



Appeal Decision

Site visit made on 14 May 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/J1535/W/23/3329516

**St Leonards Farm, St Leonards Road, Nazeing, Waltham Abbey, Essex
EN9 2HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by DPA (London) Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/0362/23.
 - The development proposed is external changes to the existing units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

3. The main issue is whether the proposed external alterations would have an effect on the living conditions of neighbouring properties by reason of actual or perceived overlooking.

Reasons

4. The proposal is for alterations to a number of commercial/industrial units. These are set adjacent to a number of dwellings, most notably including Ash Cottage and Chestnut Cottage which have rear gardens adjacent to part of block 2. Part of the back wall to block 2 forms the boundary with this pair of cottages.
5. A number of windows would be formed in the elevation of block 2 facing these cottages. Ground floor windows would be high level, fixed shut and glazed with obscure glass. Upper floor level windows would be part obscure glazed with the top panel above eye level being clear glass.
6. This, in practice, would mitigate any actual overlooking as no aspect would be available from these windows to the neighbouring dwellings. A condition could be imposed requiring details of the manner of obscure glazing and restrictions on opening for certainty. However, I am mindful of the proximity of block 2 to the rear gardens of these neighbouring cottages and that block 2 is very close to them with minimal or no opportunity for boundary screening, particularly at high level. Even if there were no actual overlooking possible, the residents of

Ash Cottage and Chestnut Cottage would still be subject to a strong impression of being overlooked due to the proximity and numeracy of the windows. This is emphasised by the upper floor windows which would command an elevated position. The perception of overlooking in this context would be quite oppressive and be detrimental to the living conditions of the occupants. The proposed development therefore conflicts with policy DM9 of the Epping Forest Local Plan insofar as it does not secure a good standard of amenity for the occupants of these neighbouring homes due to perceived overlooking.

Conclusion

7. The proposal conflicts with the development plan insofar as it would not protect the living conditions of the occupants of neighbouring properties. The material considerations do not indicate that the appeal should be decided other than in accordance with the development plan and, therefore, for the reasons given above the appeal should be dismissed.

Nick Bowden

INSPECTOR