The Planning Inspectorate

# 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/23/3314500**
**67 Hemnall Street, Epping, Essex CM16 4LZ**

- 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 Alan Curbishley against the decision of Epping Forest District Council.
- The application Ref EPF/0770/22, dated 28 March 2022, was refused by notice dated 14 November 2022.
- The development proposed is an outbuilding.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since it made its decision in this case, the Council has adopted the Epping Forest District Local Plan 2011-2033.

## Main Issue

3. The main issue is the effect of the proposed outbuilding on the living conditions of neighbouring occupiers.

## Reasons

4. No 67 is a two storey detached dwelling in a residential road of similar property types.

5. Policy DM9 of the now adopted Local Plan concerns design quality and includes the requirement that development proposals must take account of the privacy and amenity of neighbouring occupiers. Amenity in this respect includes providing good natural light and that the development is not overbearing and does not detract from neighbouring occupiers' outlook.

6. The proposed outbuilding would be sited in the rearmost part of the host dwelling's back garden, next to the shared side boundary with the neighbouring property, No 65, and the rear boundary of the nearest property on Theydon Place. The boundary treatment to the side, shared with No 65, is a fence of some 1.3 metres height, while the rear boundary fence is partly lower and partly higher than this.

7. The new building would have walls measuring some seven metres long along both boundaries and would have an overall height of three metres. Consequently, it would be a substantive building of greater height and bulk than a typical domestic outbuilding, such as the smaller summerhouse in No 65's garden. As a result of its consistent height across the whole building with a flat roof, it would be a prominent feature projecting well above the boundary fences. Due to its combined height and length close to the side and rear boundaries, it would be an overbearing and dominant presence seen from the two neighbouring gardens. The black timber cladding would accentuate its overall dominant presence in this location.

8. Despite its height and overall size there is no basis to find, however, that the proposed building would harmfully overshadow the neighbouring gardens; any such effects that might occur would be minimal and temporary with regard to sunlight. I acknowledge that the outbuilding is intended for the appellant's family's use incidental to the main residential use, but this is insufficient reason to set aside the harm that has been found due to its overall size and location.

9. Therefore, for the reasons given above, I conclude that the proposed outbuilding would have a materially harmful effect on the living conditions of neighbouring occupiers, with particular regard to outlook. As such, the proposal is contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), as described above.

10. In reaching this conclusion I have had regard to the representations made by interested parties, which largely concern matters addressed under the main issue.

**Conclusion**

11. For the reasons given, it is concluded that the appeal should not succeed.

*J Bell-Williamson*

INSPECTOR