

Appeal Decision

Site visit made on 18 June 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2021

Appeal Ref. APP/J1535/D/21/3271286

5 Maplecroft Lane, Nazeing, Waltham Abbey EN9 2NR

- 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 L & S King against the decision of Epping Forest District Council.
 - The application ref. EPF/2861/20, dated 4 December 2020, was refused by notice dated 29 January 2021.
 - The development proposed is described on the application form as "*Existing single storey side/rear extension demolished & replaced with two storey side extension & single storey front & rear extensions + internal alterations.*"
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Decision

1. The appeal is allowed and planning permission is granted for "*Existing single storey side/rear extension demolished & replaced with two storey side extension & single storey front & rear extensions + internal alterations*" at 5 Maplecroft Lane, Nazeing, Waltham Abbey EN9 2NR in accordance with the terms of the application ref. EPF/2861/20, dated 4 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered 14223-S001-1st and 14223-P001-A.
 - 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.
 - 4) The flat roof area over the single-storey rear extension hereby permitted shall not be used as a balcony, seating area, roof garden, terrace, patio or similar amenity area.

Main issue

2. The Council has not raised any objections to the demolition works, the 2-storey side extension, the single-storey front extension or the internal alterations. I see no reason to disagree with that stance. I therefore consider the sole main issue to be the effect of the proposed single-storey rear extension upon the
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amenities of the neighbouring occupiers at no. 7 Maplecroft Lane with particular regard to any potential changes to their outlook arising from the extension's visual impact.

Reasons

3. The appeal property is a 2-storey semi-detached house with further accommodation on the loft floor. It is situated within a residential area.
4. Whereas the other half of the semi-detached pair (no. 7 to the south-east) has not been extended at the rear, the appeal property benefits from a sizeable single-storey rear extension covered mostly by a mono-pitch tiled roof sloping down from the core of the building. This extension, which would appear to have received planning permission in 2004 under ref. EPF/1539/04, is over 3 m in depth and is built along the boundary with no. 7. A small part of it wraps around the north-western side elevation, being set in from the boundary with no. 3 by about 1.2 m.
5. Along the common boundary to no. 7 beyond this rear extension, there is fencing about 2 m high. Like other properties in the same row, both nos 5 and 7 have very long back gardens. At no. 7 at ground floor level to the rear there are glazed patio doors to a habitable room set within the half of the house closest to the boundary with no. 5.
6. It is proposed to replace the existing single-storey rear extension with a flat-roofed single-storey extension reaching a height of 2.89 m (discounting the 2 roof lights) and extending back into the rear garden by 6 m.
7. The proposal would plainly introduce a rear extension of a larger scale, depth and footprint than the existing one. Nonetheless, I do not share the Council's concern that this would create a sense of enclosure for the occupiers of no. 7, when assessing the scheme on its individual merits.
8. Across roughly the first third of its depth back from the main building, where any unneighbourly impacts on outlook might ordinarily be most experienced, the flat-roofed extension would actually be lower than the existing side elevation presented to the boundary with no. 7. The remaining part of the flat-roofed extension further out from the house would extend above the boundary fencing by only 1 m or so. From the patio doors in the rear-facing wall of no. 7 and the ground immediately outside them, reasonable outlooks over the long rectangular rear garden would remain. The neighbours residing within no. 7 would be unlikely to notice any excessive overbearing sense of containment or any substantial loss of visual amenity. I am not therefore persuaded that this extension would give rise to an unacceptable sense of enclosure or a harmful loss of outlook for this neighbouring property.
9. The absence of objections from the occupiers of no. 7 adds weight to my findings on the main issue. The appellants have presented a discussion about how the operation of permitted development rights might offer a potential fallback. I have not needed to formally assess this particular ground of appeal in any detail as I consider that the proposal is acceptable as submitted.
10. I find on the main issue that the proposed single-storey rear extension would not result in an excessive loss of amenity for the neighbouring occupiers at

no. 7 Maplecroft Lane taking into account its visual impact on outlook. As such, there would be no conflict with the aims of Policy DBE9 of the adopted Epping Forest District Local Plan. Similarly, as the development proposal would not result in an overbearing or overly enclosed form of development which materially impacts on the outlook of occupiers of neighbouring properties, there would be respect for Policy DM 9 (part H) of the emerging Epping Forest District Local Plan Submission Version 2017.

11. There would also be compliance with paragraph 127 (f) of the National Planning Policy Framework which seeks to ensure developments create places with a high standard of amenity for existing and future occupiers.
12. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed the Council's 2 other suggested conditions, firstly, covering materials to ensure that the development would safeguard the character and appearance of the area and secondly, restricting the use of the flat roof area over the single-storey rear extension so as to avoid the potential for an excessive degree of overlooking of neighbouring properties.
13. For the avoidance of doubt, I have noted that the second sentence of the Council's decision notice refers to the impact on "*neighbouring properties*". The other written material before me, including the first sentence of the decision notice, appropriately focusses on the impact on no. 7 only. I have read the response from the occupier of no. 3 who makes no adverse comments on the application. The shared access adjacent to no. 3 would not be impinged upon and if it is a legally binding route as this neighbour suggests, then the appellants will no doubt have that uppermost in their minds before and as the development is carried out.
14. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR