



Appeal Decision

Site visit made on 27 August 2026 by J Reed MPlan MRTPI

Decision by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2026

Appeal Ref: APP/W5780/C/24/3349524

Land at 23 Bethell Avenue, Ilford IG1 4UX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Yasin Ahmed Patel against an enforcement notice issued by the Council of the London Borough of Redbridge.
 - The notice was issued on 22 July 2024.
 - The breach of planning control as alleged in the notice is the unauthorised construction of a dual pitched roof above the outbuilding; and the construction of a structure adjoining the tree (tree house).
 - The requirements of the notice are to: (i) Remove the dual pitched roof above the garage in its entirety; and (ii) Remove the tree house in its entirety; and (iii) Remove from the land all building materials arising from compliance with steps (i)-(ii) above leaving the land in a tidy condition.
 - The period for compliance with the requirements is: Three months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). 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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Appeal Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

2. On 17 August 2026, a revised National Planning Policy Framework (the Framework) was published by the Government. This is a material consideration in the decision-making process from the day of publication. As the changes made do not affect the main issues in this appeal it was not necessary to seek the views of the main parties.

Main Issues

3. The main issues are:
 - The effect of the treehouse on the living conditions of the occupants of 21 Bethell Avenue with specific regard to privacy and
 - The effect of the garage roof on the character and appearance of the area.

Reasons for the Recommendation

Living conditions

4. The appeal dwelling and 21 Bethell Avenue (No.21) are attached by virtue of their semi-detached relationship. As a result, both properties rear gardens are side by side and are separated by a timber boundary fence/stone wall. The appeal

dwelling has a large tree in its rear garden which is adjacent to the common boundary and where the treehouse subject to the appeal is situated.

5. I observed on my site visit that transient, fleeting glimpses of No.21's rear garden could be gained as treehouse users enter or exit the structure. These views are not prolonged due to the structure's solid walls with treehouse users unable to view No.21's garden once inside the structure. In addition, its use is markedly different to overlooking from a habitable room of a dwelling or even from a garden structure such as a raised deck or patio due to its design and size which represents a facility that is clearly intended for the enjoyment of children. Furthermore, children would be unlikely use the structure year-round or throughout the day which further limits any impact. As a result, I consider the privacy of No.21's garden users to be sufficiently maintained in this respect.
6. I therefore conclude that the treehouse has not resulted in harm to the living conditions of the occupants of 21 Bethell Avenue with particular regard to privacy. The development therefore complies with Policy LP26 of the Redbridge Local Plan (2018) (the RLP). This seeks amongst other things for development to not have an adverse impact upon amenity of neighbouring occupiers in relation to privacy.
7. The Council also refer to RLP Policy LP7 on the enforcement notice. This policy primarily relates to the subdivision of housing plots and the use of outbuildings for ancillary purposes. The Council have not highlighted any concerns relating to these matters as part of their evidence or in the enforcement notice and therefore this policy has not been determinative.

Character and appearance

8. The appeal dwelling is situated on the corner of Bethell Avenue and Emerson Road. The appeal site also sits within the Valentines Residential Precinct Local Character Area ('the LCA') which consists of 20th century detached and semi-detached properties of varying designs. To the side of the appeal dwelling, facing onto Emerson Road is a detached garage. The Council's concerns relate to the garage's dual pitched roof. I observed on my site visit that there are a range of different pitched roof detached garages and outbuildings within the wider area. Notably, the garage serving the neighbouring property is detached and has a pitched roof. As a result, the appeal garage is viewed in the context of the other garages and outbuildings present in the wider vicinity, with the area characterised by a variety of differing architectural styles. Therefore, the addition of a further pitched roof to the garage has not had an adverse impact on the character and appearance of the area.
9. The Council have referred to the impact that the garage's height also has on the area. However, whilst I accept that the appeal garage's roof is marginally taller than some of the surrounding garages, including that at 38 Emerson Road, this is not to the extent that harm is caused. The garage continues to be read as a clearly subservient addition through its single storey form and is understood to be a typical urban addition. Therefore, the appeal garage does not cause harm to the character and appearance of the area.
10. For the reasons set out, I conclude that the pitched roof to the appeal garage does not have any adverse effect on the character and appearance of the area. It therefore complies with Policy LP26 of the RLP. This seeks amongst other things

for development to respect the local character of the area and make a positive architectural and urban design contribution to its context and location.

11. The Council have also referred again to RLP Policy LP7 on the enforcement notice in relation to this matter. However, as outlined above this policy primarily relates to the subdivision of housing plots and the use of outbuildings for ancillary purposes. The Council have not highlighted any concerns relating to these matters as part of their evidence or in the enforcement notice and therefore this policy has not been determinative.

Conditions

12. The Council has not recommended conditions. I have not deemed any necessary.

Conclusion and Recommendation

13. For the reasons given above, the development complies with the development plan. I therefore recommend that the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the dual pitched roof above the outbuilding; and the construction structure adjoining the tree (tree house) at 23 Bethell Avenue, Ilford IG1 4UX as shown on the plan attached to the notice.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the construction of a dual pitched roof above the outbuilding; and the construction of a structure adjoining the tree (tree house) at 23 Bethell Avenue, Ilford IG1 4UX as shown on the plan attached to the notice.

A M Nilsson

INSPECTOR