
Appeal Decision

Site visit made on 26 January 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2023

Appeal Ref: APP/J1535/D/22/3311942

15 Forest Edge, BUCKHURST HILL, IG9 5AD

- 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 Dr Masroor Zaman against the decision of Epping Forest District Council.
 - The application Ref. EPF/1318/22, dated 6 June 2022, was refused by notice dated 8 November 2022.
 - The development proposed is 2 storey rear and side extensions. All materials to match that of existing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the surrounding area; and (2) the living conditions of neighbouring residents, with particular reference to privacy, outlook and the effect on light; and (3) the need for the development.

Reasons

Character and Appearance

3. The appeal property is a detached dwelling of similar architectural style to other properties in the vicinity, although many have been extended. Within this context, many dwellings in Forest Edge are built up to shared boundaries at ground-floor, but gaps tend to be greater at first-floor level. This is achieved by separation from boundaries or the set back position of first-floor side elements, or a combination of both.
4. The appeal property is in keeping with this pattern, having single-storey sections built up to both side boundaries, with the first-floor southern side projection set back some distance behind the façade. A side extension at 13 Forest Edge (No.13) is built up to the shared boundary with No.15 at ground-floor with the upper floor inset.
5. Policy DBE10 of the Epping Forest District Local Plan 1998 and Alterations 2006 (LP) requires extensions to complement the streetscene and the existing building, with attention to matters including scale, form, and separation from

neighbouring properties. The supporting text to the policy advises that for side extensions on detached houses, it is essential to maintain visual gaps between such houses if the character of an area is to be retained; the suggested gap is at least one metre between an extension and the plot boundary¹. However, this figure does not feature in the policy itself, and gaps within the vicinity are not uniform. Nevertheless, the gaps which exist contribute to the streetscene, and the loss of first-floor space on the appeal site, next to the boundary with No.13², would undermine this pattern.

6. I agree with the appellant that terracing would not occur, due to the form of the extension at No.13 and the proposed hipped roof. However, by closing the first-floor gap to the boundary, the extended dwelling would appear unduly cramped and dominant on the plot. This visual impact would be exacerbated by the elevated siting above the road. The proposed first-floor front extension and rear extension would have limited impact on the streetscene, but would add to the overall bulk of the building. Cumulatively, the original dwelling would be overwhelmed by extensions, and their scale, proportion, siting and massing would not respect the setting as required by LP Policy DBE1. The use of matching materials and hipped roofs would not mitigate the adverse visual impact of the proposal, and I do not share the appellant's view that it would appear subservient or introduce symmetry to the streetscene.
7. I therefore conclude that the proposal would harm the character and appearance of the appeal property and the surrounding area, in conflict with LP Policies DBE1 and DBE10, and the design requirements of LP Policies CP7 and DBE3. In so doing, this would be at odds with the National Planning Policy Framework (the Framework), which seeks to ensure that developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment.
8. I have also had regard to the design standards of emerging policies DM 9 and DM 10 of the Epping Forest District Local Plan Submission Version 2017 (LPSV) given the advanced stage of Plan preparation.

Living Conditions

9. Although not detailed in the Council's report, the second reason for refusal focuses on loss of privacy. The proposed layout of the extended dwelling would place a rear-facing bedroom window (Bedroom 3) closer to the shared boundary with No. 13 than at present, and would introduce two side-facing windows into a fourth bedroom, looking towards No.17.
10. LP Policy DBE9 seeks to ensure that an extension does not result in an excessive loss of amenity for neighbouring properties in matters including visual impact and overlooking. There are already first-floor rear-facing habitable room windows in this and neighbouring dwellings, and as such there is a degree of mutual overlooking. However, the proximity of the new window of Bedroom 3 would materially increase the potential for overlooking of the private garden area of No.13 directly below. The proposed windows of new Bedroom 4 would have potential to overlook the private garden area of No.17. As habitable spaces, I do not consider that a condition requiring obscure

¹ Paragraphs 15.68 – 15.69.

² Paragraph 1.4 of the Appeal Statement advises that the extension would be set away by 1m from the boundary with No.13, but this is not reflected in the 'street scene' shown on drawing no. 1010_PL06 or other plans.

glazing to the windows to bedrooms 3 and 4 would provide satisfactory living conditions for occupants of those rooms.

11. Although not included in the second reason for refusal, the Officer report assesses the proposal as overbearing, reflecting concerns raised in neighbour representations. However, whilst the rear extension would be reasonably large, it would be shallower at first-floor level and set in from the side boundaries. Although the rear garden is elevated above the dwelling, according to the submitted plans the rear extension would be constructed at the same ground level as the house, albeit above that of No.17. Whilst cumulatively the rear extension would add to the overall bulk and scale of the building, this element would not be so deep or close to boundaries as to create an unacceptably overbearing sense of enclosure for neighbouring residents.
12. I therefore conclude that as a result of its siting and design, the proposal would cause material overlooking of neighbouring properties to a degree that the living conditions of occupants would be harmed. This would conflict with LP Policy DBE9, LPSV Policy DM 9 H, and paragraph 130 f) of the Framework, which seeks to create places with a high standard of amenity for existing and future users. I have not found LPSV Policy DM 10 to be relevant to an assessment of living conditions.

The Need for the Development

13. The appellant has set out a detailed case for the need for the additional accommodation as part of the appeal. On the basis of the information supplied, the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 is engaged because family members have protected characteristics which are relevant to the development, and this weighs in favour of the proposal.
14. However, whilst the additional accommodation may benefit the appellant and his family, it is not evident that the need may only be met by an extension of the size and form proposed; as designed, achieving the proposed amount of accommodation would be at the expense of the character and appearance of the dwelling and area and the living conditions of neighbouring residents. Having balanced the need for the development and the adverse impacts, I conclude that personal circumstances would not outweigh the identified harm, and that it would be proportionate and necessary to dismiss the appeal.

Other Matters

15. Attention has been drawn to a number of appeals which have been allowed elsewhere in the district and beyond. However, no plans have been supplied, and in the absence of full details I am unable to gauge a direct comparison with the appeal proposal. As such, these decisions appear to offer limited support to the proposal and its site-specific characteristics.
16. The appellant refers to the contribution that the construction of the extensions would make to the local economy, but the benefits would be reasonably modest in the planning balance.
17. Neighbour representations referred to the effect of the proposal on light and overshadowing. It would appear that the relative position of buildings is not wholly accurate on drawing no. 1010_PL04, as there is a staggered siting between Nos. 15 and 17. Notwithstanding this, in view of the orientation, depth

of the first-floor rear extension and its separation from side boundaries, I share the Council's assessment that the potential for overshadowing and light loss would not be so significant as to warrant inclusion as a reason for refusal; the same would apply to the impact of the proposed side extension on a neighbouring bathroom window.

18. A neighbour letter submitted in response to consultation on the planning application refers to Party Wall and structural issues, but these are private matters beyond the scope of this appeal. Other matters raised, including ground drainage, increased pollution, disruption and construction nuisance have limited weight in my assessment, but that does not change my conclusion of harm on the main issues.
19. It has been suggested by the appellant that a split decision could be issued. However, no part of the proposal is clearly severable and functionally independent of the rest, including the first-floor front extension. I am therefore unable to split the decision.

Conclusion

20. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR