



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: 4TH January 2022

Appeal Ref: APP/J1535/D/21/3282994

6 Harriescourt, Waltham Abbey EN9 3NS

- 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 Naerger against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1316/21, dated 8 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is a two storey side extension, single storey rear extension and replacement of all windows.
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Decision

1. The appeal is dismissed.

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 (the 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 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 as a material consideration.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - The existing building and the character and appearance of the locality; and
 - The living conditions of No.7 Harriescourt, with particular regard to access to light.

Reasons

Character and appearance

4. The appeal site is located at the terminus of Harriescourt which at this point is a cul-de-sac with hammerhead turning area in front of the appeal property. Harriescourt forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the mid-twentieth century. The local area contains pairs of semi-detached dwellings

which have a symmetry in their placement with a consistent building line and setback with front gardens and low boundary walls. The end of the cul-de-sac where the appeal site is located contains visual gaps to the first floor in between properties where glimpses to the tops of trees in rear gardens are experienced. This is particularly evident at the appeal site where vegetation to the rear of properties is a positive characteristic and which can be experienced in gaps between properties. The dwellings along this section of the cul-de-sac are constructed with a yellow brick with concrete roof tiles, and hipped roof forms, and have a central coaxial chimney stack.

5. It is unfortunate that further east along Harriescourt past the intersection with Harriescourt (which runs north to south) also contains a number of dwellings to either side of the carriageway which were once semi-detached, and over time have had extensions, so much so that they have formed terraces and have eroded and negatively affected the positive characteristics such as visual gaps and spaces in and around dwellings.
6. The appeal site displays a number of positive qualities which are experienced within the street scene, being one of the characteristic semi-detached dwellings and containing many of the important design elements and original roof forms and visual gaps between properties. In this case there are glimpses to vegetation beyond which reinforce the local character and distinctiveness of the area particularly where the visual gap between the properties is at the terminus of this cul-de-sac.
7. In undertaking extensions to existing buildings, the Epping Forest Core Strategy (CS) Saved Policy DBE10 seeks to ensure that residential extensions complement and where appropriate, enhance the appearance of the street scene, and the existing building form and assessing elements such as scale, form, detail, separation from neighbouring dwellings, amongst others.
8. The applicant's Statement of Case (SoC) notes that there are examples of similar extensions in the near vicinity, such as further east along Harriescourt where dwellings have become terraced. The presence of extensions does not assist in illustrating positive aspects to the character and appearance of the street scene, and perhaps illustrate why care should be exercised in accordance with Saved Policy DBE10 to avoid further erosion of positive elements of the street scene such as the visual gaps in between properties and proportions of extensions.
9. The proposal would have a first floor that would be constructed to the side property boundary which would erode much of the visual gap between the properties. Whilst I appreciate the commentary with regards to the design options that the applicant has progressed in order to design an appropriate scheme, the erosion of the visual gap combined with the crown roof form; the proposal would introduce an elongated and disproportionate form when experienced from the street scene. The proposed amount of visual bulk and massing would be unlike other extensions constructed within the immediate vicinity and would be harmful to the character and appearance of the existing building, and the local distinctiveness of the locality.
10. Consequently, and in conclusion of this matter, the proposed scheme would not be in compliance with saved CS Policy DBE10 Policy as described previously. The scheme would also fail to comply with London Plan 2021 Policy D3 which

seeks that a design led approach be adopted in order to respond to the local context.

Living conditions

11. The main concerns raised from the Council are with regards to living conditions of No.7 as a result of the sense of enclosure and overshadowing. The current occupiers of No.7 have also raised concerns with regards to loss of light to their landing, kitchen and bathroom, as well as the patio area to the rear of the dwelling. No.7 Harriescourt is located to the north of the appeal site and contains a half of another pair of semi-detached dwellings, which is setback at first floor level from the shared side boundary, but contains a garage and kitchen which is located along the shared boundary of the appeal site, but only for approximately half the depth of the original dwelling. The appeal site also contains a single storey garage with pitched and gabled roof that extends for the majority of the shared boundary of the rear garden of No.7, however there is a gap in built form between the garage and the dwelling which corresponds to the location of the rear paved area of No.7. The rear garden of No.7 is quite wide and is of similar size and width to the appeal site.
12. With regards to the sense of enclosure, whilst there is built form in the form of a garage along much of No.7's rear boundary, at the point of the hardstanding area of No.7 is more unrestricted in terms of outlook. The proposal would result in a continuous built form along the boundary where part of the boundary would be two storeys tall up against the paved area of the neighbouring dwelling. Whilst it is appreciated that there already is a degree of overbearingness caused by the garage along the boundary, the proposal would accentuate the harm caused and create a blank and oppressive environment with the scale and lack of setback from the shared boundary creating enclosure towards this neighbouring property. The proposal would result in excessive impacts to the enjoyment of the rear patio area of No.7 and be contrary to saved CS Policy DBE9 which seeks that development not result in an excessive loss of amenity to neighbouring properties. The proposal would also be contrary to emerging LPSV Policy DM9 (H) which seeks that proposals not result in an over-bearing or overly enclosed form of development which materially impacts on the outlook of neighbouring properties.
13. Turning to access to light, the assessment is limited to the impact upon habitable rooms. Based on the evidence before me, I am not convinced that the landing to the stairs, the bathroom or kitchen areas of No.7 comprise of habitable living spaces and therefore will not be assessed further against Saved CS Policy DBE9 or emerging LPSV Policy DM9. Whilst I agree that the increased height of the proposal above the boundary fence would increase the length of shadow and cause some slight increase in overshadowing; given the path of the sun, much of the overshadowing 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.
14. In conclusion of this matter, whilst I have agreed with the applicant with regards to access to light, when taken as a whole, and in conclusion of this matter, this would not be sufficient to outweigh the impacts caused to living conditions as a result of enclosure.

Conclusion

15. Whilst I have agree with the applicant with regards to the reason for refusal with regards to considerations around overshadowing, when taken as a whole, this is not sufficient to outweigh the design policies and living conditions that the proposed scheme does not comply with. For the reasons given above, I conclude that the appeal is dismissed.

J Somers
INSPECTOR