



Appeal Decision

Site visit made on 16 August 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/J1535/D/22/3292984

44 Barrington Green, Loughton, Essex, IG10 2BA

- 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 Ioan Misca against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2440/21, dated 7 September 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the erection of a single storey rear extension and front porch.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and front porch at 44 Barrington Green, Loughton, Essex, IG10 2BA in accordance with the terms of the application, Ref PL/EPF/2440/21, dated 7 September 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: LIVARCH/44BG/AP4 A; LIVARCH/44BG/AP3 A; LIVARCH/44BG/AP2 A; LIVARCH/44BG/AP1 A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted insofar as it relates to the porch shall match those used in the existing building.

Preliminary matters

2. I have noted that during the appeal process the appellant has submitted amended plans showing a slight change to allow use of the shared passageway with no 46. I have determined this appeal on the basis of those plans as they do not prejudice the interests of the parties.
3. I saw at my visit that a rear extension has been substantially built but not completed. I noted that the extension as built differs very slightly from that proposed here in that it extends very slightly beyond the side wall of the dwelling, with a very low parapet wall on either side of the flat roof. I have not been provided with any plans that show those changes and I shall determine the appeal on the basis of the plans before me.

4. The Council's decision refers to policy DM9(h) in the Epping Forest District Local Plan Submission Version 2017 (LPSV) which requires that development proposals take account of the amenity of users and neighbours. I have noted that, although not yet adopted by the Council as part of its development plan, the LPSV has been through the examination process and has reached a very advanced stage. I am not aware of any unresolved objections to this policy so far as it relates to this appeal. Therefore, I have attached significant weight to this emerging policy.

Reasons

5. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring property at no 42 in terms of outlook and those of the occupiers of the appeal dwelling in terms of amenity space. The development plan includes policies CP7 and DBE9 in the Epping Forest District Local Plan & Alterations (1998 & 2006) (LP) which together seek to ensure, amongst other things, that development proposals prevent loss of amenity. The Council's decision also refers to policy DBE8 but as that applies to new residential developments rather than to residential extensions it is not relevant to this appeal.
6. The appeal dwelling is an end terrace house in a residential area of similar properties. It is adjoined by the dwelling at no 46 with a shared passageway at ground floor level providing access to the rear gardens and a gap separates it from the other neighbour at no 42. I have noted that the Council has not objected to the proposed front porch and from what I have seen this would be acceptable.
7. The plans show that the proposed single storey rear extension would project some 4m beyond the main rear wall of the house, extending across the width of the house and set in slightly from the side boundary. It would have a flat roof of some 3m in height and rendered walls.
8. With regard to the effect on no 42, the rear elevation of that house has not been extended and is set forward of the main rear elevation of the appeal dwelling. The proposed extension would therefore project only some 1.46m beyond no 42 and there is a good sized gap between the two properties which are separated by a fence. I fail to understand why the Council has objected in this regard given the small size and scale of this extension and the relationship between the two properties. I am satisfied that there would not be any harmful degree of overbearing or undue loss of outlook when seen from no 42 and the living conditions of those occupiers would not be harmed. I agree with the Council's planning officer's recommendation that the extension would be acceptable in this regard and it accords with the policies referred to above.
9. Regarding the amenity space at the appeal property, there is a sizeable and well-proportioned rear garden of some 15.5m length and around 8m in width, according to the plans. Even taking into account the recently erected outbuilding which I noted at the end of the garden and is not shown on the plans, a more than adequate area of garden would remain if the proposed rear extension were built. The garden is level, well screened, reasonably private and receives a good amount of sunlight. I am at a loss to comprehend the Council's decision on this matter and from what I have seen, I would agree with its planning officer's recommendation that the remaining amenity space for the occupiers would be acceptable and would not harm their living

conditions. On this matter too, the proposal would accord with the policies referred to earlier.

Conditions

10. In addition to the standard commencement condition, a condition is necessary requiring that the proposal is carried out in accordance with the approved plans, in order to provide certainty. The proposed render finish for the rear extension specified in the application is acceptable but a condition requiring matching external materials for the porch is necessary in the interests of the character and appearance of the house and the area.

Conclusion

11. For the reasons given above, I conclude that the proposed development would accord with the development plan and there are no material considerations that would outweigh this. The appeal should be allowed.

Sarah Colebourne

Inspector