



Appeal Decision

Site visit made on 11 December 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/J1535/D/23/3329285

41 Wellfields, Loughton IG10 1PA

- 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 Patel against the decision of Epping Forest District Council.
 - The application Ref EPF/1454/23, dated 23 June 2023, was refused by notice dated 21 August 2023.
 - The proposed development is a two-storey side and rear extension to form annexe and loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side and rear extension to form annexe and loft conversion at 41 Wellfields, Loughton IG10 1PA in accordance with the terms of application ref: EPF/1454/23 dated 23 June 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) This permission shall relate to the following approved plans: 1:2500 site location plan and drawing nos. 2023/03/41W sheet 01 of 09 (existing ground floor plan and front and rear elevations), 2023/03/41W sheet 02 of 09 (existing first floor plan and side elevations), 2023/03/41W sheet 03 of 09 (existing roof plan and sections AA and BB), 2023/03/41W sheet 04 of 09 (existing sections CC and DD), 2023/03/41W sheet 05 of 09 (proposed ground floor plan and front and rear elevations), 2023/03/41W sheet 06 of 09 (proposed first floor plan and side elevations), 2023/03/41W sheet 07 of 09 (proposed second floor and roof plan), 2023/03/41W sheet 08 of 09 (proposed sections AA, BB and CC), and 2023/03/41W sheet 09 of 09 (1250 site location plan, block plan, proposed sections DD and EE).
 - 3) The materials to be used on the external surfaces of the development hereby permitted shall match those used on the existing dwelling.
 - 4) The balcony shall not be used unless the 1.8 metre privacy screens have been erected on both sides as indicated on the approved plans. They shall thereafter be retained as such.
 - 5) The rear flat roof area shall not be used as a sitting out or amenity area.

Main Issues

2. The main issues are the impact on (a) the character and appearance of the host dwelling and wider area and (b) the living conditions of the occupiers of the adjoining property, 43 Wellfields.

Reasons

3. Wellfields Road is a pleasant, tree lined road within a residential area. The large semi-detached pairs of dwellings that line the road are set some distance back from it, generally in elevated positions, behind very wide grass verges. The dwellings are of two storey height with pitched roofs, a number of which have been extended to the front or side with two storey additions.
4. The dwelling on the appeal site appears to be in its original form though has a covered area to the side connecting it to the garage which has a utility room extension to the rear. The dwelling has a patio immediately to the rear of the house with large garden area at a higher level sloping up from the dwelling.

Character and appearance

5. The proposed extensions are substantial in size, roughly doubling the footprint of the dwelling. However, viewed from within the street scene of Wellfields, the proposed two storey side addition, which would replace the existing garage, utility and corridor link, would have a pitched roof set down slightly from the main ridge and back from the front elevation of the host dwelling. Its width would be less than half of the original front elevation and, overall, it would appear as a complementary and subservient addition.
6. The side addition extends for some depth beyond the original rear elevation and although the adjoining property at No. 39 is set back in relation to the dwelling on the appeal site, the full rearward extent of this element would not be readily visible in the street scene due to the relative siting of this adjoining dwelling which sits at a slightly higher level and has a forward projecting gable.
7. The proposal would extend some 7 metres beyond the existing rear elevation of the host dwelling at single storey level and around 5.5 metres at first floor. However, the two-storey element would be designed mainly with a double pitched roof with ridge height lower than the main roof with the small single storey extensions adjacent to the boundary with the attached property being flat roofed. The proposed rear flat roofed dormer would extend across almost the whole width of the original rear roofslope adding some further bulk at this higher level. However, these additions, whilst substantial in size and incorporating a greater level of glazing than the host dwelling, would nevertheless complement its design and appearance.
8. The Council also refers to the additional impact of the first-floor balcony and privacy screens. These elements do not add significantly to the bulk of the extensions and the size of the balcony would be relatively modest and the privacy screens would not be particularly dominant. Overall, having regard to the overall plot size and relationship with the pattern of built form in the immediate locality, I consider that the proposal would not be disproportionate in size, nor result in an overdevelopment of the site.
9. I therefore find that the proposal would not be harmful to the character and appearance of the host dwelling and wider area. It would thereby accord with

Policy DM9 of the Epping Forest District Local Plan (2023) (EFDLP) which seeks development of high-quality design that contributes to the distinctive character and amenity of the local area, relates positively to its context and respects and complements the form and detailing of the original building.

Living conditions

10. The appeal property is located to the south-west of its attached neighbour, No. 43 Wellfields. This adjoining property has a single-storey rear extension beyond which is a patio area. The proposed two storey rear extensions are likely to result in some overshadowing of the rear part of this dwelling during part of the day, but this is unlikely to result in significant levels of harm taking into account the extent of this effect and the large areas of garden serving the adjoining property that are unlikely to be affected.
11. Whilst no detailed BRE Sunlight / Daylight Assessment has been provided, the plans do demonstrate that the 45 degree guideline, used locally to assess the impact on light levels to habitable rooms, would not be encroached. In these circumstances, it is unlikely that any significant impacts would arise.
12. In terms of any overbearing or other visual impact, the upper parts of the proposed extensions would be visible above the boundary. However, the nearest element would be flat roofed and would not project to any significant degree beyond the existing rear extension at No. 43. The other larger elements would be sited further from the boundary and privacy screens to the sides of the proposed balcony, which could be secured via condition, would prevent any overlooking.
13. Overall, I consider that the proposed extensions would not result in any significant levels of harm to the living conditions of the occupiers of the neighbouring property. As such, they would comply with Policy DM9 of the EFDLP which seeks to ensure that proposals provide good daylight, sunlight and open aspect to all parts of adjacent buildings as well as not materially impacting on outlook.

Other Matters

14. I have taken into account the National Planning Policy Framework and find, for the reasons set out above, that the proposal would accord with its policies that seek well designed development that is sympathetic to local character including the surrounding built environment.
15. Third parties have raised concerns regarding the resulting size of the dwelling and the nature of its use, suggesting that it could be occupied as two separate units of accommodation. The layout is somewhat unusual in that it indicates that the annexe accommodation would be provided on the ground floor comprising living room (kitchen, dining and lounge) and two bedrooms and that a second living area (kitchen, dining and lounge) with four further bedrooms would be accommodated on the first and second floors. However, these areas would remain integral and both accessed via the main front door. In addition, the appeal as submitted is a householder development for works / extensions to a dwelling and no change of use is proposed. Any occupation in breach of the lawful use, and the implications of that, could be dealt with as necessary by the Council and therefore there is no need to impose a condition.

Conclusions

16. I conclude that the proposal would accord with the development plan overall and there are no material considerations that indicate a decision otherwise. The Council has suggested conditions to ensure matching materials are used and that the proposal is carried out in accordance with the approved plans. I agree that these are necessary in the interests of proper planning and visual amenity. As indicated above, a condition to ensure that the balcony privacy screens are provided and remain in place is necessary in the interests of the privacy of adjoining residents. I also note that the flat-roofed area to the rear could be accessed via the full windows proposed in the rear first floor bedroom. Whilst a Juliet balcony with railings is indicated, a condition to prevent the use of the flat roof as a balcony or amenity area is necessary to prevent any loss of privacy to the adjoining property.
17. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR