
Appeal Decision

Site visit made on 4 June 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2020

Appeal Ref: APP/N1540/D/20/3244684

51 Sibneys Green, Harlow CM18 7HP

- 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 D Oliver against the decision of Harlow District Council.
 - The application Ref HW/HSE/19/00415, dated 2 October 2019, was refused by notice dated 29 November 2019.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at 51 Sibneys Green, Harlow CM18 7HP in accordance with the terms of the application, Ref HW/HSE/19/00415, dated 2 October 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: 18119/SP; 18119/01; 18119/02; 18119/03; 18119/04; 18119/05; 18119/07.
 - 3) The extension hereby permitted shall not be occupied until the rear window has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. 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.
 - 4) 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 Issue

2. The main issues are the effect of the development on the living conditions of 52 Sibneys Green, with particular regard to privacy and overbearing impact.

Reasons

3. 51 Sibneys Green is a two storey end of terrace dwelling with an attached garage. The proposed extension would be constructed above the existing

- garage, set on the boundary with No 52. The extension would provide a bedroom with a window on both the front and rear elevation.
4. In terms of privacy, the bedroom window on the proposed rear elevation would overlook the rear garden of No 52. However, this property already experiences overlooking from the existing first floor bedroom window of the appeal property and in this context, I do not consider that the additional window proposed would result in significant harm. In addition, the appellant is willing to accept a condition that the rear window would be glazed in obscure glass to further mitigate the impact from the window. I consider that this would be reasonable having regard to the proximity to the neighbouring dwelling.
 5. As a result of the existing garage there would remain a legible separation between the proposed development and the dwelling at No 52. 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. In addition the proposed extension will not project beyond the rear elevation of the neighbouring dwelling. As a result, the proposed extension above the existing garage would not appear overbearing in comparison to the existing situation, even taking into account the difference in levels between the two properties.
 6. For these reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of neighbouring occupiers and therefore complies with policy BE1 of the Adopted Replacement Harlow Local Plan 2006 which seeks to ensure that development has an appropriate relationship with that of the surrounding area. The development also accords with the principles of the Harlow Design Guide, Supplementary Planning Document 2011.
 7. Policy PL2 of the Harlow Local Development Plan Pre-Submission Publication May 2018 similarly indicates that development should preserve or enhance the level of amenity of existing and future occupants. 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.

Conditions and Conclusion

8. 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. I have also imposed a condition to ensure that obscure glazing is installed and retained within the rear window to ensure the privacy of neighbouring occupiers is maintained.
9. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR

