

Appeal Decision

Site visit made on 27 November 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2019

Appeal Ref: APP/J1535/D/19/3235132

158 Honey Lane, Waltham Abbey, Essex EN9 3BE

- 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 M Power against the decision of Epping Forest District Council.
 - The application Ref EPF/1123/19, dated 30 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is a single storey side extension at 1st floor level.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 1st floor level at 158 Honey Lane, Waltham Abbey, Essex EN9 3BE in accordance with the terms of the application, Ref EPF/1123/19, dated 30 April 2019, 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: A01, A02, A03, A04, A05, A06, A07, A08, A09, A09a, A10, A10a, A11, A12 and A13.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr M Power against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are (i) the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area and (ii) the effect of the proposed development on the living conditions of the occupiers of 160 Honey Lane with particular regard to outlook.

Reasons

Character and Appearance

4. Honey Lane near to the appeal site is characterised by a mix of semi-detached or detached houses and bungalows which are of varied scales and designs, arranged in a traditional layout with gardens to their rear. The spacing between properties varies, but the generous set back of dwellings from the road with

typically open frontages accommodating a mix of parking and landscaping provide for a spacious feel to the street scene overall.

5. The appeal dwelling and adjoining neighbour at 156 Honey Lane form a semi-detached pair which are of similar design to the adjacent pair at 152 and 154 Honey Lane. However, there is a single storey element to the side of No. 156 in line with the main front elevation which is not a feature of the other dwellings in the group. Moreover, while 156 and 152 Honey Lane have hipped roof forms, the appeal property and No. 154 have flank gables. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.
6. Saved Policy DBE10 of the Epping Forest Local Plan 1998/2006 (LP) requires extensions to complement and, where appropriate enhance, the appearance of the street scene and existing building including with regard to its scale and form and the separation from any neighbouring buildings. Policy DM 9 of the emerging Epping Forest District Local Plan Submission Version 2017 (DLP) similarly indicates that development should relate positively to its context including with regard to the form, scale and massing around the site and the rhythm of any regular plot and building widths. However, this is not yet an adopted part of the development plan and as it is subject to change, I afford this policy less weight.
7. The proposed side extension would be built up to the boundary with 160 Honey Lane in line with the existing ground floor of the appeal dwelling. I note that the supporting text to LP Policy DBE10 advises that two-storey extensions to semi-detached houses will not normally be allowed to extend to the plot boundary because they remove the visual break between adjoining properties. However, there is no indication that an extension up to the boundary would necessarily be unacceptable, and I have not been directed to any specific policy provision or guidance suggesting an absolute requirement for development to be positioned any set distance off the boundary.
8. While fairly narrow, there would nonetheless remain legible separation between the proposed development and the dwelling at No. 160. I acknowledge that this would be as a consequence of the set in of this neighbour from the boundary, but that fact diminishes neither its existence nor the visual gap provided. Moreover, given the set down of the extension, additional spacing would be provided to the main roof of the appeal dwelling.
9. There is no regular pattern or rhythm to the separation between buildings and their boundaries on this part of Honey Lane which would be disrupted by the extension, and the spacious character of the area is derived primarily from the set back of dwellings from the street. This would not be affected. I am thus satisfied that the separation maintained to No. 160 would be sufficient to avoid a terracing effect, and the development would complement the character and appearance of the area.
10. The accommodation of the proposed first floor within the roof form set down from the main dwelling and served by dormers also ensures that the extension would appear subordinate. Furthermore, the proposed roof form and use of matching materials, which could be secured by condition, would be in keeping with the host dwelling. As a consequence, the extension would not be overly prominent. Overall, I find that the development would be a sympathetic and

proportionate addition that would not dominate the front elevation of the appeal dwelling or further harmfully unbalance the semi-detached pair.

11. With regard to the local context and character of the area and for the reasons outlined above, I therefore conclude on this main issue that the development would complement the host dwelling and surrounding area. Accordingly, I find no conflict with LP Policy DBE10. For similar reasons the proposal would comply with Policy DM 9 of the DLP, and the principles of the National Planning Policy Framework which seeks good design that is sympathetic to local character.
12. I note that my conclusions in this respect are consistent with a previous appeal decision on the site for a comparable development including a first floor extension up to the boundary¹. Here, the Inspector similarly found that the development would complement the street scene and dwelling and would meet relevant policy requirements.

Living Conditions

13. The proposed extension would be set on the boundary with 160 Honey Lane and this neighbouring dwelling includes glazing at ground and first floor levels which face the appeal site. However, the 2 first floor windows serve a bathroom, and the ground floor window closest to the front of the dwelling serves a WC. Given the use of these rooms and that the windows are obscure glazed, any effect of the proposed development on these windows would not materially harm the living conditions of the occupiers.
14. The remaining window and door at ground floor level serve the kitchen of No. 160. Glazing within the door is obscure, but the window is clear glazed. Nevertheless, the ground floor level of the appeal property is already positioned on the boundary and I saw from No. 160 that the existing wall projects above the level of the top of the window. Together with the close proximity of No. 160 to the boundary, views from this window are therefore essentially restricted to the existing flank wall of No. 158. As a result, the proposed extension above the existing ground floor would not be readily visible from the kitchen of this neighbour so as to heighten the degree of enclosure, further impair outlook or to appear overbearing in comparison to the existing situation, and any impact on light would not be detrimental to living conditions.
15. I therefore conclude on this main issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 160 Honey Lane, with particular regard to outlook. Accordingly, I find no conflict with saved Policy DBE9 of the LP which requires that development does not result in an excessive loss of amenity for neighbouring properties. For similar reasons it would accord with Policy DM 9 of the emerging DLP. However, as this is not yet an adopted part of the development plan and subject to change, I afford this policy less weight.

Other Matters

16. While I have taken into account comments by third parties including regarding the extension's construction, the appeal is determined on the basis of the submitted plans. These indicate the existing ground floor wall on the boundary with 160 Honey Lane would be retained and there is no firm evidence before

¹ Appeal reference APP/J1535/D/19/3223852

me to show that the development could not be constructed in accordance with these plans, or that it would extend beyond the boundaries of the appeal site.

Conclusion

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

J Bowyer

INSPECTOR