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## Appeal Decision

Site visit made on 22 May 2025

**by M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 June 2025

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**Appeal Ref: APP/W5780/W/24/3356715**

**5 Little Heath, Chadwell Heath, Romford RM6 4XX**

- 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 Green Olive Construction Ltd against the decision of the Council of the London Borough of Redbridge.
  - The application reference is 2487/24.
  - The development proposed is the use of the rear outbuilding as a self-contained two-bedroom flat.
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### Decision

1. The appeal is dismissed.

### Preliminary and Procedural Matters

2. The proposed development was described on the planning application form as the “retention of use of rear outbuilding as a self-contained unit of accommodation”, and on the appeal form as the “retention of use of rear outbuilding as a (1 x 2 bedroom) self-contained flat. (Retrospective)”. As neither “retention” nor “retrospective” are in themselves descriptive of development I have used a slightly amended wording in the banner heading above. Nevertheless, the development for which planning permission is being sought has been carried out, and I was able to see it in place at the time of my site visit.
3. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version extant when the planning application was determined. The provisions most relevant to this appeal were not altered significantly; I am therefore satisfied that there has been no need to seek further comments on the revised Framework, and that no party’s interests have been prejudiced by my taking this approach. Where I have referred to specific paragraphs of the Framework, I have used the December 2024 numbering.

### Main Issues

4. The main issues are:
  - The effect of the use of the outbuilding as a self-contained dwelling on the character and appearance of the Little Heath Conservation Area (“the LHCA”); and
  - Whether the development provides acceptable living conditions for residents, with particular regard to the amount of internal living space, outlook, and the amount and quality of external amenity space.

## Reasons

### *Little Heath Conservation Area*

5. This appeal relates to a two-storey semi-detached property and its rear garden. A single-storey detached outbuilding has been erected at the far end of the rear garden from the main dwelling. It is a brick-faced flat-roofed structure, divided internally into two bedrooms at the rear, and a living room (with kitchen in side recess) and shower/WC at the front. At the time of my site visit, it was occupied as a self-contained dwelling. Access to the rear garden and outbuilding is by a path at the side of the main dwelling, adjacent to the boundary with No 6 Little Heath.
6. The appeal site is within the LHCA, and I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As heritage assets are irreplaceable, the Framework states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
7. The LHCA is described on the conservation area map as “an early village settlement based around a green”. The presence of the green, grass verges, and a large number of established trees, give the area a sense of openness and verdancy. The roads around the roughly triangular green follow the original settlement pattern; houses within the LHCA generally have two-storeys, and are focused on the green itself. This means that, notwithstanding the area’s gradual absorption into the expanding suburbs of Greater London, the intimate scale and rural character of the original settlement are still evident.
8. While there are other outbuildings at the rear of properties on Little Heath, the evidence before me is that they are ancillary and incidental to the main dwellings with which they are connected. In my view it would be a stretch to describe the outbuilding as a particularly sensitive or attractive addition to the area, or to suggest as the appellant has that it has responded positively to the surrounding area, but its siting at the rear of No 5 means that it has had little impact on the appearance of the LHCA. However, the use of the outbuilding as a separate and self-contained dwelling is quite at odds with the established pattern of development in the LHCA, and undermines the original settlement pattern and rural character which contribute positively to the conservation area’s significance. In the Framework’s terms the harm to the significance of the LHCA as a designated heritage asset would be less than substantial, but this would not be outweighed by the very modest public benefit of providing a small additional dwelling.
9. I conclude that the development has not preserved or enhanced the character and appearance of the LHCA. It therefore conflicts with Policies LP26 and LP33 of the 2018 Redbridge Local Plan (“the RLP”) which among other things seek high quality design which respects local character, and which conserves and enhances the character and significance of the historic environment. For the same reasons, I find conflict with the provisions of Chapter 16 of the Framework which seek to conserve and enhance the historic environment.

10. The Council's decision notice also referred to Policy LP7 of the RLP, which says that the use of outbuildings ordinarily used for ancillary purposes within a dwelling curtilage or garden as separate sleeping and living accommodation will be resisted, and only supported where (among other things) it would provide existing and future occupiers with appropriate levels of internal living space and external amenity space. My conclusion in respect of that policy is therefore dependent on my assessment of the second main issue.

#### *Living conditions*

11. Policy LP29 of the RLP and Policy D6 of the London Plan 2021 apply space standards for residential development which reflect the Nationally Described Space Standard ("the standard" or "the NDSS")<sup>1</sup>. The outbuilding has a gross internal area ("GIA") of 30m<sup>2</sup>. Policy D6 of the London Plan 2021 requires a single bedroom to have a minimum floor area of 7.5m<sup>2</sup>, and a double bedroom to have a minimum floor area of 11.5m<sup>2</sup>; the two bedrooms provided in this outbuilding each measure just over 7.3m<sup>2</sup>, so they do not even meet the standard for single bedrooms.
12. The minimum floorspace requirement for a two-bedroom dwelling by the NDSS is 61m<sup>2</sup>, though that is predicated on there being at least one double bedroom in any dwelling with two or more bedspaces. Even a dwelling with just a single bedroom for one person – which I emphasise is not what has been applied for here – is required to have a minimum GIA of 37m<sup>2</sup>. However the matter might be approached, the amount of internal living space which has been provided falls well short of what is expected and required.
13. The two windows serving the bedrooms at the rear of the outbuilding are at a high level, and immediately next to a fence separating the rear garden of No 5 from the college car park behind it; they offer next to nothing by way of outlook. The living room window on the front of the building has obscure glazing, and so also offers no useful outlook. The use of clear glass would, given the proximity of the front of the outbuilding to the rear of the main dwelling, mean that clear views would be possible from the main dwelling into the living room, with a consequent almost total lack of privacy for anyone living independently in the outbuilding. Neither of these scenarios provides, or would provide, acceptable living conditions for occupiers of the outbuilding.
14. The outbuilding is accessed from the rear garden of the main dwelling. By the Council's measurement, which the appellant has not challenged, that space measures around 50m<sup>2</sup>.
15. The minimum private amenity space requirement for a house with one or two bedrooms, set by Policy LP29 of the RLP, is 50m<sup>2</sup>. I understand that the main dwelling No 5 has three bedrooms, for which Policy LP29 requires the retention of 60m<sup>2</sup> of private outdoor amenity space. The garden space between the main dwelling and the outbuilding measures around 50m<sup>2</sup> (by the Council's assessment, which has not been challenged by the appellant) though, as it appears that it is shared by occupiers of both buildings, neither has sufficient amenity space. Furthermore, the space is overlooked and can be accessed by (indeed, *must* be accessed by) anyone entering or leaving the outbuilding, so as well as the

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<sup>1</sup> Technical housing standards – nationally described space standard, Department for Communities and Local Government 2015

quantitative shortfall, its usefulness as private amenity space is also severely limited.

16. Taking all of this together, I conclude that the development does not provide acceptable living conditions for occupiers of the outbuilding in respect of internal living space, outlook, and external private amenity space; there are also significant failings in respect of private amenity space for occupiers of the existing main dwelling No 5 Little Heath. The development therefore conflicts with Policy LP26 of the RLP, which seeks high standards of housing accommodation, and with Policy LP29 of the RLP and Policy D6 of the London Plan 2021 which apply the space standards described above. The shortcomings in respect of internal living space and external amenity space also means that there is conflict with Policy LP7 of the RLP, the requirements of which I have set out in paragraph 10 above.

### **Other Matter**

17. A Certificate of Lawfulness was issued for a rear outbuilding on the appeal site in January 2024<sup>2</sup>. The appellant suggests that “there is no dispute that the outbuilding benefits from permitted development rights” but, as it is the Council’s case that the outbuilding which has been erected (and which is the subject of this appeal) is larger than that for which the Certificate of Lawfulness was issued, there evidently is a dispute. However, that is not an issue for me to attempt to resolve here; the appeal before me relates to the use of an outbuilding as a self-contained dwelling and, as I have set out above, I have found that to not be acceptable both in terms of its effects on the LHCA and in respect of living conditions.

### **Planning Balance and Conclusion**

18. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration.
19. The Housing Delivery Test results show that in the three-years to 2022 (the most recent period for which figures are before me) the Council met approximately only 50% of its housing delivery requirements, representing a significant shortfall. In these circumstances, Paragraph 11(d) of the Framework indicates that the policies which are most important for determining the application are out-of-date, and planning permission should be granted unless “(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed”, or “(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole [...]”. Footnote 7 of the Framework states that designated heritage assets are one of the “protected assets” described in paragraph 11(d)(i). In this case, the harm to the conservation area provides a clear reason for refusing the proposed development.
20. The Government’s objective is to significantly boost the supply of housing. The development has provided a new dwelling, which would help to meet local housing need. Given the scale of the development, the economic, social and environmental benefits arising from the scheme are correspondingly modest. The development has harmed the character of the area, does not provide acceptable living

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<sup>2</sup> LPA Ref: 3729/23

conditions for the occupiers of the outbuilding, and has an adverse impact on living conditions for occupiers of the main dwelling. The development does not comply with the provisions of the Framework which seek to achieve well-designed places. There would be specific conflict with Paragraph 135 which seeks to ensure that developments function well and add to the overall quality of the area over their lifetime; that they are sympathetic to local character; that they maintain a strong sense of place to create attractive, welcoming and distinctive places to live; and that they provide a high standard of amenity for existing and future users. Even if I had not found harm to a designated heritage asset, I consider that the adverse impacts of granting planning permission are such that they would significantly and demonstrably outweigh the benefits of providing an additional, but sub-standard, dwelling.

21. However the planning balance is approached, the presumption in favour of granting permission does not apply. The proposal conflicts with the provisions of the development plan in respect of the character and appearance of the LHCA, and in respect of living conditions as I have already described. The other material considerations identified, including the Framework, do not justify a decision other than in accordance with the adopted development plan. For the reasons given above, the appeal is dismissed.

*M Cryan*

Inspector