

Appeal Decision

Site visit made on 21 March 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 7 April 2017

Appeal Ref: APP/J1535/D/17/3168469

24 Queens Head Yard, The Street, Sheering CM22 7LN

- 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 Adam Stamp against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2447/16 was refused by notice dated 11 November 2016.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the dwelling at 21 Queens Head Yard, with regard to whether the development would appear overbearing.

Reasons

3. The appeal concerns a two storey dwelling at the end of one of two attached terraces that form an 'L' shaped layout. Two storey elevations of no. 24 and the attached dwelling at no. 23 abut the side boundary to no. 21 Queens Head Yard. They extend alongside the amenity space for a depth of 13m from the rear wall of no. 21. As a result, this part of the garden is subject to an appreciable degree of enclosure. However, there is a significant amount of garden beyond the flank wall of the dwelling at no. 24 and this has a particularly unenclosed outlook towards open space.
 4. In my view, the visual impact of the adjacent dwellings and the sense of enclosure inherent in the layout of the attached terraces makes the open outlook at the end of the garden particularly important to the quality of the external environment for the occupiers of no. 21. This is especially so given that the amenity space is relatively narrow. Reference is made to the Council previously permitting extensions in 1989. It is suggested that the side extension was built and had a width of 2.6m. It therefore seems to me that a significant open aspect from the adjacent garden was retained and this permission does not lend any significant support to the appeal.
 5. It is acknowledged that there would be no effect on the outlook from within the dwelling itself at no. 21. However, the extension would have a length of 6m adjacent to the rear garden of no. 21 at full two storey height. Despite the set-back from the boundary of a metre and fairly modestly lower ridge height
-

than the host property, the size, bulk, depth and proximity of the addition would result in an unacceptably oppressive sense of enclosure. In consequence, the extension would appear overbearing from the nearby part of the garden. Because of its distance from the extension, the occupiers of the property at no. 19 would experience no unacceptable impact in respect of matters such as light levels and outlook.

6. The Council's report indicates that *'weight must be given to the fact that currently the rear elevation of no.24 combined with no.23 projects 13m on the boundary and therefore it could be argued that substantial harm to the more sensitive parts of this neighbour has already occurred and that this extension will not significantly add to this harm'*.
7. The use of the phrase 'could be argued' clearly shows that the Council is not indicating acceptance of this argument. Moreover, the view is clearly taken later in the report that the extension would exacerbate the already poor relationship between the properties, severely diminishing the enjoyment of the rear garden of no.21. Rather than being contradictory, as the Appellant suggests, in my view the report provides a well reasoned explanation of the Council's case.
8. The reason for refusal on the Council's decision notice refers to a first floor extension, which is not accurate as the proposal comprises a two storey extension. However, despite such an error I have no doubt that the Council understood the nature of the proposal and this is not a matter that confers acceptability.
9. For the above reasons, it is concluded that the living conditions of the occupiers of no. 21 would be harmed. Despite the existing relationship, the additional effect of the proposed development would give rise to an excessive loss of amenity due to visual impact, in conflict with Epping Forest District Local Plan Policy DBE9. The development would also be at odds with the core principle of the National Planning Policy Framework that planning should always seek to secure a good standard of amenity for existing occupants of buildings.
10. The Appellant indicates that ground floor windows in the existing dwelling facing the adjacent garden would have obscured glazing and this is shown on the submitted drawings. However, I saw at my site visit that these currently have obscured glazing anyway and am not satisfied that this consideration should weigh significantly in favour of the appeal.
11. Neither the Parish Council nor the occupiers of no. 21 have raised any objections but I must, nevertheless, consider the appeal strictly on its planning merits. It is acknowledged that there would be no detrimental effect in respect of matters such as privacy and light levels, with the design and appearance of the development also being acceptable. Nevertheless, these are not matters that weigh positively in favour of the proposal. Taking account of all other matters raised, because of the harm that would result it is determined that the appeal fails.

M Evans

INSPECTOR