
Appeal Decision

Site visit made on 22 June 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th July 2023

Appeal Ref: APP/J1535/D/23/3320534

1 Theydon Place, Epping, Essex CM16 4NH

- 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 Paul and Lisa Saggars against the decision of Epping Forest District Council.
 - The application Ref EPF/2343/22, dated 11 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is 'alterations to garage, fenestration and construction detailing including enlarged and additional windows and rooflights within the first floor. Amended application to planning permission reference EPF/3219/17'.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to garage, fenestration and construction detailing including enlarged and additional windows and rooflights within the first floor, amended application to planning permission reference EPF/3219/17 (retrospective) at 1 Theydon Place, Epping, Essex CM16 4NH. The permission is granted in accordance with the terms of the application Ref EPF/2343/22, dated 11 October 2022, subject to the conditions included in the Schedule at Annexe A.

Procedural Matters

2. As the proposed development has been undertaken, I have dealt with the appeal on the basis that it involves an application for retrospective permission.
3. Shortly after the Council's decision was made, it adopted the Epping Forest District Local Plan 2011-2033. Consequently, I have had regard only to the policies referred to from the now adopted Local Plan.
4. An application for costs was made by Mr and Mrs Saggars against Epping Forest District Council. That application is the subject of a separate decision.

Main Issues

5. I am not aware that the Council has provided any evidence to substantiate its reason for refusal. However, a number of neighbouring and nearby residents have raised specific concerns about the effects of the development that has been undertaken, which I am required to address in determining the appeal. I

have, therefore, reflected these in the main issues, particularly as they are broadly encompassed by the Council's reason for refusal concerning the detrimental impact on the amenity of the area.

6. Accordingly, the main issues are the effect of the development that has been undertaken on the living conditions of nearby residents and the effect on the character and appearance of the surrounding area.

Reasons

7. The appeal property is a detached bungalow with accommodation in the roof space, located in a residential cul-de-sac which comprises eleven detached bungalows. The surrounding area is residential in character with the Bell Common Conservation Area to the rear of No 1 and neighbouring dwellings.
8. The proposal involves alterations to a previously-approved scheme, which has been undertaken, for a loft conversion including the raising of the height of the dwelling and single storey side and rear extensions¹. The principal changes to the approved scheme, which are raised in representations, are the larger upper floor windows to the front and rear, the increased number of rooflights, the parapet walls to the side elevations and a brick chimney.

Living Conditions

9. No 2 Theydon Place is a detached bungalow next to the appeal property, with a side passage separating the two dwellings. The parties provide detailed measurements concerning the increased height and position of the parapet wall that has been built compared to the approved scheme. While I have had regard to this evidence, I have considered the proposal in terms of its overall effects in relation to the neighbouring dwelling, including on the basis of the site inspection.
10. There are windows serving two rooms in No 2 that face directly towards the extended wall. One serves an en-suite bathroom for the front bedroom, but the principal window of the bedroom, which is front-facing, is unaffected and it is to be expected that the bathroom window will be screened to preserve privacy. The other window serves a room currently used as an office. I acknowledge that the outlook from this window is towards the wall, with little else visible. However, the relatively wide passage to the side of No 2 helps to mitigate the effects and the difference in height between the approved and built wall is not so significantly different to result in material harm. The passage itself is sufficiently wide that its practical use with the wall in place does not result in any harmful overbearing effects.
11. In terms of the effect on natural light to these rooms, I note from the Council officer's report that a Daylight and Sunlight Assessment was provided for the appeal proposal. This concludes that while there is some slight reduction in natural light compared to the approved scheme, the proposal would be within acceptable levels according to the BRE national guidelines. I have no basis or alternative evidence to find differently and, therefore, accept these findings.

¹ Ref EPF/3219/17.

Due to their position and height, the additional rooflights to the roof slope adjacent to No 2 would not result in any overlooking or otherwise be harmful to the neighbouring occupiers' living conditions.

12. No 2 Theydon Place and No 77 Hemnall Street are the only properties that could be affected by overlooking from the upper floor rear window, due to their positions relative to the appeal property. The window as built is materially larger than the approved window, although it is of similar height. Consequently, I acknowledge that the perception of overlooking may be greater for neighbouring residents than with the approved smaller window. Nonetheless, the position of this window is not unusual in a suburban setting such as this where some views of neighbouring gardens are to be expected. Moreover, the separation distances and boundary treatments, combined with the normal use of the room as a bedroom, means that there is no basis to suggest that the window results in a harmful loss of privacy to these neighbouring properties.
13. Concerns are also raised by the occupiers of properties opposite on Theydon Place about the effects of the larger upper floor window to the front elevation. As to the rear, the window to the front is significantly larger than that in the approved scheme. However, the properties in the cul-de-sac are set well back from the road frontage with planted front gardens. Together with the separation provided by the road itself, this provides generous separation between the facing dwellings that results in no harmful overlooking from the larger window to the front of No 1. I have no evidential basis to find that the chimney will result in harmful pollution.
14. Accordingly, taking these findings as a whole, I conclude that the development that has been undertaken does not have an unacceptably harmful effect on the living conditions of nearby residents. Consequently, there is no conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), which concerns design quality and which includes the requirement that development proposals must take account of the privacy and amenity of neighbouring occupiers.

Character and Appearance

15. There is some uniformity of built form within Theydon Place given that the dwellings are bungalows, but properties are of individual design and appearance. Therefore, the changes that have been undertaken are seen within this context and also the relationship of the appeal property with the larger two storey dwellings on Hemnall Street. In this regard, the increased height of No 1 is seen from within the cul-de-sac against the larger dwellings to the rear and is not so significant in its own right to appear uncharacteristic or incongruous within the street scene.
16. Due the varied design details of the surrounding dwellings, the larger windows to front and rear are not so prominent or unusual to result in material harm. Moreover, the neighbouring dwelling, No 2, has an upper floor front window of similar design and appearance and the overall effects of the altered details are softened by the planting to the front of the appeal property. The chimney is

set back to the rear of the property and is not of sufficient size or prominence to appear as a disproportionate or dominant feature.

17. The Bell Common Conservation Area, which includes the common itself as well as a number of dwellings, is directly adjacent to the appeal property's rear boundary. The changes to the rear have little effect on views from the conservation area because of the tree screening across the rear boundary. In any case, if it was possible to see the rear elevation from the common, the changes that have been made to the property are not sufficient in extent or appearance such they would not preserve the setting of the conservation area.
18. Therefore, for these reasons, I conclude that the development that has been undertaken does not result in material harm to the character and appearance of the surrounding area. As such, it is not contrary to Policies DM9 and DM10 of the Epping Forest District Local Plan 2011-2033, which require all new development to achieve a high quality of design. There is also no conflict with the National Planning Policy Framework, which promotes well-designed places.

Other Matters

19. As well as the representations from interested parties opposing the appeal proposal, I have also had regard to representations in support of it.

Conclusion and Conditions

20. For the reasons given, it is concluded that the appeal should be allowed.
21. The Council officer's report includes suggested conditions that should be imposed if permission were to be granted and, therefore, I have had regard to these. As the proposed development has been completed it is not necessary to impose conditions requiring compliance with the approved plans, for external materials to match the existing building or for tree protection measures during construction.
22. I agree, however, that a condition is necessary to ensure that relevant trees and shrubs are replaced if they become damaged or diseased subsequent to completion of the development, in the interests of the character and appearance of the area. A condition is also necessary to prevent the flat roof of the relevant extension from being used for amenity purposes to ensure there is no loss of privacy to neighbouring residents.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural Reports dies or becomes severely damaged or diseased within three years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within three months at the same place. If within a period of five years from the date of planting, any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall, within three months, be planted at the same place.
- 2) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

[End of Schedule]