
Appeal Decision

Site visit made on 25 January 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2022

Appeal Ref: APP/J1535/D/21/3273889

The Pond House, Poplar Row, Theydon Bois, Epping CM16 7NB

- 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 Lucy Smith against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0111/21, dated 14 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is Single Storey Rear Extension, first floor rear extension and first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for the occupants of No 1 Theydon Park Road, having particular regard to outlook.

Reasons

3. The appeal site is a large, detached dwelling that is located close to its side boundaries. The building is set back from the road and follows a different alignment to the adjacent terrace of houses which front on to Theydon Park Road. As a consequence, the building is demonstrably set back beyond its adjacent neighbour, No 1 Theydon Park Road.
4. No 1 benefits from private amenity space to the rear of the property. However, it is somewhat limited in size, and due to the alignment of the appeal building, the garden is triangular in form with the side boundary tapering away from the dwelling. Due to the location of the appeal building and its proximity to the shared side boundary, its height and overall mass represents an imposing building when viewed from within the neighbouring garden. The flank elevation is tall and long and dominates much of the shared side boundary.
5. The proposal would have the effect of increasing the eaves height of the adjacent side elevation. As a consequence, when viewed from the adjacent garden, the bulk and mass of the building would demonstrably increase. This would increase the dominance of the appeal building. The side elevation would become more imposing and overbearing which would have a substantially harmful impact on outlook. The proposal would therefore represent an oppressive form of development that would unduly enclose the garden of No 1.
6. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupants of No 1. Accordingly, it would fail to comply with

Policies DBE2, DBE9 and DBE10 of the Epping Forest District Local Plan (1998), and Policies DM9 and DM10 of the Epping Forest District Local Plan Submission Version (2017). Taken together, these seek amongst other things, development which does not have a detrimental effect upon existing neighbouring properties.

Conclusion

7. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR