



Appeal Decision

Site visit made on 14 March 2022

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH March 2022

Appeal Ref: APP/J1535/D/21/3284969

128 Buckhurst Way, Buckhurst Hill IG9 6HP

- 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 Aradeon against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1534/21, dated 28 May 2021, was refused by notice dated 23 July 2021.
 - The development proposed was originally described as 'Erection of a single storey rear extension (Retrospective)'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey rear extension at 128 Buckhurst Way, Buckhurst Hill IG9 6HP in accordance with the terms of the application, Ref PL/EPF/1534/21, dated 28 May 2021, and the following plans: TQRQM20299183750343; TQRQM20299183557969; TOP ELEVATION; FRONT ELEVATION; SIDE ELEVATIONS; REAR ELEVATION; FLOOR PLANS DWG 01 – FOUNDATION; FLOOR PLANS DWG 02 – GROUND FLOOR; and CROSS SECTION – BEAMS & COLUMNS.

Procedural Matters

2. The description of the development in the heading above has been taken from the planning application form. The form confirms that the development has been completed and thus planning permission is sought retrospectively. I have determined the appeal on that basis. However, I have omitted the reference to the development being retrospective in the formal decision as such wording is superfluous.
3. The National Planning Policy Framework (Framework) was revised on 20 July 2021. It replaces the version from 2019 that the Council considered when it determined the application. There are few differences between the two versions of the Framework regarding the specific issues in dispute for this appeal, and so it has not been necessary to seek the views of the parties on this matter.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of Nos 126 and 130 Buckhurst Way, with particular regard to outlook.

Reasons

5. The site includes a mid-terrace dwelling with a rear garden that is bordered by fencing and vegetation. The extension subject to this appeal features a dual

pitched but relatively shallow roof and is sited on slightly higher land than much of the rear garden at No 128. The adjacent properties at Nos 126 and 130 feature single storey projections that are set up slightly compared to most of their rear gardens in a similar manner.

6. While the extension is sited close to and is longer and taller than the neighbouring projections, it is nevertheless a single storey addition that does not protrude beyond or above them excessively. Adequate outward views from the neighbours' rear rooms have been retained. The extension encloses only a small proportion of the gardens near the dwellings. Outlook from most of the gardens is unaffected by the development. Views beyond the boundaries and toward the sky are achievable with both the development and relatively large amounts of vegetation in situ to the rear of the properties. The extension does not affect outlook to the extent that it is overbearing. Therefore, the development does not have an unacceptable harmful impact on the living conditions of the occupiers of Nos 126 and 130 in respect of outlook.
7. Additionally, the extension's size and the positions of its fenestration are such that its impacts on the neighbours' light receipt and privacy levels are limited. I also note that the Council does not object to the extension in these respects.
8. The development does not significantly adversely affect the living conditions of the occupiers of Nos 126 and 130 Buckhurst Way. It accords with Policy DBE9 of the Epping Forest District Local Plan 1998, which requires that development does not result in excessive losses of amenity. It also complies with Policy DM9 of the Epping Forest District Local Plan Submission Version 2017 and Chapter 12 of the Framework, which have similar objectives.

Other Matters

9. An interested party contends that the development is unsightly. However, the Council does not object to the development on this basis. I consider that the extension is a proportionate addition to the dwelling. I have no compelling reasons to reach an alternate view to the Council on this matter.
10. It is also purported that the development has structurally compromised the adjacent properties, the appellant did not notify the neighbours of the development prior to construction commencing and that party wall agreements were not completed. However, these are private matters to be resolved between the parties involved and are not directly relevant to the planning merits of the development. Furthermore, the fact that the development was constructed without permission is not a reason in itself to dismiss the appeal.

Conclusion

11. For the reasons given above the appeal should be allowed. As the development is retrospective no planning conditions are necessary.

Mark Philpott

INSPECTOR