



Appeal Decision

Site visit made on 2 August 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/J1535/D/24/3340673

40 London Road, Lambourne, Romford, Essex RM4 1UX

- 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 Ms Kayleigh Wilsone against the decision of Epping Forest District Council.
 - The application Ref is EPF/2673/23
 - The development proposed is Rear Extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
3. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 38 London Road, with particular regard to outlook, privacy and loss of light.

Reasons

5. The appeal property is a two storey detached dwelling. It has an existing single storey rear projection with a mono-pitched roof. The surrounding area is residential and nearby properties are a mixture of detached and semi-detached dwellings.
6. The proposal would be constructed from the rear elevation of the appeal property's existing rear projection. The Council state, and it is not disputed by the appellant, that this would result in an overall projection from the appeal property's primary rear elevation of 8 metres. The resultant extension would project a significant distance beyond the rear elevation of the neighbouring

property, 38 London Road (No. 38). As the extension would be built right to the shared boundary with No. 38, its depth has the potential to impact the outlook of occupiers of the property. Similarly, I have concerns with the height of the extension which would exceed 2.8 metres on the boundary with the neighbouring property.

7. As a result of the slight incline on the street, No. 38 has a lower ground level than the appeal site. Consequently, the impact of the proposal on the neighbouring occupiers would be exacerbated. No. 38 has a rear ground floor window close to the shared boundary, which appears to serve a habitable room. Views from within this room would look towards the extension's side elevation with little separation distance. Consequently, this would have an unacceptable impact on the neighbouring occupiers' outlook.
8. The roof of the extension would be flat, which would help reduce its overall height. However, it would still project above the fence on the shared boundary. The combined depth, height and proximity of the proposed rear extension to the neighbouring property's habitable windows mean that the proposed development would have an adverse impact on the living conditions of neighbouring occupiers in terms of a sense of enclosure and thus a loss of outlook.
9. I understand that planning permission was granted in 2022 for a rear conservatory in a similar location as the current proposal. However, from the submitted evidence, its projection towards the rear of the site would be one metre less than this appeal proposal. Therefore, it would have a less harmful impact on the living conditions of the neighbouring occupiers at No. 38.
10. As the proposal would not introduce any windows facing No. 38 it would not have a harmful impact on the neighbouring occupiers' privacy. Given the flat roof design of the extension, I do not find that it would have a harmful effect on natural light within the neighbouring property's nearest windows or within its garden.
11. However, for the above reasons, I conclude that as a result of its depth and siting adjacent to the shared boundary, the proposal would harm the living conditions of the occupiers of 38 London Road, with particular reference to outlook. I therefore find that it would conflict with Policy DM9 of the Epping Forest District Local Plan: Part One (2023) (LP). Amongst other aspects, the policy seeks to prevent overly enclosed forms of development which materially impact the outlook of occupiers of neighbouring properties.
12. It would also conflict with paragraph 135 of the Framework which states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
13. The Council also alleges a conflict with Policy DM10 of the LP with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Other Matters

14. I recognise that the neighbours have not raised any objections to the proposal. However, each appeal must be determined on its own planning merits and I am

mindful that the development and the associated harm would be likely to remain long after the current occupiers might reside in No. 38.

Conclusion

15. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR