
Appeal Decision

Site visit made on 25 October, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd November, 2016

Appeal Ref: APP/J1535/W/16/3152357

60 Tycehurst Hill, Loughton, Essex, IG10 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr. Mohamad Hanif against the decision of Epping Forest District Council.
 - The application Ref EPF/0617/16, dated 14 March, 2016, was refused by notice dated 9 May, 2016
 - The development proposed is extension to rear at first and second floors only to create new dwelling (currently under construction) approved in Planning Application EPF/0504/15.
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Decision

1. The appeal is allowed and planning permission is granted for extension to rear at first and second floors only to create new dwelling (currently under construction) approved in Planning Application EPF/0504/15 at 60 Tycehurst Hill, Loughton, Essex, IG10 1DA in accordance with the terms of the application, Ref EPF/0617/16, dated 14 March, 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FHA_2_100 Site location plan; FHA_902; FHA_903; FHA_904; FHA_1001; FHA_1002; FHA_1003; FHA_1004.

Main Issue

2. The main issue is the effect on the living conditions of occupiers of adjoining dwellings with respect to privacy.

Reasons

3. A substantial approved property was under construction at 60 Tycehurst Hill at the time of my site visit; although no works above foundation level had been completed at that time. The appeal site sits just to the east of the curve of Tycehurst Hill, and is adjoined to the east and just further up the slope by no.62 and to the west by the corner plot at no. 56 and the rear gardens of nos. 52 – 54. There is a substantial brick wall on the western boundary of the site.

4. Ground levels currently drop down from east to west across the site, and the submitted drawings indicate that they would be built up to bring the ground floor of the new dwelling to the level of no. 62. The approved dwelling would extend to just beyond the rear elevation of no. 62 at ground floor level. It includes basement level accommodation with garaging accessed by a ramp from the front of the property, and garden access at basement level to the rear, bridged by an external terrace with a pair of staircases leading down to the garden.
5. The proposed rear extension would retain the approved footprint at ground floor level, projecting beyond the approved elevation at first and second floor levels. It would be stepped in from the corners of the approved ground floor, and would have a hipped roof profile with three small dormers.
6. The appeal extension would not breach a 45° line from the edge of the nearest first floor window in the rear elevation of no. 62, and I conclude that it would therefore only be visible in oblique views from the rear of that house. It would not therefore have a significantly harmful impact on the living conditions of the occupiers of no. 62 in respect of outlook.
7. The external rear terrace would be as previously approved and would have obscured screens to either side preventing views from the terrace into adjoining gardens. The appeal proposal would add an additional external staircase to the west of the terrace to match that approved on the eastern side, in the interests of forming a balanced composition. The presence of the previously approved staircase, the approved screening to the edges of the terrace, and substantial brick wall along the western boundary of the appeal site lead me to conclude that the proposed staircase would not create any significant additional opportunities for overlooking the gardens of houses to the west of the site, and would not therefore cause significant harm to the living conditions of adjoining occupiers in respect of privacy.
8. As I have found that the appeal proposal would not have a harmful effect on the living conditions of adjoining occupiers with respect of outlook or privacy, it would not therefore conflict with Policy DBE2 of the Epping Forest District Local Plan 1998 (the LP) which seeks to prevent new building which have a detrimental effect upon existing, neighbouring or surrounding properties in amenity terms, or with Policy DBE9 of the LP, which seeks to ensure that extensions do not result in excessive loss of amenity for the occupiers of neighbouring properties.

Other Matters

9. An adjoining occupier has expressed concern at the effect of the appeal extension on levels of light reaching adjoining properties to the west of the appeal proposal. However, the respective orientations of the properties indicate that the extension would not have any material effect on levels of sunlight coming from the due south or west. The limited extent of the extension means that it is not likely therefore to have any significant additional effect on levels of sunlight from the east or daylight reaching these properties when compared to the approved new dwelling. I do not therefore identify any significant harm in this respect.

Conclusion

10. For the reasons given above, therefore, and taking into account matters raised, I conclude that the appeal should be allowed.

Conditions

11. I have considered the conditions suggested by the Council and the requirements of the Framework. I conclude that conditions regarding a construction method statement, contamination, surface water drainage and wheel washing do not they do not reasonably or necessarily relate to the appeal proposal for minor additions to the approved dwelling and I have not added conditions to that effect. The removal of permitted development rights should only be done in exceptional circumstances, and no clear justification has been put before me to identify such circumstances, and I have not therefore added any conditions to that effect.
12. I have, for the sake of clarity, added a condition requiring the implementation of the proposal in accordance with the approved plans.

S J Buckingham

INSPECTOR