflect the existing pattern of development in the area.
10. On this issue, I conclude that the proposed development would cause unacceptable harm to the character of the area and would be contrary to policies LP7 and LP26 of the Redbridge Local Plan 2015-2030.

Living conditions for neighbours

11. The area is residential and there are two storey terraced houses immediately to the north and south of the appeal site. These are nos 33 and 30 Aldborough Road North and they each have a rear garden adjacent to the rear areas of the appeal site.
12. Access to the proposed annexes as shown on the proposed block plan would be via the front entrances to 32 and 31 Aldborough Road North and on through those houses and rear gardens. Whilst there is proposed to be only a two occupier increase at the appeal site, the comings and goings through the rear garden(s) could be considerable with lights going on and off in the garden in the hours of darkness and doors opening and shutting as the main houses and annexes are used. There is also the potential for cooking odours from the annexes to interfere with the reasonable enjoyment of the use of rear gardens of nos 30 and 33. Owing to the close proximity of the rear gardens of immediate neighbours, I consider that the enjoyment of those gardens by the occupiers would suffer from unacceptable noise and disturbance. I have borne in mind the lack of objection to the planning application/appeal from neighbours

but I am obliged to consider objectively the living conditions for future, as well as existing, neighbours.

13. On this issue, I therefore conclude that the proposed development would result in unacceptable living conditions for occupants at 30 and 33 Aldborough Road North by reason of noise and disturbance. This would be contrary to policy LP26(I) of the Redbridge Local Plan 2015-2030.

Other Considerations

14. I have borne in mind the particular personal circumstances of the appellant and the age, infirmity, mobility problems and/or ill health of proposed occupants of the annexes but whilst I have considerable sympathy for those dealing with these challenges, they do not outweigh the harm I have identified above.
15. The appellant has noted two "previous cases" in his Appeal Statement which are said to have "demonstrated that outbuildings have been deemed acceptable as Granny Annexes, even when not physically connected to the host property." No other details are supplied. I have taken note of this but, nevertheless, I have determined this appeal on the basis of its own individual merits and circumstances, as I am obliged to do. In this case, I have concluded that there would be unacceptable harms if the development was to proceed.

Conclusion

16. Having considered all relevant representations including those in the Supporting Letter/Appeal Statement, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR