
Appeal Decision

Site visit made on 7 February 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Ref: APP/J1535/D/22/3312643

773 Chigwell Road, Chigwell, Essex, IG8 8AU

- 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 Izmir Bajrami against the decision of Epping Forest District Council.
 - The application Ref. EPF/1325/22, dated 8 June 2022, was refused by notice dated 4 October 2022.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address for the appeal site used in the heading above has been taken from the application form and decision notice (Chigwell), rather than that given on the appeal form (Woodford Green).

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook and the potential for overshadowing.

Reasons

4. The appeal property is part of a terrace of dwellings of the same original design and form. Within the terrace there is a pattern of two-storey rear wings ('outriggers') joined at a shared boundary, with gaps either side to the opposite boundary. This creates a series of deep, undeveloped recesses between outriggers.
5. The proposed side and rear extension would fill the gap between the outrigger of the appeal property and the boundary with 775 Chigwell Road (No.775), save for an enclosed but open courtyard directly behind the main rear wall of the house. Although the courtyard wall would be no higher than the existing fence at this point between the two properties, it would do little to mitigate the overall depth of the proposed extension along the shared boundary. Even taking into account the higher ground level of No.775, the combination of the proposed depth and height means the resultant extension would appear

unacceptably intrusive and overbearing to the outlook for occupants of No.775. This adverse sense of enclosure would be exacerbated by the narrow gap between the outrigger of No.775 and the shared boundary, creating an oppressive 'tunnelling' effect in views from ground-floor habitable rooms.

6. I acknowledge that the side-facing window to the neighbouring kitchen/dining area of No.775 is secondary, but the proposal would nevertheless be oppressive given the reasonably close proximity. The outlook from the ground-floor rear-facing window in the main section of the dwelling would already be restricted by the outriggers at Nos. 773 and 775, but this outlook would be further diminished by the proposal.
7. At points of the day there would be a degree of overshadowing of No.775 due to the position of the outriggers, but in the absence of any evidence to the contrary I consider that the excessive depth and additional height of the proposal is likely to add to overshadowing of the ground-floor rear habitable rooms of the dwelling. This would be contrary to Policy DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (LP), which seeks to ensure that extensions do not result in an excessive loss of amenity for neighbouring properties in matters including visual impact and loss of daylight/sunlight.
8. A store at the end of the outrigger on the appeal property would be demolished to make way for the rear extension. The relationship between buildings means that the extra depth and height next to No.771 is unlikely to cause a sense of enclosure that would materially harm the outlook for occupants of that property. However, this does not alter my conclusion in respect of the effect on No.775.
9. I am mindful that no objections to the proposal were submitted by neighbouring residents at the application stage. Nevertheless, paragraph 130 (f) of the National Planning Policy Framework (the Framework) seeks to create places which promote health and well-being, with a high standard of amenity for existing **and future** users. As occupants and their opinions change over time, it is appropriate to secure by design reasonable living conditions for all users.
10. I therefore conclude that the proposal would diminish the outlook and increase the potential for overshadowing for occupants of 775 Chigwell Road to a degree that living conditions would be harmed. This would be contrary to the Framework, LP Policy DBE9, and LP Policy CP7, which although it supports extensions to buildings in built-up areas, opposes any development which would result in loss of amenity. It would also conflict with Policy DM 9 (H) of the Epping Forest District Local Plan Submission Version 2017, to which I have had regard given its advanced stage in the examination process.

Other Matters

11. The appellant has drawn attention to a planning permission¹ granted at 23 Turpins Lane, Chigwell. However, the supplied delegated report indicates that both neighbouring properties had been extended and that the proposed rear extension would project "3m past the rear elevation of both adjacent neighbours". The submitted plans suggest that the projection beyond the

¹ EPF/2992/14 – single storey side and rear extension.

recess of 25 Turpins Lane was approximately 6m, and the plans do not indicate any window in that recess. The projection is materially less than proposed in this case, and that permission would not therefore justify acceptance of the appeal proposal.

12. The appellant has raised concerns about the Council's decision-making process and impartiality. However, these are not matters for consideration within this appeal, which has been assessed on its planning merits.

Conclusion

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

H Lock

INSPECTOR