



Appeal Decision

Site visit made on 17 June 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2025

Appeal Ref: APP/W5780/D/25/3364000

313 Mortlake Road, Ilford, Redbridge IG1 2TG

- 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 Kamran Hussain against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0161/25.
 - The development proposed is detached rear outbuilding with a ramp / railing for use as a granny annexe for ancillary use to the main dwelling house. Reconstruction of the existing Rear/Side (part) Extensions, proposed Side and Front Porch Extensions for the host building.
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Decision

1. The appeal is allowed and planning permission is granted for detached rear outbuilding with a ramp / railing for use as a granny annexe for ancillary use to the main dwelling house. Reconstruction of the existing Rear/Side (part) Extensions, proposed Side and Front Porch Extensions for the host building at 313 Mortlake Road, Ilford, Redbridge IG1 2TG in accordance with the terms of the application, Ref 0161/25, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the site location plan dated 20/10/2024 19:15 and drawing nos PP/IG1 2TG/001 Revision A 'Site Location Plan', PP/IG1 2TG/001 Revision A 'Existing & Proposed Block Plan', PP/IG1 2TG/001 Revision B 'Proposed Plan for the Main Building', and PADP/IG1 2TG/001.
 - 3) The external materials of the development hereby permitted shall match those used in the existing dwelling.

Applications for costs

2. An application for costs was made by Mr Kamran Hussain against the Council of the London Borough of Redbridge. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the description of development in both the banner heading and appeal decision above from the application form, as this is what has been applied for. Although the reference to a 'granny annexe' is questioned by the appellant, it is a term that is commonly used to describe any residential annexe and not just

those specifically for use by an elderly female family member. I am aware that the proposed annexe would be for a disabled person and have proceeded accordingly.

Main Issues

4. The main issues are the effect of the proposal on:

- the character and appearance of the existing dwelling and the area;
- the living conditions of neighbouring residents; and
- The personal circumstances of the appellant and his family, and their need for the proposed development.

Reasons

Character and appearance

5. Policy LP7 of the Redbridge Local Plan 2015-2030 (adopted 2018) (LP) seeks to resist the use of residential outbuildings, ordinarily used for ancillary purposes, as separate sleeping and living accommodation.
6. The appeal property is a two-storey end-of-terrace dwelling in a residential area, and many of the properties in the area have an essentially linear position with detached outbuildings, not normally used for living accommodation, in the rear gardens. The annexe would be situated on the rearmost part of the garden and would share the access of the main house, with the proposed rear and side extension preventing any separate access to the annexe. Furthermore, it would not have its own separate garden area.
7. Nevertheless, the annexe would have its own bedroom, bathroom, sitting area and kitchen and so would be classified as separate sleeping and living accommodation for the purposes of LP Policy LP7. Furthermore, having separate sleeping and living accommodation in the rear garden would result in a development and use contrary to the established pattern of the area and as such would detract from the character and appearance of the surroundings.
8. The appellant has referred to an alternative scheme available under permitted development rights which they believe represents a fallback. However, I have limited details of such an arrangement, and it is acknowledged that the proposal before me would not itself be permitted development. I am also mindful of the limitations of GPDO Class E with regard to 'incidental' accommodation. Any fallback does not therefore change my conclusions.
9. The proposed porch would be limited in size and would be a continuation of the existing porch. As such, it would not appear out of place in the street scene. I note that the Council has not raised any objections to the proposed porch or side extension, or to the reconstruction of the existing rear and side extensions and, based on the evidence before me, I have no reason to disagree.
10. Even so, for the reasons given above, the annexe would harm the character and appearance of the existing dwelling and the area, and would conflict with LP Policy LP7, as well as LP Policy LP26, insofar as it requires development to respect local character. However, also for the reasons given above, I give this harm only moderate negative weight.

Living conditions

11. The proposed annexe would be situated at the rearmost part of the garden and would be a significant distance from each of the surrounding dwellings. It would be located “away from the most sensitive parts of neighbouring properties.” The annexe would be in close proximity to other large outbuildings in surrounding gardens. However, as the annexe would only have one bedroom, it is unlikely that any noise from use of the annexe would be significantly greater than that from the use of the nearby outbuildings. Moreover, the appeal site is within a residential area where cooking odours, for example, would not be unexpected or harmful to neighbouring residents.
12. An excerpt of an appeal at Aldborough Road North¹ has been referred to. However, this was a different scheme for two annexes and full details have not been provided, for example of the relationship between nearby properties. As such, I can draw little useful comparison between that scheme and the proposal before me.
13. The porch would be separated from the garden area at 33 South Park Road (No 33) by a large outbuilding and thus would not have a significant effect on the garden area at No 33. The first-floor bathroom window at the appeal site is already in place and no alterations are proposed at the first-floor level. It would therefore be unreasonable to require this window to be obscure glazed as part of this scheme. The windows that would be new or altered in this proposal would all be at ground-floor level and, as a result of existing boundary treatments, would not cause any undue overlooking of neighbouring properties.
14. For these reasons, the proposal would not cause unacceptable harm to the living conditions of neighbouring residents. It would therefore comply with LP Policy LP26, insofar as it requires development to not result in an adverse impact upon the amenity of neighbouring occupiers, including through noise and overlooking.

Personal circumstances

15. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Disability is a relevant protected characteristic to which the PSED applies.
16. I have carefully considered the submissions in respect of the specific needs of the appellant’s family, and I recognise the importance that the development including the proposed annexe plays in meeting these needs. The proposal would provide an improved living environment and increased independence for the appellant’s daughter. It would therefore advance the equality of opportunity for a user with protected characteristics, and potential future occupiers who may require accessible facilities, and I attribute significant positive weight to this factor.

¹ Appeal ref. APP/W5780/D/24/3343862

Other Matters

17. Representations raise concerns regarding the shared boundary and encroachment thereof. However, boundary disputes are private matters to be resolved between the relevant parties.

Conditions

18. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and for enforcement purposes. A condition requiring the proposed external materials to match the existing dwelling is necessary, in the interests of the character and appearance of the area.
19. The Council states that a condition could be used to protect neighbouring trees. However, it accepts that some form of development could be erected here under permitted development rights, with no tree protection conditions. It would therefore not be reasonable to attach such a condition in this case.

Planning Balance and Conclusion

20. I have found that the proposal would conflict with LP policies LP7 and LP26, in respect of the character and appearance of the area. Against that, I have attributed significant weight to the fact that the proposal would meet the needs of a disabled family member. The PSED duty does not necessarily override other considerations, but it is a factor to be weighed in the planning balance. The evidence in this case is compelling and I am persuaded that there are grounds to attach significant weight to the family member's disability and their need for the development.
21. Having taken all factors into account, I find that the needs of the appellant and his family for the proposed development and the potential benefit for future occupiers is sufficient to outweigh the conflict with the Development Plan, read as a whole. A grant of planning permission is therefore justified, and the appeal should be allowed.

D Ellis

INSPECTOR