



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: 19th June 2024

Appeal Ref: APP/J1535/D/24/3340063

51 Algers Road, Loughton, Essex, IG10 4NF

- 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 James Hart against the decision of Epping Forest District Council.
 - The application Ref EPF/2084/23, dated 18 September 2023, was refused by notice dated 14 December 2023.
 - The development proposed is extensions and alterations to the dwellinghouse including side/rear extension to existing garage, side/rear extension to existing living area to replace and expand on an existing conservatory type extension, alteration to existing external WC at the rear by replacement of existing with a glazed box (conservatory type) extension and replacement of front garage door.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to the dwellinghouse including side/rear extension to existing garage, side/rear extension to existing living area to replace and expand on an existing conservatory type extension, alteration to existing external WC at the rear by replacement of existing with a glazed box (conservatory type) extension and replacement of front garage door at 51 Algers Road, Loughton, Essex, IG10 4NF in accordance with the terms of the application, Ref EPF/2084/23, dated 18 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 2005 D 0-01, 2005 D 0-02, 2005 D 0-10, 2005 D 0-11, 2005 D 0-12, 2005 D 1-02, 2005 D 1-10, 2005 D 1-11, and 2005 D 1-12.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Access to the flat roofs of the extensions hereby permitted shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

Procedural Matter

2. The banner heading above uses a condensed and paraphrased form of the description that was given on the application form.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the area, and upon the living conditions of neighbouring occupiers with particular regard to visual impact.

Reasons

4. The appeal property is a two-storey, semi-detached dwelling with a two-storey projection across part of its rear elevation nearest to the unattached neighbour at 49 Algiers Road with a further shallow, single-storey lean-to element beyond, and with a single-storey conservatory/garden room across the remaining rear elevation. This arrangement is mirrored by the attached property at No 53. To the other side there is an attached garage recessed behind the dwelling's front elevation and extending up to the plot's side boundary where it adjoins the two-storey side elevation of No 49. The proposal would replace the conservatory/garden room with a deeper, flat roof, single-storey extension that would project 6m along the boundary with No 53, and which would wrap around the two-storey projection, in place of the existing single-storey element. It is also proposed to extend the garage rearwards to a depth just less than 6m beyond the rear elevation of No 49 and stepped away from the common boundary between both properties by approximately 1m.

Character and Appearance

5. The rear garden of the appeal property is contained by the rear gardens of neighbouring properties and surrounding development, and is out of sight from the public domain. As a consequence, the rear elevation of the dwelling is not overly sensitive to change, especially at ground floor level. The proposed extensions to the rear would be contemporary in design with large amounts of glazing but would otherwise be finished with brickwork to match the existing, marking them as distinct additions to the more traditional form of the original dwelling, but in a positive way in my assessment. As single-storey additions to the rear, I find this part of the proposed development to be appropriate in terms of scale, bulk, and appearance relative to the existing dwelling. The extensions would be neither cramped nor intrusive in their enclosed back garden setting, instead appearing comfortable within their residential context.
6. I share the Council's view, as expressed within the officer's report, that the alterations to the front elevation of the garage would be acceptable, resulting in minimal change.
7. I have noted that the officer's report refers to a proposed rear dormer and front rooflight. This is an erroneous reference. These elements are not part of the proposal, appearing neither as part of the description of development on the application form, or the planning drawings which accompanied it.
8. Overall, I am satisfied that the proposal would be neither harmful to the character or appearance of the appeal property or the wider area. As such, I find no conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One (the Local Plan), adopted March 2023, as far as it requires

development proposals, including extensions and alterations to residential buildings, to relate positively to the original building and their surroundings. For the same reasons I find no conflict with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed and beautiful places.

Living Conditions

9. During my visit I saw the side boundary between the appeal property and No 49 to be marked by a tall brick wall in part, immediately next to the rear elevation of No 49 and extending to a depth approximately in line with the rear wall of the existing two-storey projection of No 51.
10. The proposed extension to the rear of the garage and nearest to No 49 would be shorter in depth than the length of boundary wall and set just around 1m away from it. With a height of approximately 3m, this single-storey extension would not be excessively tall and would be screened from sight when viewed from the rear garden of No 49 by the boundary wall. The extension to the rear of the house would be well removed from the boundary with No 49. I am satisfied that no part of the proposal would have any enclosing impact upon the outlook from No 49.
11. To the opposing side, the extension would project around 3m beyond the rear wall of the neighbour's garden room. This would not be excessive. Given also the single-storey scale of the extension, I am satisfied that there would be no impact upon the outlook from No 53 that would be unreasonable or harmful.
12. Overall, I find that there would be no harm to the living conditions of any adjoining occupiers. As such there would be no 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 no conflict with the Framework where it seeks to ensure a high standard of amenity for existing users.

Conditions

13. The Council has suggested some conditions in the event I allow the appeal. I have also noted the set of conditions that were set out in the officer's report. I have considered these having regard to the advice contained within the Planning Practice Guidance and the Framework.
14. A condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the character and appearance of the area a condition is required to ensure the development is finished in materials to match the existing. Given the single-storey nature of the proposals, there would be no potential for any outlook that would impact existing levels of privacy for any adjoining occupiers. I am therefore not persuaded that any condition is necessary to require windows that are proposed on one side elevation of the extension to the rear of the house to be obscurely glazed. Nevertheless, to safeguard the privacy of neighbouring occupiers I agree that a condition restricting use of the extensions' flat roof areas is necessary.
15. I have been provided with no evidence to suggest a condition to restrict the future use of permitted development rights at No 51 would be necessary. In these circumstances such a condition would be unreasonable. Given the

domestic scale of the proposal, I do not consider it necessary or reasonable to require wheel washing or other cleaning facilities for vehicles leaving the site.

Conclusions

16. For the reasons given, I am satisfied that there would be no harm to the character or appearance of the area. I am also satisfied that there would be no harm to the living conditions of any adjoining occupiers. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR