



Appeal Decision

Site visit made on 21 February 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2023

Appeal Ref: APP/J1535/D/21/3284087

Gable Lodge, New Road, Lambourne End, Essex, RM4 1AY

- 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 Ricky Jordan against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1167/21, dated 14 April 2021, was refused by notice dated 12 July 2021.
 - The development proposed is described as a proposed shed/garden store in retrospect.
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Decision

1. The appeal is allowed and planning permission is granted for a shed/garden store at Gable Lodge, New Road, Lambourne End, Essex, RM4 1AY in accordance with the terms of the application, Ref PL/EPF/1167/21, dated 14 April 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans;
 - Drawing No. B.G.1
 - Drawing No. B.G.2
 - Drawing No. B.G.3

Preliminary Matters

2. The address of the appeal site is not stated on the planning application form. I have therefore taken the site address from the appeal form and decision notice which accurately reflects the site location.
3. Whilst not yet fully clad, I observed on my site visit that the shed/garden store as shown on the submitted plans has been constructed on site. I have therefore determined the appeal on this basis.
4. The Epping Forest District Council Local Plan 2011-2033 (Local Plan) was adopted by the Council on 6 March 2023. It was confirmed by the Council within later correspondence dated 11 April 2023 that the Local Plan Policies now relevant to the appeal are Policies DM9 and DM10. Amongst other aspects, the former concerns the amenity of neighbouring occupiers. However, the latter relates to housing design and quality, with an emphasis on new housing development. As such, my attention has not been drawn to any wording therein which relates to the main issue and therefore Local Plan Policy DM10 has not been determinative to this appeal.

5. The appeal site is located within the Green Belt. However, the Council's delegated report and decision notice does not allege that the proposal would constitute inappropriate development for the purposes of the development plan or National Planning Policy Framework (the Framework). Based on the evidence before me, I have no reason to conclude otherwise.

Main Issue

6. The main issue is the effect of the development on the living conditions of the occupiers of Spurgate Cottage, with particular regard to outlook.

Reasons

7. Gable Lodge is a newly constructed replacement dwelling set within a spacious plot and lies within a small cluster of residential properties. The appeal relates to a mono-pitched, timber clad shed/garden store which has been erected parallel to the existing shared boundary with Spurgate Cottage and lies adjacent to the said dwelling and its rear patio area.
8. I observed on site that there are large openings located in the front and rear elevation of Spurgate Cottage which overlook the courtyard and patio/garden respectively. In addition, there is a bifold door located in the side elevation of the neighbouring property which provides a view towards the shed/garden store. Whilst the rear elevation of the shed/garden store is clearly visible from the bifold door, this view makes up only a small part of the outlook from the living area. Indeed, it appeared to me that the front and rear openings provide the main outlook from the ground floor living area. Consequently, whilst I appreciate that the development has undoubtedly altered the outlook from this opening, for the above reasons, I am nonetheless satisfied that the outlook from within the neighbouring property is acceptable.
9. I recognise that the building is elevated above the adjoining ground level and is visible from the rear patio area. However, the building occupies only a relatively small section of the fence line and therefore does not dominate the boundary or read as a visually intrusive addition. In any case, unobstructed views of the surrounding area over the wider fence line remain and therefore, I am not persuaded that the development would compromise outlook from the rear patio.
10. Accordingly, I find that the appeal development would not adversely affect the living conditions of the occupiers of Spurgate Cottage, with particular regard to outlook. The development therefore accords with Local Plan Policy DM9 which seeks to ensure that development proposals take account of the privacy and amenity of neighbouring occupiers and is also consistent with the objectives of the Framework which seek to secure a high standard of amenity for existing occupiers.

Other Matters

11. Concerns relating to the loss of daylight and overshadowing of the rear garden have also been brought to my attention by the occupiers of Spurgate Cottage. Whilst having had regard to these matters, given the extent of glazing and the orientation of Spurgate Cottage, I find that the shed/garden store would not have a significant effect on the overall levels of daylight in the ground floor living area and would not result in unacceptable overshadowing of the rear garden including the patio.

Conditions

12. I have had regard to the planning conditions suggested by the Council and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
13. Although a condition requiring the development to be undertaken in accordance with the approved plans has not been recommended by the Council, I observed on my site visit that the building is unfinished. Therefore, in the interests of certainty, I consider that such a condition is necessary. A condition restricting the use of the shed/garden store to purposes incidental to the dwelling house has also been recommended by the Council. However, the Council has not provided a reason for the imposition of the condition and no evidence has been provided to demonstrate why the use of the shed/garden store for additional living space would be harmful. Therefore, based on the evidence before me and my own assessment, I do not consider the condition is necessary.

Conclusion

14. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is allowed.

H Wilkinson

INSPECTOR