
Appeal Decision

Site visit made on 25 August 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 September 2021

Appeal Ref: APP/J1535/D/21/3267533

37 Forest View Road, Loughton IG10 4DX

- 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 KMDS Designs against the decision of Epping Forest District Council.
 - The application Ref: PL/EPF/1376/20, dated 20 June 2020, was refused by notice dated 20 November 2020.
 - The development proposed is described as 'a material change to elevations, construction of various extensions, new roof, internal reconfiguration and landscaping / hardscaping with changes to front and rear areas.'
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Decision

1. The appeal is allowed, and planning permission is granted for a material change to elevations, construction of various extensions, new roof, internal reconfiguration and landscaping/hardscaping with changes to front and rear areas at No. 37 Forest View Road, Loughton IG10 4DX in accordance with the terms of application Ref PL/EPF/1376/20, dated 20 June 2020, and subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: PL-5865_01A, PL-5865_02A, PL-5865_03, PL-5865_04, PL-5865_05B, PL-5865_06A, PL-5865_07C, PL-5865_08B, PL-5865_09, PL-5865_10, PL-5865_11, PL-5865_12 and OS 2043-20.1.
 - iii. The external materials to the extensions shall match those of the existing property.
 - iv. The development shall be drained on a separate system.
 - v. Access to the flat roof over the extension hereby allowed shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity

area.

Procedural Matters

2. A revised National Planning Policy Framework (the Framework) was published in July 2021, and this post-dates the Council's refusal notice. As part of the determination of this appeal, I afforded the main parties an opportunity to comment upon the implications of this change for the purposes of determining this appeal. I have determined this appeal in accordance with the relevant parts of the development plan and with the Framework.
3. The local planning authority (LPA) has referred in its decision notice to the Epping Forest Local Plan submission version (2017) (ELP) which has yet to complete its examination in public and is not therefore an adopted policy document. I therefore afford it limited weight.

Main Issues

4. The main issues are the effect of the proposed development upon (i) the living conditions of the occupants of adjoining properties by reason of outlook and light and (ii) the character and appearance of the area by reason of the proposed depth and projection of the development beyond the established rear building line of properties on Forest View Road.

Reasons

Living conditions

5. It is agreed by the main parties that a previous planning approval¹ has commenced, and while the whole of the approved development has not been completed, the remaining parts are extant. This includes an approval for a two-storey rear extension.
6. The officer committee report compares the extant approval with the appeal proposal as follows, and I have no reason to believe that the appellant disagrees with the comparison: -

'The site was subject of an approved application under EPF/0579/03 for a part two storey, part single storey rear extension and two storey side extension. The two-story rear extension was proposed to be 5.7m in depth along the boundary of 31 Connaught Avenue with a width of 7m, this is deeper than what is proposed under this application. A 4m deep, 3m wide single storey rear extension is proposed on the eastern side of the rear of the property. Unlike this application, no works were proposed in the area behind the garage, along the boundary of no. 35 Forest View Road nor was there any proposed raising of the ridge height of the roof'.

7. The latter would increase the height of the roof by approximately 0.5 metres. The appeal proposal includes a part two storey extension with a depth of 5 metres and where the two-storey element would extend across more of the width of the existing rear elevation.

¹ EPF/0579/03

8. The extant permission is a material consideration and I afford it considerable weight in the determination of the appeal proposal, while recognising that the proposed development includes differences from it.
9. No. 31 Connaught Road (shown on the submitted location plan as No.39 Forest View Road) lies to the Southwest of the appeal building and its northwest extremity extends beyond the proposed rear elevation to the appeal property. It is sited on slightly higher ground than the appeal dwelling and has a window facing it.
10. There is a high hedge along the boundary between the properties on the appellant's land.
11. Any loss of light to No.31 Connaught Road caused by the proposed rear extension is likely to be modest, other than possibly very early when the sun first rises, as the extension is to the northwest facing façade of the appeal building. The nearest window is at ground floor level, but any light to it is already limited by the existing appeal building. Furthermore, the extant approval, which includes a deeper two-storey extension than is now proposed, would have a comparable or an even greater effect upon light to No. 31 Connaught Road. I find that it is likely to be the case even though the proposed rear elevation would be somewhat taller than the extant permission.
12. The windows to the proposed rear extension would not face directly into the main windows of No. 31 Connaught Road. Consequently, the proposed development would not appear as overly dominant or oppressive when viewed from it. In addition, the extant approval for a deeper two-storey extension would be likely to have at least the same effect.
13. No.39 Forest View Road is positioned to the northeast of the appeal property and has a conservatory to its rear. The proposed development includes a single storey side extension facing it, while the two-storey rear elevation would be set back from the party boundary by approximately 3.2 metres. There is a high wooden fence along the boundary with a height which is almost that of the conservatory. The proposed extensions would not go beyond the length of the conservatory.
14. I find that any impact on light levels to No. 39 Forest View Road are likely to be limited, both because of the single storey nature of the proposed side extension, the set-back of the proposed two storey rear extension from the party boundary, by the height of the boundary fence and because the two storey extension would be on the northern side of the appeal property and where its impact on light to No. 39 Forest View Road would be limited, other than possibly late in the day and through the roof of the conservatory. In addition, the extant permission includes a deeper, two-storey extension to the rear of the appeal property. I do not consider that any additional height to it would add significantly to any loss of light.
15. While the proposed development might cause some additional overlooking, this would be no greater than is normally found amongst adjacent properties. Furthermore, the existing fencing would suitably mitigate any such overlooking. A condition could be imposed to prevent the use of the flat roof of the single storey extension other than for maintenance purposes. Taking into account the position and scale of development, coupled with the extant planning approval, I

find that the proposed development would not create any significantly overbearing effect for the occupiers of No. 39 Forest View Road.

16. Therefore, I conclude that the proposed development would accord with policies DBE2 and DBE9 of the Epping District Local Plan and Alterations (1998 and 2006) (LP) which aims to prevent detrimental effects of proposed development upon neighbouring properties, and with policy DBE10 which requires high quality design which respects the form of the original building. It would also accord with paragraph 130(f) of the Framework which requires a high standard of amenity for existing and future users.

Character and appearance

17. The properties in the immediate area are large, detached dwellings in substantial grounds including spacious rear gardens. There is a mix of designs and styles, and several have rear extensions. While there is a nominal building line to the rear elevations, any significance of it in design terms has been eroded by the extensions. The rear gardens to the properties are not generally visible from public vantage points and the area beyond is woodland.
18. For the above reasons, I find that the proposed development to the rear of the appeal property would cause no harm to the character and appearance of the area. I therefore conclude that it would accord with policy CP2 of the LP which aims to safeguard the character of the urban environment, and with the design requirements of policies DBE9 and DBE10 of the LP and chapter 12 of the Framework.

Other matters

19. Reference is made to a water course running along the rear gardens of the appeal dwelling and adjoining properties and which might affect the proposed foundations. However, I consider that this a a matter which could be dealt with under the Building Regulations and, furthermore, there is no objective evidence before me to indicate that the development would likely cause harm in these respects.
20. Reference is also made to the possibilities of subsidence caused by the building work though I have little information to support a refusal of the proposed development for this reason.
21. None of the other matters outweigh my conclusions on the main issues.

Planning conditions

22. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. I have also included a condition relating to the use of external materials in the interests of maintaining the character and appearance of the building and the area.
23. I consider it necessary to impose a condition limiting the use of the single storey flat roof for maintenance or emergency purposes only, in the interests of protecting the privacy of the occupants of No. 39 Forest View Road.

24. As the proposed development is for extensions and alterations to an existing house, I have amended the LPA's proposed condition relating to drainage so as not to require the submission of further drainage details but to ensure that the proposed development is drained on a separate system.
25. The proposed development is for extensions to an existing dwelling within its existing, landscaped curtilage and where there is no reason to consider that most of its landscaping would be adversely affected. It is not therefore necessary to impose landscaping conditions as suggested by the LPA.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR