



Appeal Decision

Site visit made on 29 May 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.06.2024

Appeal Ref: APP/J1535/D/24/3337145

4 Prescott Green, Loughton, Essex, IG10 2AQ

- 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 Connor Brennan against the decision of Epping Forest District Council.
 - The application Ref EPF/1645/23, dated 19 July 2023, was refused by notice dated 9 November 2023.
 - The development proposed is the erection of a single-storey, ground floor extension to the rear of existing property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions at 2 Prescott Green, with particular regard to visual impact, overshadowing and light.

Reasons

3. The appeal relates to a two-storey terraced property. No 2 Prescott Green is an attached bungalow which is linked at its rear outside corner with a similar property at 35 Westall Road. Together Nos 2 and 35 occupy triangular shaped corner plots with small, tapered rear gardens. The appeal property is unextended at ground floor and has a rear garden which 'dog-legs' beyond the rear of No 2. The proposal is to erect a rear 3.5m deep, single-storey lean-to extension with a slightly angled side elevation which would follow the splayed alignment of the common side boundary with No 2.
4. The rear garden to No 2 is extremely constrained in size, atypical of most others in the terrace and surroundings, apart from other corresponding corner properties. The proposed extension would project 3.5m close to the shared side boundary between both properties. Although its height would drop along its length, at its deepest point it would still noticeably project well above the height of a typical residential boundary fence enclosure. In my judgement it would impose itself at close quarters on the outlook from the rear of No 2, and from the immediately adjoining confined garden area as an overbearing and intrusive presence. Its harmful impact would be exaggerated by the inordinately small size of the neighbouring garden, with the enclosure projecting along a significant proportion of the garden's length.

5. Given the north facing orientation of the rear gardens, I am not persuaded that there would be any significant overshadowing of the garden at No 2. Neither have I been presented with any substantive evidence to demonstrate that there would be any loss of light to the adjoining property that would significantly impact the neighbour's enjoyment of their home or garden. Nevertheless, these factors do not obviate the harm that would be caused by the extension's dominant visual presence.
6. I am mindful that the proposal would exceed the depth of a similar extension which could be constructed as permitted development by 0.5m. This is a reasonably small margin. Nevertheless, the additional depth and bulk of built form would contribute to an increased sense of enclosure beyond that which could be built without the need for an express grant of planning permission.
7. The appellant has drawn my attention to three examples where similar extensions have been added to similar properties within the local area and where the context is apparently comparable. From the information provided, the extension at 11 Barrington Green was built following an application for prior approval (Ref EPF/2626/17), not an application for full planning permission. The information provided to me for the cases at Nos 3 and 21 Westall Road relates to applications for building regulations approval (Refs BR/0088/19 and BR/1591/16 respectively). I am not aware of the planning history in either of these two cases. The appeal before me was made following a refusal to grant planning permission. It has been dealt with on this basis and determined upon the merits of the case.

Conclusion

8. Notwithstanding the support that has been expressed by the current occupant at No 2, which I have noted, for the reasons given I find that the proposal would be harmful to the living conditions at 2 Prescott Green in the long term. As such there would be conflict with Local Plan Policy DM9 as far as it seeks to avoid an over-bearing or overly enclosed form of development that materially impacts the outlook of neighbouring occupiers. For the same reason there would be conflict with the National Planning Policy Framework where it seeks to ensure a high standard of amenity for existing users. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR