



Appeal Decision

Site visit made on 25 August 2026

by **A Berry MTCP (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th September 2026

Appeal Ref: APP/W5780/C/25/3370180

84 Wensleydale Avenue, Clayhall, Ilford IG5 0NB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mr Mohammad Israr Sahall against an enforcement notice ("EN") issued by the Council of the London Borough of Redbridge.
 - The EN was issued on 2 July 2025.
 - The breach of planning control as alleged in the EN is: Unauthorised development - Erection of an outbuilding in excess of 2.5m in height.
 - The requirements of the EN are to:
 - i. Reduce the height of the outbuilding identified approximately within the blue hatched area in the redline plan and as identified within the proposed plans in the application 1240/24 to 2.5m overall height.
 - ii. Remove any debris resulting from step i.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the EN is quashed, and planning permission is granted on the application deemed to have been made under s177(5) of the 1990 Act for the development already carried out, namely the erection of an outbuilding in excess of 2.5m in height at 84 Wensleydale Avenue, Clayhall, Ilford IG5 0NB as shown on the plan attached to the EN.

Matter Concerning the Notice

2. Section 4 of the EN ("*the reasons for issuing this notice*") does not identify the development's harm, or the policies within the development plan that the alleged breach of planning control conflicts with. However, the appellant has appealed under ground (a) - that planning permission ought to be granted for the alleged breach of planning control. Furthermore, the appellant has anticipated the Council's concerns regarding the alleged breach. Therefore, I am satisfied that the appellant has not been prejudiced by the Council's omission of these matters within Section 4 of the EN. Consequently, I do not find that the EN is null.

Preliminary Matters

3. An interested party requested I view the development from their property. Although I was unable to access the interested party's property on the day of my site visit, I was able to see everything I needed to be able to make my decision.

4. Since the appeal was lodged, a revised National Planning Policy Framework (“the Framework”) has been published. This has not raised any new matters which are determinative to the outcome of this appeal. However, I have referenced the revised paragraph numbers where necessary.
5. There is disagreement between the main appeal parties regarding the outbuilding’s overall height. I therefore requested the Council’s representative and the appellant undertake measurements during the site visit. It was agreed between the main appeal parties that the outbuilding measures 2.8m in height from the ground level of the appeal site, and 3.1m in height when measured from the ground level of the adjacent property (82 Wensleydale Avenue). I have therefore determined the appeal on this basis.

The Appeal on Ground (a) and the Deemed Planning Application

6. An appeal under ground (a) is that planning permission should be granted for the matter alleged.
7. As previously stated, the EN does not identify the development’s harm, or the policies within the development plan that the alleged breach of planning control conflicts with. However, the Council clarified within their submissions that the outbuilding “*undermines the visual amenity of the area as well as being out of character with the prevailing pattern of development of (sic) the area*”; it is “*visually intrusive to the surrounding area and out of character with the prevailing pattern of development*”; and it “*fails to comply with Policies LP26 and LP30 of the Local Plan and the Council’s Housing Design Guide SPD (2019)*”.
8. Consequently, the **main issue** is the effect of the outbuilding on the character and appearance of the surrounding area.

Reasons

9. The appeal site is located on Wensleydale Avenue; a residential street consisting of two-storey semi-detached dwellings with narrow gaps in-between. The gap between the appeal site and the neighbouring property (82 Wensleydale Avenue) leads to a garage and a close boarded gate. The unauthorised outbuilding is L-shaped with a flat roof. It is sited at the end of the appeal site’s rear garden and occupies the garden’s full width.
10. The outbuilding is low in height and is sited a substantial distance from Wensleydale Avenue. When considered alongside the narrowness of the gap between the two dwellings and the intervening gate and garage, only partial glimpses of the outbuilding’s fascia board can be obtained from the road. A similar situation exists when viewing the outbuilding between the narrow gaps of the dwellings on Roundaway Road to the rear of the appeal site. For these reasons, the outbuilding does not appear visually intrusive or harm the character and appearance of Wensleydale Avenue or Roundaway Road.
11. Flat roofed outbuildings are located within the rear gardens of 86 and 88 Wensleydale Avenue that are of a similar height and scale as the outbuilding at the appeal site. They also occupy the full width of their rear gardens. Consequently, I find that the outbuilding at the appeal site complements the prevailing character of the surrounding area.

12. Concern has been raised that an exterior wall has not been rendered, which occupiers of a neighbouring property assert is unsightly. However, the blockwork wall is not visible from public viewpoints and therefore, it does not detract from the character and appearance of the surrounding area.
13. For these reasons, the outbuilding does not harm the character and appearance of the surrounding area. It complies with Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (adopted 2018) that, amongst other things, seek to ensure that developments respect the local character.

Other Matters

14. The occupiers of No 82 have raised concern that the outbuilding harms their living conditions with reference to an overbearing effect and loss of light.
15. The outbuilding is immediately adjacent to the boundary shared with No 82 and its height exceeds that allowed under permitted development rights¹. However, the outbuilding is located a considerable distance from No 82's rear windows and some views are screened by the intervening garage. Furthermore, I do not consider a height of 2.8m or 3.1m (depending on the ground level from which the measurement is taken) to be excessively tall. Taking these factors together, I find that the outbuilding does not result in a significant overbearing effect on the living conditions of the occupiers of No 82.
16. The outbuilding is located to the north/northeast of No 82's rear garden and greenhouse. Consequently, any overshadowing arising from the outbuilding is limited to a small proportion of the day. Furthermore, the increase in the outbuilding's height compared with the outbuilding the subject of a positive Lawful Development Certificate² is modest. Considering this, I am satisfied that the outbuilding does not result in a significant loss of light to No 82's rear garden or greenhouse.

Planning Balance

17. The appeal site is located within Ilford, which meets the definition of a settlement within the Framework. Therefore, Policy S4 is applicable that states development proposals should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the Framework. As I have not found any adverse effects, the Framework directs me to approve the development.

Conditions

18. The Council has not suggested any conditions should I be minded to allow the appeal. Furthermore, I do not seek to impose any conditions.

Conclusion

19. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the EN. The EN will therefore be quashed.

A Berry INSPECTOR

¹ Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

² Planning Ref 1240/24