



Appeal Decision

Site visit made on 2 December 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 17 December 2019

Appeal Ref: APP/J1535/W/19/3237379

26 Blackacre Road, Theydon Bois, Epping CM16 7LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr and Mrs Dean Lester against the decision of Epping Forest District Council.
 - The application Ref EPF/0944/19, dated 6 April 2019, was approved on 22 August 2019 and planning permission was granted subject to conditions.
 - The development permitted is a loft conversion with additional accommodation at second floor level: eaves and ridge raised.
 - The condition in dispute is No 4 which states that: *"The window openings in the dormer flank elevations shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition."*
 - The reason given for the condition is: *"To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with the guidance contained within the National Planning Policy Framework, policy DBE9 of the adopted Local Plan and Alterations and policy DM 9 of the Epping Forest District Council Local Plan Submission Version 2017."*
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Decision

1. The appeal is allowed and the planning permission Ref EPF/0944/19 for a loft conversion with additional accommodation at second floor level, eaves and ridge raised at 26 Blackacre Road, Theydon Bois, Epping CM16 7LU granted on 22 August 2019 by Epping Forest District Council, is varied by deleting condition 4.

Main Issue

2. The main issue in this appeal is whether the relevant condition is necessary in order to preserve the living conditions of neighbours.

Reasons

3. The appeal relates to this detached 2 storey house which is located within a residential area. The house has a ridged roof which runs from front to back, with side facing roof slopes. The neighbouring properties are sited very close to each side of the house and have similar roof arrangements. Both neighbouring properties are taller than the appeal property at present and the proposal would involve increasing the height to the property to a similar one to the neighbouring house.

4. The windows in the dormer windows would face onto the side roof slopes of the houses to each side. The windows within the dormers would be to the stairs/landing on one side and on the other would be a shower room/WC and a second window to a bedroom, which would also have a front-facing window.
5. The appellant has submitted photographs which aim to give some indication of the possible views from the position of the proposed windows. Whilst the Council are critical of the accuracy of the position from where the photographs were taken, from what I can see, they give a good indication of the position where the windows would be. In addition, I have it in mind that when a person is within the approved roof extension, their views would be constrained by the structure of the extension itself and would not be an open view, as portrayed in the photographs.
6. It seems clear to me that views from within the approved extension would be mainly onto the neighbouring roofs, or of the sky above. Any views to the sides of the windows, in the direction of neighbouring properties and their gardens would be so acute in their angle and constrained that very little, if anything, of their garden areas would be seen. This would not be altered to any significant degree by having the ability to open these windows. In my judgement, this would be insufficient to give rise to any unreasonable levels of overlooking and there would be no detrimental effects on the privacy of neighbours. As a consequence, I find no conflict with the Council's policies, as set out in the reasons for imposing the condition.

Conclusions

7. For the reasons set out above, I consider that the disputed condition is not necessary. Therefore, the appeal is allowed.

S T Wood

INSPECTOR