

Appeal Decision

Site visit made on 19 July 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2023.

Appeal Ref: APP/J1535/D/23/3322147

1 Campions, Loughton, Essex IG10 2SG

- 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 D Dimitrov against the decision of Epping Forest District Council.
 - The application Ref EPF/0197/23, dated 30 January 2023, was refused by notice dated 9 May 2023.
 - The development proposed is 'formation of a single floor (ground level) full width rear extension and corner infill to the rear side extension to join the new rear extension. Further small infill to the front of the property to bring the front of the side extension in line with the main building'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extensions on the character and appearance of the host dwelling and the surrounding area; and the effect on the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

3. The appeal property is a two storey detached dwelling in a residential area of predominantly detached dwellings of individual design and appearance.
 4. The depth and height of the proposed rear extension would be of typical scale for this type of domestic addition and would be proportionate to the relatively large built form of the two storey dwelling. The extension would be relatively wide, covering the full width to the rear and extending beyond the side of the existing dwelling. However, the overall effect, particularly due to the extension's proportionate depth and height, would remain subordinate to the appearance of the host dwelling.
 5. I am mindful that the rear extension would not be visible from the public realm to the front of the dwelling. The effects on the staggered building line to the rear would not be so significant to result in material harm, particularly as the more prominent building line at first floor level would be retained. The forward
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- extension of the single storey side element would be of limited height and width with a flat roof and would not, therefore, be a substantive change to the overall built form, but would appear subordinate to the two storey dwelling.
6. Concern is expressed by an interested party about the loss of a magnolia tree to the rear, although it is not clear whether this would need to be removed. A condition could be imposed to require a landscaping scheme to ensure the retention and protection of trees, where necessary.
 7. Therefore, for these reasons, I conclude that the proposed extensions would not have a harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, the proposal is not contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), which requires 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.

Living Conditions

8. Policy DM9 also 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. In considering this issue I have had regard to the representations made by interested parties.
9. The rear extension would include two new windows in the side elevation facing No 2 Campions. The existing window in this side elevation includes obscured glass to avoid mutual overlooking between the neighbouring properties. The new windows would also need to include obscured glass to maintain privacy, which could be required by condition.
10. The existing rear building line of the appeal property is forward of that of No 2 Campions, due to the staggered building line and the rear configuration of No 2. The proposal would, therefore, result in additional built development close to the shared boundary. However, as already found, the rear extension would not be of unusual or significant height or depth for this type of domestic addition. Consequently, the view from the nearest windows in No 2 Campions would not be compromised to the extent that this would result in material harm. Moreover, the limited additional built form, degree of separation and boundary planting means that the extension would not be seen as overbearing or dominant from the neighbouring garden. For the same reasons, the proposal would not be materially harmful in terms of the effects on the available natural light to the neighbouring house and garden.
11. Turning to the effects on No 2 Broadstrood, the rear extension would be broadly the same depth as No 2's rear building line. In this regard, therefore, the proposal would have no direct effect on the outlook from No 2 itself and no harmful effects on views from its garden. Due to the alignment of the rear building lines, it would also have no harmful effects on privacy. The side wall would be close to an existing window in the ground floor side elevation of No 2, which appears to serve the living room of the neighbouring dwelling. However, this window includes obscured glass and, therefore, the outlook would largely be unaffected. While there is likely to be some reduction in the natural light to

this window, this room has a dual aspect, with a large rear-facing window also serving it. Consequently, the natural light to this room would not be reduced to the extent that this would result in unacceptable harm.

12. To the front, the set-back of the single storey side element to the appeal property is broadly in line with the front building line of No 2 Broadstrood. It appears that this is a purposeful part of the staggered layout of the properties to preserve the outlook from the closest front window in the neighbouring dwelling. The proposed forward projection of this side element will bring built development substantively forward of the nearest window in close proximity, directly next to the shared boundary. Despite the single storey height, the extent of the forward projection combined with its proximity will result in an oppressively harmful effect on the outlook from No 2's closest window, as well as some loss of natural light.
13. The appellant draws attention to other extensions to properties in the surrounding area. While I acknowledge these, I have found that due to the particular layout and relationship with a neighbouring dwelling, the proposed side extension would be harmful. For this reason, these other examples are not sufficient reason to set aside the harm that would occur.
14. Therefore, notwithstanding that no harm would result from the rear extension, for the reasons given I conclude that the proposal would have a materially harmful effect on the living conditions of neighbouring occupiers of No 2 Broadstrood, with particular regard to outlook and natural light. As such, the proposal is contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), as described above.

Conclusion

15. I have found in the appellant's favour with regard to one main issue, concerning the effect on character and appearance. However, this is not sufficient to outweigh the material harm and conflict with the development plan with regard to the other main issue concerning the effect on neighbouring occupiers' living conditions. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR