



Appeal Decision

Site visit made on 22 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2020

Appeal Ref: APP/J1535/D/20/3250193

143 Honey Lane, Waltham Abbey EN9 3AX

- 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 Musollari against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2450/19, dated 10 October 2019, was refused by notice dated 27 February 2020.
 - The development proposed is a raised rear patio.
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Decision

1. The appeal is allowed and planning permission is granted for a raised rear patio at 143 Honey Lane, Waltham Abbey EN9 3AX in accordance with the terms of the application, Ref PL/EPF/2450/19, dated 10 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: RP-143-HL-EN_9_3_AX-001.
 - 2) Unless within 3 months of the date of this decision 1.8 metre tall solid fences or walls have been installed on the north-western and south-eastern sides of the raised patio, in accordance with the height and position shown on the approved plan, the raised patio shall be removed and the land made good to match the natural ground level. Upon installation of the fences or walls specified in this condition, they shall be retained at all times thereafter.

Preliminary Matter

2. At the time of my site visit I observed that a raised patio had already been constructed. Furthermore, a wall had been constructed on the north-western side of the patio adjacent to the boundary with No 141 Honey Lane. However, I cannot be certain that its height and position is exactly the same as the fence shown on the submitted drawing. I have therefore considered the proposal as presented upon the drawing that is the subject of the appeal and not in regard to what has actually been built.

Main Issue

3. The main issue is the effect of the raised patio on the living conditions of the occupiers of Nos 141 and 145 Honey Lane, with particular regard to privacy and outlook.

Reasons

4. The appeal property is located in a predominantly residential area within a linear arrangement of 2 storey semi-detached dwellings. The proposed raised patio would be positioned to the rear of a single storey extension and it would be roughly level with the floor of that extension.
5. The raised patio would provide opportunities for views towards the neighbouring rear gardens and windows due to its elevated position. Nevertheless, the proposed plan shows that screens 1.8 metres tall would be installed on each side of the raised patio. This would restrict views towards the rear gardens and windows of the adjacent properties and could be secured by a planning condition. For this reason, I find that the proposal would not cause a significant loss of privacy to the occupiers of Nos 141 and 145 Honey Lane.
6. The proposed screens would be installed directly onto the raised patio. Whilst this would project above the existing fence along the boundary with No 141, the screen would not appear visually imposing or cause a significant loss of outlook to the neighbouring garden or rear windows.
7. For the above reasons, I conclude that the raised terrace would not cause significant harm to the living conditions of the occupiers of neighbouring properties in respect of privacy and outlook. The development would therefore comply with saved Policy DBE9 of the Epping Forest District Local Plan Alterations 2006, and emerging Policy DM9 of the Epping Forest District Local Plan Submission Version 2017, which, amongst other things, seek to protect the privacy and amenity of neighbouring occupiers. It would also accord with paragraph 127 of the National Planning Policy Framework, which, along with other things, seeks to create places with a high standard of amenity for existing users.

Conditions

8. I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is for the avoidance of doubt and in the interests of certainty.
9. I have also attached a condition to require that 1.8 metre tall solid fences or walls are installed on the north-western and south-eastern sides of the raised patio. This is necessary to protect the privacy of the occupiers of neighbouring properties and therefore make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the implementation of the privacy screens before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

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

C Osgathorp

INSPECTOR