



Appeal Decision

Site visit made on 3 January 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/J1535/D/24/3351006

34 Thaxted Road, Buckhurst Hill, Essex IG9 6AW

- 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 Mr Wayne Moody against the decision of Epping Forest District Council.
 - The application reference is EPF/0727/24.
 - The development proposed is the erection of a part single storey, part 2-storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published. The Framework 2024 does not raise any new matters that are determinative to the outcome of this appeal.

Main Issue

3. Given the reason for refusal and the content of the Officer's report, the main issue is the effect of the proposed development on the living conditions of the occupiers of 36 Thaxted Road with regard to visual impact and light.

Reasons

4. Planning permission is sought for a part single storey, part 2-storey extension to the rear of the appeal property, which is an end terrace dwelling within a predominantly residential area. The new ground floor element would extend across the full width of the host building and outwards from the main rear wall by about 5-metres. A smaller new first floor component would also be introduced with one side set back from the rear boundary with the attached property, which is 36 Thaxted Road.
5. The new flank wall would project beyond the rear elevation of No 36 and noticeably above the fence that marks the boundary with the site. As a result, the proposal would partly enclose some of the back garden of this adjacent property and the new sidewall would be visible from both here and through the ground floor rear windows of the main house. Due to its rearward projection, height and proximity to the boundary, the proposal would overbear on the occupiers of No 36 when viewed from their back garden and the rear ground floor window that is closest to the site.
6. There would also be a loss of sunlight to the room served by this window of the neighbouring property during a major part of the day especially during winter months when the sun is lower in the sky. That loss would be caused by the

overshadowing effect of the proposed extension just to the southwest. The effect of overshadowing would exacerbate the visual impact of the proposal, causing it to feel oppressive to the occupiers of No 36 when seen from their back garden and the ground floor rear window nearest to the boundary with No 34.

7. In reaching these conclusions, I have considered the existing passageway between Nos 34 and 36 that provides some separation between the rear ground floor windows of this adjacent property and the site. I also acknowledge that the outlook from the rear windows of No 36 would also include its back garden and beyond its rear boundary. However, the presence of an existing single storey projection at the back of No 36, on the opposite side to the proposal, would have a 'tunnel' effect, which would be unneighbourly.
8. On the main issue, I conclude that the living conditions of the occupiers of No 36 would be materially harmed by the proposal. As a result, it is contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One (LP) insofar as it aims to safeguard residential amenity. For the same reason, the appeal scheme is at odds with the Framework 2024, which, like its predecessor, seeks to ensure that new development creates places with a high standard of amenity for all users.
9. Once complete, the proposed extension would provide valuable additional accommodation that would improve the living conditions of the appellant and his family. From the submitted evidence, I see no reason to disagree with the Council that the proposal would be in keeping with the character and appearance of the local area in compliance with parts of LP Policy DM9. There would also be no loss of privacy with the new built form in place. No objections from others have been raised including the current occupiers of No 36. However, these considerations do not outweigh the significant harm that I have identified.
10. Reference is made to examples of residential extensions notably at Roding View, Palmerston Road and Blackmore Road, with some background details, plan extracts and photographs provided. While the Council has granted planning permission for sizeable rear extensions to properties elsewhere, I am not convinced that the circumstances in the cases referred to are the same or very similar to those of the proposal. In any event, it is a central principle that each development should be assessed on its own merits. Having done so, I find that the proposal is objectionable for the reasons given above.

Conclusion

11. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework 2024, which indicate that the decision should be taken other than in accordance with the development plan.
12. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR