
Appeal Decision

Site visit made on 7 October 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/J1535/D/22/3291768

42 Stewards Green Road, Epping CM16 7DA

- 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 and Mrs Edwards against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2307/21, dated 20 August 2021, was refused by notice dated 9 November 2021.
 - The development proposed is a single storey rear extension to a kitchen and playroom.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension to a kitchen and playroom at 42 Stewards Green Road, Epping, CM16 7DA, in accordance with the terms of application Ref PL/EPF//2307/21, dated 20 August 2021, subject to the following conditions:
 - (i) The development hereby permitted shall begin no later than three years from the date of this decision.
 - (ii) The development hereby permitted shall be carried out in accordance with the following approved plans: 21/E/SGR/03.

Procedural Matter

2. The local planning authority (LPA) in its decision notice has referred to policies in the Epping Forest emerging local plan. However, as the plan has yet to be adopted, I can only give such policies limited weight in the decision-making process.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the living conditions of the occupiers of 41 Stewards Green Road in respect of outlook and (ii) whether there would remain an acceptable amount of outside amenity space.

Reasons

Outlook

4. The appeal building is a detached, two storey dwelling located in a residential area. It has amenity space both to the front and rear. Beyond the latter is what I describe as communal open space.
5. The rear elevation is stepped, creating a recessed area against the boundary with No 41 Stewards Green Road, with a length of some 1.65 metres. In addition, No 41 Stewards Green Road is set back slightly from, and parallel to, the recessed area.
6. The proposed development is for a single storey, rear extension which would extend in a straight line beyond the furthest part of the dwelling by about 3 metres. In so doing, it would infill the recess by some 4.56 metres at the mutual boundary with number 41 Stewards Green Road.
7. A Certificate of Lawful Development has previously been issued for a single storey rear extension of 3 metres in length for that part of the rear elevation which is not recessed¹. While the appeal proposal is not submitted on the basis that it is permitted development, it would extend outwards by the same amount at this point. It would also include the incorporation of the recessed area, extending development here by some 4.56 metres.
8. On my site visit, I was able to note that views from the windows to No 41 Stewards Green Road look directly down the length of its garden, and which has a south-easterly orientation. There is a wooden boundary fence between the properties of approximately 1.5 to 2 metres high.
9. While the proposed extension would bring development closer towards No 41 Stewards Green Road, by its single storey height I consider that it would not dominate the outlook for the occupants of the latter dwelling.
10. Therefore, I conclude that the proposed development would accord with policy DBE9 of the Epping Forest Local Plan and Alterations (1998 and 2006) (LP) which aims to protect the visual impact of development, and with policy CP7 in so far as it aims to protect amenity. Policy CP2 of the LP which aims to protect the quality of the rural and built environment, is not directly relevant. It would conform to paragraph 130 (f) of the National Planning Policy Framework 2021 (the Framework) which requires a high standard of amenity to be achieved for existing and future users. Paragraph 92 of the Framework which promotes social interaction, the prevention of crime and healthy lifestyles is not directly relevant.

Private amenity space

11. The LPA considers that the proposed development would leave outside amenity space to the rear of the dwelling of some 55 m². It refers to policy DBE8 of the LP which requires new development to provide accessible open space to the rear of dwellings of a reasonably usable size and shape and with an appropriate aspect.
12. I consider that the dwelling would still retain an adequate amenity area to permit leisure and other usage if the extension is constructed, and which would

¹ EPF/1700/21.

meet the criteria in policy DBE8. In addition, the dwelling also has a relatively large front amenity area, and adjoining it to the rear is a communal grassed open space.

13. Therefore, I conclude that the proposed development would not contravene policy DBE8 and would accord with paragraph 130(e) of the Framework which requires an appropriate amount of green space in new development.

Other Matters

14. In its officer report, the LPA considers that the proposed development would set an unacceptable precedent for similar development. However, any such proposals would be considered on their individual planning merits, as has the appeal case before me.
15. The LPA has also referred to the possible loss of light to No 41 Stewards Green Road, though it has not included this as a reason for refusal. However, when considering the limited height of the proposed development and the southerly facing aspect of the dwellings, I do not consider that there would be any significant loss of sunlight or daylight. On my site visit at approximately 2:30pm, I was able to observe that sunlight was being received on the whole of the rear elevation to No 41 Stewards Green and to note that the proposed extension to the appeal dwelling would be unlikely to change this to any significant degree.
16. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conditions

17. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.

Conclusion

18. The proposal accords with the development plan for the area. Therefore, the appeal should be allowed.

S. Hartley

INSPECTOR