
Appeal Decision

Site visit made on 26 November 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/J1535/D/21/3279164
83 Forest Road, Loughton, IG10 1EF

- 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 and Mrs C Mobbs against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0615/21, dated 5 March 2021, was refused by notice dated 30 April 2021.
 - The development proposed is the demolition of a rear conservatory and the construction of a single- and two-storey rear extension; the construction of a two-storey front extension; and conversion of the garage into habitable accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a rear conservatory and the construction of a single- and two-storey rear extension; the construction of a two-storey front extension; and conversion of the garage into habitable accommodation at 83 Forest Road, Loughton, IG10 1EF, in accordance with the terms of the application, Ref PL/EPF/0615/21, dated 5 March 2021, 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: 20018_P_001 Rev A; 20018_P_002 Rev B; 20018_P_003 Rev E; 20018_P_004 Rev F; 20018_P_000.
 - 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.

Application for costs

2. An application for costs was made by Chris Mobbs against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this case is the effect of the proposed extensions on the living conditions of the occupiers of No 81 Forest Road by way of light and outlook.

Reasons

4. The appeal property (No 83) is a semi-detached house situated on the northern side of Forest Road. It currently has a single-storey rear extension across the western part of the rear elevation, and a slightly deeper conservatory across the eastern part, adjacent to the boundary with the neighbouring No 81.
5. The proposed development would consist of a large single-storey rear extension that effectively replaces the existing rear extension and conservatory. It would be marginally deeper than the existing rear extension but marginally less deep than the existing conservatory. There would be a first-floor element above part of this ground-floor extension that would be set in a small amount from the boundary with the neighbouring No 81. The proposed development also includes a small forward extension of an existing first-floor side extension above part of the existing garage and front canopy. This would enable a re-configuration of the ground-floor accommodation.
6. The Council contends that the two-storey element of the proposal, due to its bulk and depth at first-floor level, being close to the boundary with the neighbouring No 81, would have an adverse impact on the neighbouring property by way of loss of light and being overbearing. It would appear from the limited information available to me, that the Council's concern relates to the proposed rear two-storey element of the proposed development, and I concur with that perspective.
7. The appellants contend that, given the siting, scale, and location of the proposed two-storey rear extension relative to the neighbour's property there would be minimal loss of amenity to the neighbouring residents. They have submitted a Sunlight and Daylight Report which indicates that the proposal would have a low impact on light receivable by its neighbouring properties, and that it would meet BRE recommendations regarding overshadowing of the garden.
8. Policy DBE9 of the Council's Combined Policies Local Plan and Alterations (LP) indicates that the Council will require that an extension does not result in an excessive loss of amenity for neighbouring properties with regard to visual impact and loss of sunlight/daylight.
9. Policy DM9 of the Council's Local Plan (Submission Version 2017) (LPSV) indicates that development proposals must take account of the amenity of the development's neighbours. The Council will expect proposals to provide adequate sunlight, daylight and open aspects to all parts of adjacent buildings and land. In addition, development should not result in an over-bearing or overly enclosed form of development which materially impacts on the outlook of neighbouring residents. In the light of the advanced stage of production of the LPSV, I afford it significant weight.
10. In this case, the proposed first-floor rear extension would be constructed close to the boundary with No 81. However, it would have an eaves height below that of the existing roof, and the roof of this extension would be shallow pitched away from the boundary. It would project around 4.5 metres from the main rear elevation of the house and around 3 metres beyond the rear elevation of a single-storey side extension at No 81. No 81 also has a two-storey rear extension to the main house, and what appears to be a side/rear garage/extension on the boundary with No 79.

11. From the limited information I have available, it would appear that the main external amenity space for No 81 is to the rear of the two-storey extension, with access to the sizeable rear garden from the side facing away from No 83. There is a generally open aspect to the north beyond the garden to an area apparently occupied by the line of Loughton Brook. There would not appear to be direct access to the small area of amenity space at the rear of the side extension adjacent to the boundary with No 83.
12. Given the results of the Sunlight/Daylight Survey provided by the appellants, together with the location, scale, and orientation of the overall amenity space at No 81, I do not consider that the proposed two-storey rear extension would result in any significant loss of light for the occupiers No 81. Moreover, by virtue of its low eaves height and low-pitched roof sloping away from the boundary, together with its limited depth beyond the rear elevation of the side extension at No 81, I do not consider that the extension would appear materially overbearing or oppressive from the neighbouring property.
13. In conclusion, I find that the proposed two-storey rear extension and the limited forward projecting first-floor extension would not be significantly harmful to the light received at No 81, nor would they have any materially adverse impact on outlook from the neighbouring property. On this basis, they would not result in an excessive loss of amenity for the neighbouring property with regard to visual impact and loss of sunlight/daylight, and they would not conflict with Policy DBE9 of the LP or DM9 of the LPSV.

Other Matters

14. The proposed small forward extension at first-floor level and the associated re-configuration of the ground-floor living accommodation would result in the loss of the garage and a reduction in space for car parking to the front of the property, such that it would appear likely that off-street parking would become impossible. However, the Council has raised no issues with this, and I have no evidence before me to lead me to suppose that this situation would be harmful to highway safety.
15. The appellants indicate that the parcel of neighbouring garden land that is claimed to be affected by the proposal is a fenced off area of garden only used as an enclosed space for the neighbour's dog to foul, and that, as such, any potential impacts on this area would not harm the living conditions of the neighbouring residents. Whether or not this is the situation, the current use of the parcel of garden land is not relevant to this case, since the land could be used for a range of amenity purposes now or in the future.

Conditions

16. 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