
Appeal Decision

Site visit made on 23 June 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH July 2022

Appeal Ref: APP/J1535/D/22/3291583

28 Maplecroft Lane, Nazeing, Waltham Abbey, EN9 2NS

- 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 Garry Stevens against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2248/21, dated 16 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed was described as '*House redevelopment*'.
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Decision

1. The appeal is allowed and planning permission is granted for garage conversion, and erection of a part two-storey, part single-storey rear and first floor side extension at 28 Maplecroft Lane, Nazeing, Waltham Abbey, EN9 2NS in accordance with the terms of the application, Ref PL/EPF/2248/21, dated 16 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos ELA/1 Rev A, ELA/2 Rev A, ELA/3 Rev A, ELA/6 Rev A, ELA/12 Rev A, ELA/13 Rev A, ELA/14 Rev A, and ELA/18 Rev A.
 - 3) The materials to be used in the construction of the external roof surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. I have used the description that was given on the decision notice and which was repeated on the appeal form in my formal decision. This gives a more accurate description of the proposal compared with that which was given on the application form and which I have used in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed rear extension on the living conditions at 26 Maplecroft Lane, with particular regard to visual impact.

Reasons

4. The appeal property is a detached, two-storey dwelling with a pitched roof and gabled sides. It has an attached garage to one side and a fairly shallow single-storey extension to the rear. It sits amongst a row of similar style and aged properties, many of which have been altered in a variety of ways beyond their original form. The proposed extensions to the rear would replace the existing rear extension with a part single-storey, part two-storey addition that would span the full width of the property. At ground floor the extension would project approximately 6m beyond the rear wall of the original dwelling, with the first floor addition projecting approximately 4m.
5. The appeal property is set away from the side common boundary with No 26 by the width of a pedestrian access. No 26 has an attached garage to the side that immediately adjoins the boundary. According to undisputed figures provided by the appellant, No 26 has a rear building line around 1.7m deeper than the appeal property. I have no reason to dispute this based on my own observations. The deepest part of the extension would align approximately with the depth of a conservatory extension to No 26, which is around 4.3m from the boundary, and which aligns with the main two-storey flank wall of this neighbouring dwelling.
6. There is a slight levels difference between these two neighbouring properties due to the topography of the area with No 26 sitting lower. However, the difference is not significant and, in my assessment, this would not materially affect the scale of the extensions when viewed from the neighbouring property. Due to the staggered rear elevations between these two properties, the two-storey part of the extension would project around 2.3m beyond the rear wall of No 26, with the first-floor projecting around 4.3m. The nearest rear facing first-floor window to No 26 is around 6.6m from the shared side common boundary. The nearest ground floor window is closer but serves a utility area behind the attached garage. Due to the separation distances involved, I am not persuaded that the extension would be seen in the outlook from any habitable spaces other than at very oblique angles where its visual impact, either at ground or first floor levels would be limited.
7. The flank wall of the conservatory to No 26 is constructed of solid brickwork. There is no direct aspect from within the conservatory towards the appeal site. Any views towards the appeal property from within the conservatory would be upwards through the glazed roof where sight of the extension would be limited. There would be no visual intrusion that would affect the living conditions within this space in any significant way. Neither am I persuaded by any substantive evidence that daylight or sunlight penetrating the neighbour's living spaces would be significantly affected. An area that is enclosed immediately to the rear of the neighbour's garage and to the side of the conservatory is limited in terms of its size and function. It does not perform as the primary garden amenity area, which is either to the opposite side of the conservatory and from where sight of the extension would be screened, or else which is deeper into

the garden, where the proposal would be seen as well-considered and fully integrated additions that would be appropriately residential in scale and appearance.

8. Overall, for the reasons given, I am satisfied that there would be no harm to the living conditions at 26 Maplecroft Lane. As such, there would be no conflict with Policies CP7 or DBE9 of the Epping Forest Local Plan (1998) and Alterations (2006) insofar as they seek to safeguard amenity for neighbouring properties. Neither do I find conflict with emerging Policy DM9 of the Epping Forest District Local Plan Submission Version 2017, to which I have attributed some weight. This takes a similar approach in terms of protecting neighbours' privacy and amenity. Given my findings, there would be no conflict with the National Planning Policy Framework's objectives for achieving well-designed places.

Conditions

9. A condition specifying the relevant plans is necessary as this provides certainty. The proposal expressly includes the use of cladding and render to the remodelled elevations of the property which is in contrast to the existing facing brickwork and tile hanging. The Council has raised no concern to this and I am satisfied that this would be appropriate having regard to the residential character of the area. A condition requiring finished materials to match the existing is therefore only required with reference to the roofing materials, which is necessary in the interests of maintaining the character and appearance of the area.

Conclusion

10. For the reasons given, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR