
Appeal Decision

Site visit made on 7 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/J1535/D/19/3238569

36 Luxford Place, Sheering, Harlow CM21 9JB

- 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 & Mrs J Moore against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1242/19, dated 25 April 2019, was refused by notice dated 15 July 2019.
 - The development proposed is two storey side extension with associated internal and external works.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with associated internal and external works at 36 Luxford Place, Sheering, Harlow CM21 9JB in accordance with the terms of the application, Ref PL/EPF/1242/19, dated 25 April 2019 and the plans submitted with it, 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: P/19/130/001 Location, Block and Site Plan; P/19/130/002 Existing Plans; P/19/130/003 Proposed Plans.
 - 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.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host dwelling and the surrounding area;
 - the living conditions of 37 Luxford Place, with particular reference to outlook, daylight, sunlight and overbearing impact.

Reasons

Character and Appearance

3. 36 Luxford Place is a two storey detached dwelling with an attached garage which is shared with No 37. The estate is characterised by detached two storey dwellings of differing designs and styles, which results in an organic form of development with each dwelling being sited in a slightly different position to the road. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.
4. The proposed two storey extension would be sited forward of the existing single storey garage and constructed partially above it. The front of the two storey extension would be set back from the front wall of the host house and would have a lower roofline. In these ways the proposal would be subservient to the host property. 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 detract from the overall character and appearance of the host dwelling.
5. The proposed extension would continue the development along the boundary of No 36 and therefore would be reliant on the gap between 37 and its side boundary to prevent visual terracing from occurring. No 37 has been extended to the side and projects beyond the front elevation of No 36 but is separated from it by the shared garage. A gap between the properties would be maintained as a result of the garage serving No 37.
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 emerging policy limited weight.
7. I note that the supporting text to LP Policy DBE10 advises that side extensions to detached houses should maintain the visual gaps between the houses. However, there is no indication that an extension up to the boundary would necessarily be unacceptable. Whilst it is suggested that this may entail the retention of at least one metre between any extension and the plot boundary it is accepted that garages may extend to within one metre of the boundary.
8. As a result of the existing garage there would remain a legible separation between the proposed development and the dwelling at No 37. I acknowledge that this would be as a consequence of the positioning of the neighbour's garage, but that fact diminishes neither its existence nor the visual gap provided. Moreover, given the set down of the extension, additional spacing would be retained to the main roof of the appeal dwelling.

9. There is no regular pattern or rhythm to the separation between buildings and their boundaries within Luxford Place which would be disrupted by the extension, and elsewhere within the estate it was possible to see dwellings positioned much more closely together. I am thus satisfied that the separation maintained to No 37 would be sufficient to avoid a terracing effect, and the development would respect the character and appearance of the area.
10. In conclusion, there would be no harm to character and appearance of the host dwelling and the surrounding area. The proposal complies with policies LP Policy DBE10. For similar reasons the proposal would comply with emerging 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. The Council's decision notice refers to Policy DBE9 of the LP. However, this deals with living conditions and is therefore not relevant to this main issue.

Living Conditions

11. The proposed extension would be set on the boundary with 37 Luxford Place and this neighbouring dwelling includes glazing at first floor level which faces the appeal site. However, one of the first floor windows serves a bathroom. Given the use of this room any effect of the proposed development on this window would not materially harm the living conditions of the occupiers.
12. The remaining window at first floor level serves a bedroom and is the only window serving that room. Nevertheless, the appeal property is already positioned on the boundary and I saw from No 37 that the existing built form of No 36 already comes close to the top of the window. Together with the close proximity of No 37 to the boundary, views from this window are therefore essentially restricted to the existing roof of No 36 and the roof of the existing garage of both properties. There are oblique views across the front of the site and these would not be unduly restricted as a result of the proposed extension.
13. As a result, the proposed extension above the existing garage would not heighten the degree of enclosure, further impair outlook, impact on light received to the bedroom or to appear overbearing in comparison to the existing situation.
14. I therefore conclude on this main issue that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 37 Luxford Place, with particular regard to outlook, daylight, sunlight and overbearing impact. Accordingly, I find no conflict with saved Policy DBE9 and DBE10 of the LP which require that development does not result in an excessive adverse impact upon or 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.

Conditions

15. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty and a condition in respect of materials to safeguard the character and appearance of the area.

Conclusion

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

G. Pannell

INSPECTOR