



Appeal Decision

Site visit made on 10 September 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/J1535/D/19/3233457

9 Osborne Road, Buckhurst Hill IG9 5RR

- 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 Mrs Janice Webber against the decision of Epping Forest District Council.
 - The application Ref EPF/0700/19, dated 18 March 2019, was refused by notice dated 14 May 2019.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey rear extension at 9 Osborne Road, Buckhurst Hill IG9 5RR in accordance with the terms of the application, Ref EPF/0700/19, dated 18 March 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2018.45.PA-01, 2018.45.PA-02, 2018.45.PA-09, 2018.45.PA-10, 2018.45.PA-11, 2018.45.PA-12, 2018.45.PA-13, 2018.45.PA-14 and 2018.45.PA-15.
 - 3) Unless indicated otherwise on the plans submitted with the application, all new external work and work of making good shall be carried out in materials to match the external surfaces of the existing building.
 - 4) The extension hereby permitted shall not be occupied until the window situated within the northern side elevation of the ground floor of the extension has been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Procedural Matters

2. The Council has referred to the emerging Epping Forest District Local Plan Submission Version 2017 (the emerging Local Plan). Policy DM9 is referred to by the Council in their Decision Notice and was considered by the Inspector appointed to examine the emerging Local Plan. I have been provided with details of the proposed main modifications to the wording of the policy. In doing so the appointed Inspector assessed the degree of consistency of the policies with the 2012 version of the National Planning Policy Framework (the

Framework). However, I have not received any compelling evidence to suggest that the proposed modifications have been consulted upon or the Examination concluded. I also do not know the extent of any unresolved objections to Emerging Local Plan Policy DM9. As such, in accordance with the requirements of paragraph 48 of the Framework, 2019, this policy attracts limited weight in my consideration of the merits of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on: -
- the character and appearance of the existing house;
 - the living conditions of neighbouring occupiers, with particular regard to daylight, sunlight and outlook in relation to 8 and 10 Osborne Road; and
 - the biodiversity and landscape value of the site.

Reasons

Character and appearance

4. There is some variety in the style and design of houses and their roofs within the residential area which the appeal site is situated. However, the appeal property is one of three detached two-storey houses of a similar design. None of their rear roof slopes have been altered. The properties are within plots which incorporate front and rear gardens of identical length. The rear garden is larger at around 8.5 metres deep. The rear of the houses are visible from Hills Road to the south. The houses at 8 and 10 Osborne Road appear to have previously been altered with single storey extensions to the rear.
5. The proposed extension to the rear of the house would be split between floors, with the first floor of the extension set in at the rear and the ground floor continuing beyond this. The ridge of the two-storey extension would be set down slightly from the main ridge of the house, with a gable facing the rear. The ground floor would occupy the full width of the property but the first floor would be inset at either side. The proposed ground floor would extend just under halfway across the garden of the house and be clearly visible from neighbouring houses and their gardens.
6. The proposal would significantly increase the size of the existing house and would occupy just under half of its rear garden. However, given that the proposal would have a staggered form from ground floor to first floor, this would reduce the perception of the scale of the additional built form in relation to the appeal property. Furthermore, the proposal's footprint would not be excessive in relation to the size of the rear garden and it would remain a usable space for the occupants of the property. The proposal would not therefore appear disproportionate to the size of the existing house or result in the overdevelopment of the plot.
7. Whilst the Council's policies refer to the effects of rear extensions from a visual perspective, they do not provide any stipulations in relation to their size, particularly their depth into gardens. I have therefore had regard to the circumstances of the site and the relevant planning policies.

8. For the above reasons, I conclude that the proposed development would not be harmful to the character and appearance of the existing house. Hence, the proposal would be in accordance with Policies CP2 and DBE10 of the Epping Forest District Local Plan and Alterations (1998 and 2006) (LP) and Policy DM9 of the emerging Local Plan. Together, these policies seek to safeguard and enhance the setting, character and townscape of the urban environment. Residential extensions, in particular, are required to complement the existing building and the street scene by close attention to, amongst other things, the scale and form of the existing building and separation from neighbouring buildings.

Living Conditions

9. Due to the orientation of Osborne Road, roughly north to south, and the houses being situated to the western side of the street, the rear rooms within the houses are unlikely to be fully in sunlight until the afternoon, particularly in the winter when the sun is lower in the sky. The proposal is predominantly a single storey extension with a shallower two-storey element set in from the sides and rear.
10. The height of the single storey element is shown to be aligned with that to the rear of No 10. Whilst this would be visible above the boundary fences of Nos 8 and 10, it would not be an extension of an imposing height, depth or scale. As a result of this, it would be unlikely to be harmful in respect of overshadowing that could affect the amount of sunlight or daylight within the habitable rooms of the houses to either side.
11. Whilst the two-storey element of the proposed extension would be close to the boundaries of Nos 8 and 10, this would not be of a scale that would have an unacceptably harmful effect upon those properties. Moreover, the depth and low pitch of the extension's roof would mean that a harmful effect on the outlook from the habitable rooms of those houses would be unlikely. The proposal would be likely to lead to some reduction in the daylight and sunlight entering the habitable rooms of No 8. However, given the orientation of the site, the scale of the proposed extension and its separation from No 8, there would be unlikely to be unacceptable harm caused to the occupants of the house. Furthermore, there would also be unlikely to be any effects upon No 10 in this regard as it is situated to the south of the appeal property.
12. Buckhurst Hill Parish Council also consider that the proposals would be overbearing on 7 Hills Road. However, due to the separation distance from that house it is unlikely that the appeal scheme would have a harmful effect. Furthermore, any effects from the construction period would be short-term and could be mitigated by careful construction management. Nonetheless, given the position of the window proposed within the side elevation of the ground floor of the extension, unless that window was to be obscure glazed there could be a loss of privacy for the occupants of No 8. This matter would therefore need to be addressed by way of a suitably worded planning condition.
13. For the reasons outlined above, I conclude that the proposed development would not have an unacceptably harmful effect on the living conditions of Nos 8 and 10 with regards to daylight, sunlight and outlook. Hence, the proposals would be in accordance with Policy DBE9 of the LP and DM9 of the emerging Local Plan. Together, the policies require that extensions do not result in excessive loss of amenity for neighbouring properties, including in

terms of loss of daylight and sunlight and overbearing or overly enclosed forms of development which materially impact on the outlook of occupiers of neighbouring properties.

Biodiversity and landscaping

14. The Council is concerned that the proposed development would have a detrimental impact in respect of the loss of biodiversity and landscaping within the site. From what I observed at the time of my visit, the garden of the property is a mix of hard landscaping, an area laid to grass, some small bushes and a small pond. Although the appellant has not undertaken a formal assessment of the biodiversity value of the site, I consider that this would be a futile exercise. The loss to biodiversity and landscaping within the area as a result of the proposal would therefore barely be of any significance. In addition, the presence or not of landscaping or water features within the site is a personal choice and it is not one that the planning system could affect in this instance.
15. For the above reasons, I conclude that the proposed development would not have a detrimental effect on the biodiversity and landscape value of the site. Hence, the proposal would be in accordance with Policies CP2 and DBE10 of the LP; and Policy DM9 of the emerging Local Plan. Together these policies seek to ensure that development proposals preserve and enhance biodiversity networks of natural habitats and respond to the biodiversity of the site and its surroundings. Residential extensions are required to pay close attention to existing landscaping in the locality.

Conditions

16. I have specified the approved proposed plans and elevations, in the interests of certainty. A condition relating to materials matching those of the existing building is necessary to ensure that the appearance of the proposed extension would be satisfactory. The window to the side elevation of the ground floor of the proposed extension shall be obscure glazed in the interests of privacy.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Paul Thompson

INSPECTOR