



Appeal Decision

Site visit made on 2 November 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2021

Appeal Ref: APP/J1535/D/21/3278363
25 Felstead Road, Loughton IG10 3BB

- 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 Nathan Eriemo against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1191/21, dated 27 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the erection of a first floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor rear extension at 25 Felstead Road, Loughton IG10 3BB in accordance with the terms of the application, Ref PL/EPF/1191/21, dated 27 April 2021, 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: ELA/1 Rev A; ELA/2 Rev A, ELA/3 Rev B; ELA/6 Rev B; ELA/13 Rev B and ELA/18 Rev 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the western elevation of the development hereby permitted.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 27 Felstead Road.

Reasons

3. The appeal property is a 2-storey mid-terrace property which has been altered by the addition of a single storey rear addition and a roof extension. The proposed development includes the erection of a first floor extension above part of the single storey addition.

4. Although not specific in the reason for refusal, the Planning Officer's assessment identifies that the concern is directed at the effect on the appeal scheme on the occupiers of 27 Felstead Road. Policy DBE2 of the Epping Forest District Local Plan (as Altered) (LP) includes reference to planning permission not being granted for new buildings which would have a detrimental effect upon existing neighbouring properties in amenity terms. This approach is echoed in LP Policies DBE9 and DBE10 which refer to the effect of extensions on the amenity of neighbouring properties, including by reason of visual impact and loss of sunlight/daylight, and the separation distance from neighbouring properties.
5. The side elevation of the proposed extension would be set back from the shared boundary with No. 27. Further, the property is located to the east of No. 27 and the rear elevations of both dwellings face towards the north.
6. By reason of this siting, the size and bulk of the appeal scheme would be separated sufficiently from the shared boundary so as not to represent an overbearing form of development for the occupiers of No. 27. For the same reasons, there would not be an unacceptable sense of enclosure for the occupiers of this neighbouring property. In combination, because of the projection of the 2-storey flank wall of No. 25A and the orientation of this short terrace of properties the proposed extension would not materially alter the levels of daylight and sunlight reaching the rear habitable room windows of No. 27.
7. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 27 Felstead Road and, as such, it would not conflict with LP Policies DBE2, DBE9 and DBE10.

Conditions

8. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the proposed extension in accordance with the approved drawings. To assist with the assimilation of the appeal scheme into the surrounding area a condition for the external materials to match those of the property is necessary.
9. Exceptionally, it is necessary for there to be a condition which precludes the erection of any openings in the side elevation of the proposed extension to ensure there is no unacceptable overlooking of the garden of No. 27. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR