



Appeal Decision

Site visit made on 16 July 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/W5780/D/25/3365651

107 Park Road, Ilford, Redbridge IG1 1SQ

- 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 Ms Fatima Hoque against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0501/25.
 - The development is described as a “detached rear outbuilding”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have changed the description of the development in the banner heading above to that used on the Decision Notice and Appeal Form, which provide greater clarity and accuracy, and excluding superfluous elements.
3. The outbuilding has already been erected and so I have dealt with the appeal on a retrospective basis. However, for the avoidance of doubt I have based my decision on the submitted plans, as well as observations during my site visit.

Main Issues

4. The main issues are:
 - whether the development complies with development plan policies for back gardens, particularly in terms of its impact on the character of the area;
 - the effect of the development on the living conditions of the occupiers of 105 (No.105) and 109 (No.109) Park Road, with particular regard to noise and disturbance.

Reasons

Back garden development and character

5. The appeal property is a two-storey mid terrace dwelling, located within a predominantly residential area. The dwelling has a side access to the rear garden where an outbuilding, which is the subject of this appeal, has been erected at the rear of the property. Outbuildings are also present within the rear gardens of the two adjacent properties.

6. LP7 of the Redbridge Local Plan 2015-2030 (2018) (RLP) 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.
7. The outbuilding provides living/cooking facilities, showering and WC facilities, as well as a bedroom. It can also be accessed independently from the main dwelling. Whilst some time could be spent in the main dwelling, based on the submitted evidence and what I observed at my site visit, the accommodation would, in my view, constitute 'separate sleeping and living accommodation' contrary to RLP Policy LP7. Having separate sleeping accommodation and what is tantamount to wholly self-contained accommodation in the back garden results in an incongruous, intensive use of the site and fails to integrate well with the surrounding area or respect or reinforce its character and function, as required by RLP Policy LP26.
8. For the reasons set out above, I conclude that the development would conflict with development plan policies for back gardens, would cause unacceptable harm to the overall character of the area and would be contrary to RLP Policies LP7 and LP26.

Living conditions of neighbours

9. The outbuilding's scale is relatively modest and is not considered visually intrusive when viewed from neighbouring properties. It does not, in my view, cause unacceptable harm to neighbouring amenity in terms of light, outlook or privacy. However, the use of the outbuilding as independent living accommodation introduces a materially different intensity of use. Such a configuration can result in unacceptable impacts in terms of noise of comings and goings, lighting, and cooking odours, which would adversely affect neighbouring amenity, particularly in dense suburban contexts such as this. In this case, I consider that the development has the potential to generate similar harmful impacts.
10. Accordingly, I conclude that the development has an unacceptable impact upon the living conditions of neighbouring occupiers at No.105 and No.109 with regard to noise and disturbance. As such, it would conflict with RLP Policy LP26, which requires, amongst other matters, that development does not result in an adverse impact upon the amenity of neighbouring occupiers.

Other Matters

11. The appellant's evidence sets out that the building is used as a residential unit, ancillary to the main dwelling, for a family member with medical needs. I have carefully considered the personal circumstances of the appellant, and I have had due regard to the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act (the Act) 2010. While I recognise the intention to provide a safe and supportive family environment, no substantive evidence has been provided as to why separate accommodation within the back garden is necessary or is either the only or most appropriate solution to address the family's needs. As such, I find that the personal circumstances cited do not carry sufficient weight to outweigh the harm identified.
12. In addition, character and appearance and living conditions are matters of legitimate public interest. Taking into account all of these considerations, I am satisfied that this objective can only be adequately safeguarded if planning permission is withheld. Not granting planning permission would therefore be a

proportionate response that would not violate the appellant's human rights. In reaching this view, I have also had due regard to my duty under the PSED.

13. The appellant's suggestion that the kitchen could be removed at a future date is acknowledged. However, no alternative plan has been submitted for consideration as to whether this would address the harm identified, nor has any mechanism, such as a suitably worded condition been advanced that would meet the tests set out in the National Planning Policy Framework (2024). In the absence of such, this consideration has limited weight and does not outweigh the harm identified.
14. The appellant's assertion that the outbuilding has not been used as an Airbnb or other form of short-term rental does not address the harm I have identified above.

Conclusion

15. For the reasons given above, the development conflicts with the development plan when read as a whole. There are no material considerations that indicate a decision should be taken other than in accordance with the plan. In reaching this conclusion.

SJ Desai

INSPECTOR