



Appeal Decision

Site visit made on 16 October 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 31.10.2023

Appeal Ref: APP/J1535/D/23/3324044

15 Newnham Close, Loughton, Essex, IG10 4JG

- 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 Les Borek against the decision of the Epping Forest District Council.
 - The application Ref. EPF/0517/23 dated 7 March 2023, was refused by notice dated 16 May 2023.
 - The development proposed is the erection of a single storey infill extension between the dwelling and a swimming pool outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the proposed development on the (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupiers of the neighbouring property, 14 Newnham Close.

Reasons

Character and Appearance

3. The appeal property, No 15 Newnham Close, (No 15), is a large semi-detached property, with a substantial rear garden, situate at the end of a residential cul-de-sac. At this end of the cul-de-sac there is a significant difference in land levels such that No 15 is sited on a higher level than that of its non attached neighbouring property, No 14 Newnham Close (No 14). The infill extension is proposed to be sited between the dwelling and the swimming pool outbuilding, which is sited along part of the length of the boundary with No.14.
4. No 15 is set well back from the highway and the proposed infill extension would not be constructed beyond its forward building line. Given the splayed boundaries of the dwellings sited at the end of the cul-de-sac, any public views of the extension would be limited. In this respect I share the views of the Inspector in the previous appeal¹ who concluded that the development would not be viewed prominently within the streetscene. The swimming pool outbuilding would now be linked to the dwelling and its cumulative size would

¹ APP/J1535/D/22/3299925

be increased. However, given the size and scale of the dwelling and its plot and the limited size of the infill extension, the cumulative increase in massing would not result in a dwelling which would be unduly disproportionate. I note too that the proposed extension would use materials to match the swimming pool outbuilding and as such would be in keeping with its design and style.

5. Accordingly, I conclude that the proposal in this regard would not cause unacceptable harm to the character and appearance of the area. It would therefore comply with Policy DM9 (Design Standards) of the Epping Forest District Local Plan (Adopted 2023) (LP) which requires development amongst other things to respond positively to its locality and for extensions to respect the form and setting of the original building.

Living Conditions

6. The swimming pool outbuilding runs along a significant length of the boundary with No 14. Its height and length together with its siting on higher ground means that it is a prominent feature when viewed from the garden of No 14. The proposed infill extension would add further bulk to what is already a sizeable building. Although part of the roof would be flat and the pitched roof section would slope away from the boundary, the overall height and cumulative increase in length would have an overbearing and domineering effect for the occupiers of No 14. As such it would fail to safeguard the amenities enjoyed by the occupiers of No 14.
7. Whilst the infill extension would be constructed closer to the western flank elevation of No 14 away from its garden area, it would nonetheless infill part of the existing visual gap, close to the boundary between Nos 15 and 14, between the rear swimming pool building and the dwelling. The sense of enclosure already introduced by the swimming pool outbuilding on this boundary would be exacerbated. Notwithstanding that the garden of No 14 is large and increases in width to the rear, there would be a worsening in the immediate outlook towards the boundary currently enjoyed by the occupiers of No 14.
8. The Council does not raise any concern in relation to any loss of light and overshadowing and I note that the 45 degree line would not be breached. Given the juxtapositioning of the closest rear facing habitable rooms of No 14, I would agree that that the proposal would not result in an undue loss of sunlight and daylight. Rather it is the increase in the mass of built form on higher land close to the boundary fence which would create the harmful effect in this case.
9. I note that the Council has raised no concerns with regard to the effect of the proposal on the occupiers of properties to the rear at Summerfields and given the distance to these properties would agree with this assessment.
10. Overall, in this regard, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 14. As such the proposal would not be in accordance with Policy DM9 (Privacy and Amenity) of the LP which seeks to secure development with high standards of amenity and to not result in an overbearing form of development which materially impacts on the outlook of occupiers of neighbouring properties.

Other Matters

11. I note that the proposal would enable easier and more comfortable access to the swimming pool outbuilding for elderly members of the family, particularly

at times of inclement weather conditions. However, I am not persuaded that these benefits may not be achieved with a less harmful scheme. Accordingly, I attach limited weight to this factor.

Conclusion

12. Although the proposal would not cause harm to the character and appearance of the host dwelling and the area, this matter is significantly outweighed by the unacceptable harm caused to the living conditions of the occupiers of No 14. Accordingly, I conclude that this appeal should be dismissed.

K Winnard

INSPECTOR