
Appeal Decision

Site visit made on 5 August 2019

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/J1535/D/19/3230864

124 Queens Road, Buckhurst Hill IG9 5BJ

- 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 Ian Wise against the decision of Epping Forest District Council.
 - The application Ref EPF/0310/19 was refused by notice dated 28 March 2019.
 - The development proposed is a rear patio and boundary fences.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the development on the character and appearance of the surrounding rear garden area; and

the effect of the development on the living conditions of occupiers of neighbouring properties, with particular reference to visual impact, outlook and privacy.

Reasons

3. The rear patio has been erected. It comprises a raised patio with horizontal fencing above side walls. The walls incorporate planters each side. The patio extends from a rear flat roof projection on a recently modernised terraced dwelling. It is raised above the ground levels of properties either side and above the existing rear garden of the appeal property.
 4. Neither property either side has rear extensions or raised patios. From my observations, due to their height, depth and solid design, I consider that the patio and fences appear as incongruous dominant additions in this rear garden environment.
 5. The horizontal fencing significantly exceeds the height of existing side boundary fences either side of the appeal property. The outlook within the rear garden environment is totally dominated by the side fences. The vertical
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timber posts are facing the neighbours' sides, which create a dominant stark visual impact to neighbours. The fencing creates an unacceptable sense of enclosure and overbearing visual impact to neighbours, particularly when in their rear gardens adjacent to the patio. This is exacerbated by the narrow width of gardens.

6. The patio does not currently allow for unacceptable overlooking of neighbouring gardens, due to the height and position of the fences. Were the fences to be removed, due to the height and position of the patio, this would create an unacceptable loss of privacy to neighbours as there would be the ability, at such close proximity, to clearly overlook into the neighbours gardens.
7. I have been referred to the height of a patio allowed under the General Permitted Development Order 2015 as permitted development. From my observations, the harm I have identified would cause an excessive loss of amenity to neighbours which would be significantly greater than any harm from permitted development.
8. For the reasons stated above and having taken into consideration all matters raised, I conclude that the development has an adverse effect on the character and appearance of the surrounding rear garden area and the living conditions of neighbours. Thus, the development is contrary to Policies DBE9 and DBE10 in the Epping Forest Local Plan (1998) and Alterations (2006), where they seek to ensure that residential extensions complement the appearance of the existing building and protect the amenity of neighbours. I consider these policies to be broadly in accordance with the National Planning Policy Framework where the Framework seeks to ensure good design that is sympathetic to local character and where it seeks to protect residential amenity.
9. I have been referred to emerging Policies DM 9 and DM 10 in the Epping Forest Local Plan Submission Version (2017). As these policies may be subject to future modification, I have attributed them limited weight in my determination of this appeal.

J L Cheesley

INSPECTOR