



Appeal Decision

Site visit made on 10 December 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/J1535/D/21/3282298

18 Flagstaff Close, Waltham Abbey EN9 1JB

- 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 Mrs Claire Coombs against the decision of the Epping Forest District Council.
 - The application Ref PL/EPF/1279/21, dated 5 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension; in accordance with the terms of the application Ref PL/EPF/1279/21, dated 5 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Planning application for a single storey rear extension, Ref COO.APR.21A
 - 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 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.

Preliminary Matter

2. I note reference in the Decision Notice to Policy DM9 from the emerging Epping Forest Local Plan 2017 (Submission Version) (LPSV). In my application of paragraph 48 of the National Planning Policy Framework, whilst the LPSV is not part of the adopted development plan, it is at an advanced stage in the adoption process, and according to the Authority's proposed Main Modifications there have been no modification to the policy or the accompanying text. In my opinion the emerging policy would appear to be consistent with the National Planning Policy Framework. I am also mindful that the examining Inspector may wish to re-open the examination to hear further evidence and as such could result in further changes and additions to this policy and accompanying text. Based upon this, I will afford the LPSV moderate weight in this appeal decision.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of neighbouring and future residents as a result of access to light.

Reasons

4. The appeal site is located along Flagstaff Close, a residential cul-de-sac which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the early twenty-first century. The dwellings along Flagstaff Close which includes the appeal site are laid out in groups of four terraced dwellings with long rectangular rear gardens that are to the west which adjoin the River Lea at their rear boundaries.
5. The southern boundary is shared with No. 17 Flagstaff Close, which contains a glass conservatory to the rear which is constructed at approximately two-thirds the width of the site with a small accessway adjacent to the boundary with the appeal site. Given the trajectory of the sun from East to West, the shadow cast from the proposed extension would be towards the north and not affect this neighbouring property. I therefore disagree with the Planning Officer's report that 'excessive harm' would be caused by overshadowing of this neighbouring property's rear garden space.
6. The neighbouring property to the north is No.19 Flagstaff Close. At the rear of this property is a hot tub which is placed close to the shared boundary of the appeal site and would be next to the proposed extension. Unlike the appeal property's rear garden, No.19's garden is much wider being situated at the end of the terrace. Whilst I agree that the increased height of 1.45 metres above the boundary fence would increase the length of shadow and cause some slight increase in overshadowing, given the path of the shadow, much of this would be in the morning, with the neighbouring dwelling not being affected by overshadowing in the afternoon. Given the width and depth of the garden, the small increase in shadow would not be 'excessive' given that adequate exposure of the rear garden to light and sun is still achievable and within appropriate measures.
7. Taking the above into account, I disagree that the proposed rear extension would result in excessive harm to living conditions as a result of overshadowing and access to light. Consequently, the proposed scheme is made in accordance with Epping Forest District Local Plan and Alterations 2006 Saved Policy DBE9 which seeks that proposed extensions do not result in an excessive loss of amenity. The scheme would also be compliant with emerging LPSV Policy DM9 which at Section H. seeks that proposed development provide adequate sunlight, daylight and open aspects.

Conclusion and Conditions

8. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed previously.
9. The Council in their Appeal Form response detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the

Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 3 seeks that the scheme is constructed in matching materials which is necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality.

J Somers
INSPECTOR