



Appeal Decision

Site visit made on 28 March 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/J1535/D/23/3314594

32 Halfhides, Waltham Abbey EN9 1LE

- 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 Miss Nikki Morris against the decision of Epping Forest District Council.
 - The application Ref EPF/0610/22, dated 11 March 2022, was refused by notice dated 17 November 2022.
 - The development proposed is double storey side extension and part one/part two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The existing plans show a side garage and a conservatory to the rear, both of which have been removed. I have assessed the scheme on this basis.
3. The Epping Forest District Local Plan 2011 to 2033 (Local Plan) was adopted by the Council on 6 March 2023. This has replaced the Epping Forest District Local Plan (1998) and the Epping Forest District Local Plan Alterations (2006), such that the policies of these plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal having regard to the relevant policies within the Local Plan. Both main parties have had the opportunity to comment on this during the appeal.

Main Issues

4. The main issues are the effects of the proposal on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of neighbouring properties with particular reference to outlook.

Reasons

Character and appearance

5. The appeal property is a two-storey semi-detached dwelling located within a long cul-de-sac of broadly similar properties. An alleyway passes the side boundary of the appeal property linking the cul-de-sac with Farm Hill Road. This alleyway distinguishes how the appeal property is seen in the public realm from most of the other properties within the cul-de-sac.

6. The alleyway has a somewhat enclosed and hemmed in quality, due to the tall, stark boundary treatments on either side and the presence of built form. This is moderated to a degree, by views upwards to the sky when beyond the two-storey core of Nos 32 and 33.
7. The proposed extension at two-storeys scale, projecting beyond the rear elevation of the host property, would have a substantial bulk and massing when viewed from the alleyway, even with the 1m set back from the boundary and the small step down from the ridge. It would, in my view, erode the little sense of space that exists within the alleyway to the detriment of the character and appearance of this part of the public realm.
8. From the front, the proposal would not appear dissimilar to several other two storey side extensions that now characterise the cul-de-sac. However, the absence of harm in this regard, does not outweigh my concerns regarding the dominant physical presence and massing of the proposed extension as viewed from the alleyway. This distinguishes the appeal scheme from other approved side extensions in the cul-de-sac.
9. The use of matching materials and the acceptability of other aspects of the design do not outweigh my concerns regarding the bulk and massing from the depth and height of the two-storey element as it projects to the rear.
10. I therefore find that the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policy DM9 of the Local Plan. This says, amongst other things, that all new development must achieve a high quality of design and contribute to the distinctive character and amenity of the local area.

Living conditions

11. The proposed extension would be a prominent feature from the ground floor side window of No 33. The proposed floor plans show a 45-degree line of sight from this window. However, I have not been referred to any specific guidance, or policy document, that relates to such an angle where a window faces directly toward a proposed extension. Nonetheless, the room is also served by windows to the rear, where the open aspect to the south over the rear garden would be maintained. As such, the overall effects on the outlook from within the room would not be significant.
12. The higher position of the first-floor side window at No 33, combined with the gap in between, is such that the proposed extension would not unacceptably dominate from this window.
13. The proposal would be dominant from a small part of the garden to the side of No 33. However, due to the open aspect of the rear garden to the south and the alleyway in between, the proposal would not enclose the larger and more usable rear garden to an unacceptable degree.
14. The proposal has been designed so that the two-storey element is set away from the attached neighbouring property (No 31). As such, and due to the low profile of the single storey element, the proposal would not appear overbearing from No 31.

15. All other neighbouring properties are positioned a considerable distance from the proposed extension, such that even where visible, the proposal would not appear overbearing.
16. I therefore conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties with particular reference to outlook. As such, I find no conflict with the requirements of Policy DM9 of the Local Plan or the provisions of the National Planning Policy Framework. These broadly, insofar as they relate to this matter, seek to ensure good standards of living conditions for existing occupants, amongst other things.

Other Matters

17. The appellant has made changes to the design of their scheme following the refusal of earlier planning applications with the view to finding a solution. However, such matters, or concerns regarding the processing of the application are not matters for my consideration in this appeal. I have determined the appeal on its own merits considering the plans that were before the Council when they made their decision and evidence before me in the appeal.
18. The absence of harm in relation to other considerations, such as privacy, are neutral matters that weigh neither for nor against the proposal.

Conclusion

19. To conclude, the proposal would not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties with particular reference to outlook. However, the proposal would have a harmful effect on the character and appearance of the surrounding area.
20. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that outweigh this conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR