
Appeal Decision

Site visit made on 11 February 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 FEBRUARY 2022

Appeal Ref: APP/J1535/D/21/3283327

88 Smarts Lane, Loughton IG10 4BS

- 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 A Harding against the decision of Epping Forest District Council.
 - The application Ref EPF/1265/21, dated 4 May 2021, was refused by notice dated 1 July 2021.
 - The development proposed is 'part single and part double front/side and rear extensions, and loft conversion with front/side and rear dormers. Amendment to EPF/1022/19 – Rear first floor terrace with glass balustrade'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The extensions approved under application reference EPF/1022/19 had largely been completed at the time of the inspection. This appeal solely concerns the proposed addition of a terrace above the rear single storey extension.
3. The Council relies on policies from the Epping Forest District Local Plan Submission Version 2017 (LPSV). I note that the LPSV has been submitted for examination, that the hearings have taken place and that the Inspector has advised on the necessary main modifications to enable soundness issues to be addressed. I am not aware that the Inspector commented on the relevant policies in this case concerning design quality and residential amenity. As such, they can be given substantial weight for the purposes of this appeal¹.

Main Issues

4. The main issues are the effect of the proposed terrace on the character and appearance of the host dwelling and surrounding area; and its effect on the living conditions of the occupiers of No 90 Smarts Lane, with regard to outlook and privacy, and on other nearby occupiers of properties on Smarts Lane and High Beech Road, with regard to privacy.

¹ In accordance with paragraph 48 of the National Planning Policy Framework.

Reasons

Character and Appearance

5. The appeal property is a two storey mid-terrace dwelling in a residential road of similar dwelling types. No 86 appears to be developed fully from the front to the rear of the plot and, as such, there is a two storey wall to one side of No 88's garden. To the other side is a run of rear gardens of properties along the terrace to the west of the appeal property. These gardens and that of the appeal property back onto the gardens of properties along High Beech Road.
6. The dwellings neighbouring the appeal property have a range of different forms of single storey structures to the rear, but none that is visible is of the same depth and height as the recent single storey extension to No 88. Due to the limited height of the garden boundary treatments, the extension is readily visible from neighbouring gardens. While it is seen from some of these gardens in profile against the larger wall of No 86, the extension is nonetheless a prominent addition in its own right.
7. The proposed terrace would include a glass balustrade to the front and a taller opaque privacy screen to the side next to No 90. These features, particularly the 1.7 metre privacy screen, would add to the overall height and prominence of the extended dwelling. The extent of the approved changes to No 88 have altered its original character to a material degree and the addition of the terrace would, due to the additional height and glass screens, result in a form of incongruous overdevelopment. Moreover, its appearance and use in a relatively densely-developed area with modest rear gardens where no upper floor terraces exist, would appear as an uncharacteristic and obtrusive feature.
8. The appellant refers to a number of other examples of approved terraces within Loughton. However, these do not relate directly to the area surrounding the appeal property. Moreover, a number of them appear to relate to large detached dwellings or apartment buildings which are not directly comparable to the effects on the terraced dwellings in this case where no other upper floor terraces exist. As such, these other examples do not lead me to reach a different conclusion on this issue.
9. Accordingly, for the above reasons, I conclude that the proposed terrace would have an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, it is contrary to Policies CP2, CP7 and DBE10 of the Epping Forest District Local Plan (1998) and Alterations (2006); and to Policies DM9 and DM10 of the LPSV, all of which concern the design quality of the built environment, including residential extensions. It is also contrary to the National Planning Policy Framework, which promotes high quality design.

Living Conditions

10. The inspection allowed the opportunity to view the surrounding area from the position of the proposed terrace, above the single storey extension. It is clear that from the front of the terrace, despite the opaque screen to the side, it would be possible to gain views at close range into No 90's rear garden and some of the other nearest gardens of dwellings on Smarts Lane. As such, the privacy of these neighbouring occupiers and reasonable enjoyment of their

gardens would be harmfully compromised. It would not, however, be possible to see into the nearest upper floor window of No 90 as the height of the obscured screen would prevent this.

11. No 90's modestly-sized garden is in close proximity to the rear extension and proposed terrace, resulting in readily available views of them. The additional height of the terrace in close proximity, particularly resulting from the opaque privacy screen, would make this a dominant and overbearing feature seen from the neighbouring garden. Consequently, the addition of the terrace would result in a materially harmful effect on the outlook from the neighbouring garden. However, the inset of the privacy screen from the side boundary would help to reduce its effects seen from No 90's nearest upper floor window.
12. Direct views from the terrace to the rear would be towards the gardens and rear windows of properties on High Beech Road. The back-to-back gardens are of limited length meaning that separation distances are not significant and the boundary fencing and small outbuildings do not provide effective screening. These facts combined with the height of the elevated terrace would result in readily available views of the nearest rear gardens, particularly those of Nos 67 and 69 High Beech Road. One of these properties also has large patio windows apparently serving a habitable room. Given the direct and uninterrupted views from the proposed terrace, it would be possible to see into these windows. Consequently, the extent of overlooking would result in material harm due to a loss of privacy to these neighbouring occupiers.
13. The extent of these views from the terrace would not be comparable to views from the doors in the approved scheme, particularly due to the greater proximity to and all round visibility of neighbouring gardens and properties afforded by the terrace. The appellant also refers to a number of other approved developments where privacy screens have been provided to protect privacy. However, I am unaware of the details of these schemes and their relationship to other dwellings. I have considered the proposal on its merits including the relationship with neighbouring dwellings and, as such, these other examples are not sufficient basis to reach a different conclusion on this issue.
14. I conclude, therefore, for the reasons given that the proposed terrace would have an unacceptably harmful effect on the living conditions of the occupiers of No 90 Smarts Lane, with regard to outlook and privacy, and on other nearby occupiers of properties on Smarts Lane and High Beech Road, with regard to privacy. As such, it is contrary to Policies CP7 and DBE9 of the adopted local plan and alterations, and to Policy DM9 of the LPSV, which concern amongst other matters the effect of development on neighbouring amenity.

Other Matters

15. I have had regard to other matters raised by interested parties. There is no basis to suggest that the proposed terrace would harmfully affect the natural light available to neighbouring dwellings. Despite its elevated position, normal use of the terrace would not result in material harm arising from noise and disturbance.

Conclusion

16. For the reasons given, it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR