



Appeal Decisions

Site visit made on 21 May 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal A: Ref APP/W5780/C/23/3325970

Land at 129 Coventry Road, Ilford shown edged red on the plan attached to the notice

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Samina Shah against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The enforcement notice was issued on 15 June 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the extension of the outbuilding and material change of use of the outbuilding to self-contained units of accommodation.
 - The requirements of the notice are to:
 - (i) Demolish the extension to the outbuilding in its entirety; and
 - (ii) Cease the unauthorised use; and
 - (iii) Remove all access partitions, fixtures and fittings so that it is ancillary in use; and
 - (iv) Clear all resultant debris.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) (b) (d) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Appeal B: Ref APP/W5780/W/23/3324643

Ground Floor Flat, 129 Coventry Road, Ilford, Redbridge IG1 4QX

- 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 Ms Samina Shah against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 4015/22, dated 19 December 2022, was refused by notice dated 19 April 2023.
 - The development proposed is retention of extension to existing outbuilding as ancillary to the Ground floor flat, 129 Coventry Road, Ilford, Essex IG1 4QX.
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Decisions

1. Appeal A is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.
2. Appeal B is dismissed.

Procedural Matter

3. The Council determined the planning application as if it were also an application for a material change of use (as alleged in the notice). However, in dealing with Appeal B, I will determine it on the basis of the consent actually sought.

Appeal A ground (b)

4. For an appeal to be successful on this ground, the burden of proof is upon the appellant to demonstrate on the balance of probabilities that matters stated in the notice have not occurred as a matter of fact.
5. The appellant says that the extended outbuilding is used ancillary to the ground floor flat and has not been used as self-contained units of accommodation as alleged in the notice. However, very limited evidence has been submitted to support that case and I note eye witness accounts of neighbours who state they have observed the contrary. I place significant weight on that evidence given that the extended outbuilding has been fitted out as 2 self-contained units each with a kitchen and a shower room/WC, so providing the facilities required for day-to-day private domestic existence.
6. The appellant accepts that the outbuilding has been extended.
7. Accordingly, I am not satisfied on the balance of probabilities that matters stated in the notice said to constitute a breach of planning control have not occurred. Ground (b) does not succeed.

Appeal A ground (d)

8. For success on this ground, the burden of proof is upon the appellant to demonstrate on the balance of probabilities that no enforcement action was possible at the date the notice was issued.
9. The appellant, while making this ground of appeal, does not really advance a serious case. While correctly stating the 4 year relevant period in which enforcement action can take place following the substantial completion of operational development¹, she says that the notice was issued before the end of the relevant period (works completed in July 2019², notice issued in June 2023).
10. Accordingly, I am not satisfied on the balance of probabilities that no enforcement action was possible on the date the notice was issued. Ground (d) does not succeed.

Appeal A ground (a) – the deemed planning application

Appeal B

Main issues

11. The main issues in the appeals are the effect of the development upon:
 - the character and appearance of the site and surrounding area (Appeals A and B);
 - the living conditions of neighbours particularly as regards noise and disturbance from comings and goings and vehicles (Appeals A and B); and
 - the living conditions of occupiers of the outbuilding (Appeal A).

¹ Section 171B(1) of the Act

² Consistent with what was declared in the refused application which is the subject of Appeal B (work completed 5 July 2019)

Character and appearance (Appeals A and B)

12. The extended outbuilding (a former pitched roof structure now conjoined with the flat-roofed more recent development) represents a mass of built form some 10m long or so at the rear of the garden. Notwithstanding examples of other significant rear developments locally, and notwithstanding the portion of the rear garden remaining, the substantial extended outbuilding is deleteriously out of keeping with the more open and verdant adjacent rear gardens on Coventry Road.
13. For these reasons, the extension of the outbuilding causes significant harm to the character and appearance of the site and surrounding area. As such it is in conflict with Policies LP7 (Appeal A) and LP26 (Appeals A and B) of the Redbridge Local Plan 2015 -2030 (March 2018) (LP) which seek to ensure high quality design and, in respect to Policy LP7, to resist the subdivision of existing housing plots and gardens to create new residential accommodation unless there is such high quality design.

Living conditions of neighbours (Appeals A and B)

14. Access to the extended outbuilding is via a path running alongside the boundary with 131 Coventry Road in a closely built development pattern of dwellings.
15. In the case of the material change of use alleged by the notice in Appeal A, the residents of 2 new households would come and go down a long section of this path between the highway and the outbuilding. This, together with likely increased vehicle movements at the front of the host property at 129 Coventry Road associated with the increased level and nature of self-contained residential occupancy at its rear, would cause increased and unacceptable noise and disturbance to the very close neighbours at 131 Coventry Road.
16. Were the extended outbuilding simply used for use ancillary to the residential enjoyment of the ground floor flat at the front of the appeal site, no comparable noise and disturbance would exist. The single household of that dwelling would access the outbuilding largely by way of a short journey from the rear of the flat to the rear of the site, and without the level of activity (and vehicle movements) which might be associated with multiple households visiting the site and coming and going along the entire length of the path near the boundary. Therefore, this issue would cause no harm as regards Appeal B.
17. As regards Appeal A, the appeal development causes significant harm to the living conditions of neighbours particularly as regards noise and disturbance from comings and goings and vehicles. As such, it is in conflict with Policies LP7 and LP26 of the LP which seek to ensure development does not result in an adverse impact upon the amenity of neighbouring occupiers and, in respect to Policy LP7, to resist the subdivision of existing housing plots and gardens to create new residential accommodation unless such impacts are avoided.

Living conditions of occupiers of the outbuilding (Appeal A)

18. Policy LP29 of the LP and Policy D6 of the London Plan (2021) require a studio/1 bedroom 1 person dwelling (with a shower room instead of a bathroom) to have a minimum Gross Internal Area (GIA) of 37m².

19. The new self-contained dwellinghouse within the extension has a GIA of 24.48m². On the basis that the appellant has said that the internal area of the outbuilding as a whole is 49m², it would appear that the internal area of the self-contained dwellinghouse within the pre-existing part of the outbuilding is similar to that which has been created within the extension. Consequently, the appeal development has created two homes which are woefully and significantly under-sized. As a result, as confirmed by my site visit, the occupiers would suffer significant harm to their living conditions through residing in a small and cramped environment with insufficient space for everyday living, circulation and for reasonable amounts of furniture and personal effects. There is also conflict with the above policies together with conflict with Policies LP7 and LP26 of the LP which together seek to ensure that minimum housing standards are met and that residential accommodation is of high quality design.

Planning conclusions

20. The development in each appeal does not accord with the development plan as a whole, and there are no other material considerations which outweigh those findings.
21. The appellant suggests that a condition might be imposed in granting planning permission, restricting use to only that which is ancillary/incidental to the use of the ground floor flat. However, that would not address the significant harm to character and appearance that the outbuilding extension causes.
22. I will accordingly not grant planning permission in respect to Appeal A or B, and ground (a) fails in respect of ground A.

Appeal A ground (f)

23. For an appeal to be successful on this ground, I must be satisfied on the balance of probabilities that the requirements of the notice are excessive in achieving its purpose.
24. It seems to me from the way the notice is drafted is that its purpose is to remedy the breach of planning control by requiring cessation of the unauthorised use and restoration of the land to its condition before the breach of planning control occurred. That is entirely legitimate and not, in my view, excessive.
25. Even were the purpose of the notice not to remedy the breach of planning control, but to remedy injury to amenity, simply requiring the unauthorised use to cease without the demolition of the unauthorised operational development would not address the significant harm to character and appearance that the outbuilding extension causes.
26. For these reasons, ground (f) does not succeed.

Appeal A ground (g)

27. For success on this ground, I must be satisfied that the 6 month compliance period set down by the notice falls short of reasonable.
28. The appellant, in essence, says that she has a large family and that without the extension to the outbuilding she would need 12 months to undertake the steps of the notice and move home as it would no longer provide enough space.

29. However, the appellant has provided very limited evidence to substantiate her case. For instance, I have been provided with no substantive details of her family or any clear justification as to why they might reasonably need more space than the ground floor flat together with the ancillary space afforded by the pre-existing outbuilding. Without such evidence and information, I can see no good reason why compliance with the notice would necessitate any loss of a home for the appellant and her family and it seems to me that 6 months is ample time to comply with all of the steps of the notice.

30. Accordingly, ground (g) does not succeed.

Conclusions

31. For the reasons given above I conclude that Appeal A should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

32. For the reasons given above I conclude that Appeal B should be dismissed.

Andrew Walker

INSPECTOR