
Appeal Decision

Site visit made on 6 November 2020

by **J D Westbrook BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2020

Appeal Ref: APP/J1535/D/20/3251516

11 Station Road, CHIGWELL, IG7 6QT

- 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 Reiss Venner against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/3030/19, dated 18 December 2019, was refused by notice dated 11 February 2020.
 - The development proposed is the construction of a two-storey side extension and a single-storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two-storey side extension and single-storey rear extension at 11 Station Road, CHIGWELL, IG7 6QT in accordance with the terms of the application, Ref: PL/EPF/3030/19, dated 18 December 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: Plan Nos: 17219/SP, 17219/01, 17219/02, 17219/03 Rev A, 17219/04
 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the extensions on the living conditions of the occupiers of No 12 Station Road by way of light and outlook.

Reasons

3. No 11 Station Road is a semi-detached, two-storey house, situated on the southern side of the road. The houses on this side of the road face a large area of public open space to the north, and back onto Chigwell Station to the south. The station lies below the level of the properties.
4. The proposed extension would have a single-storey element extending along the side boundary with No 12 from a point around half-way along the existing side elevation, and wrapping around the rear elevation. There would also be a first-floor element a little under 4 metres deep. This element would be set in

around 1 metre from the side boundary, and would have a half-hipped roof, with a ridge well below the level of the ridge in the main part of the house. It would be located along the rear section of the side elevation of the house and would not project beyond its existing rear elevation.

Living conditions

5. Policy DBE9 of the Council's Local Plan (LP) requires that an extension should not result in an excessive loss of amenity for neighbouring properties by way of visual impact or loss of daylight/sunlight. There is a submitted version of the LP dated 2017 (LPSV), Policy DM9 of which indicates that a development must take account of the amenity of the development's neighbours. Such amenity issues include, amongst other things, the provision of adequate sunlight and daylight, and that there should not be an overbearing or overly-enclosed form of development which materially impacts on the outlook of occupiers of neighbouring properties. The LPSV is an emerging plan to which I give moderate weight.
6. The Council contends that the proposed two-storey extension, by virtue of its height, width, depth and close proximity to the boundary with No 12 Station Road, would result in a severe sense of enclosure, appear excessively overbearing, and cause a significant loss of light and outlook when viewed from the ground- and first-floor flank habitable room windows of No 12. The Council does not contend that there are any significantly harmful impacts resulting from the single-storey elements of the proposals, and I concur with this view.
7. In this case, the proposed first-floor element of the extension would be of modest scale, set well back from the front elevations of both Nos 11 and 12 Station Road, and set in from the boundary between the two properties. It would have a half-hipped roof angled away from the boundary, and with a low eaves level. It would be set to the west of No 12 and it would not project beyond the existing rear elevations of the two houses. No 12 has three windows in the ground-floor of the main side elevation, and one window in the first-floor of that elevation. The two forwardmost windows in this side elevation, at ground- and first-floor levels, have an existing prospect which takes in the large open space to the north, and they would be well to the front of the proposed first-floor of the extensions at No 11. For these reasons, I do not consider that the proposal would result in any material or excessive loss of light to, or outlook, from these windows.
8. The other two windows in the side elevation of No 12 are at ground-floor level and are set within a recess that also includes the main door to the house. I have no information as to the rooms served by these windows, but from the location and size, it would seem unlikely that they serve as primary windows to habitable rooms. In any case, the appellant has provided a sunlight and daylight report which indicates that any potential loss of light to these windows would be slight and within acceptable limits as set by the BRE. The limited depth and height of the first-floor element of the extension, coupled with its set-in nature and half-hipped roof, would prevent any excessive or material loss of amenity to the occupiers of No 11, by way of outlook from the small affected area around the 'front' door and adjacent recess. By virtue of the orientation and scale of the proposed two-storey element of the extensions, there would also be no excessive or material loss of light or outlook to the rear garden of the property or to primary habitable room windows towards the rear.

Conclusion

9. In this case, I do not consider that the proposed extension would be overbearing or result in any significant increase in the sense of enclosure. I find, therefore, that the proposed extension would not result in any excessive harm to the outlook from No 11, nor would it lead to an excessive loss of daylight or sunlight. It would not, therefore, conflict with Policies DBE9 of the LP, or DM9 of the LPSV, and accordingly, I allow this appeal.

Conditions

8. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR