



Appeal Decision

Site visit made on 26 November 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2025

Appeal Ref: APP/J1535/D/24/3344514

11 Westall Road, Loughton, Essex, IG10 2AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Marin Ivanov against the decision of Epping Forest District Council.
 - The application Ref is EPF/0322/24.
 - The development proposed is the prior approval for a 6 metre deep single storey rear extension (addition of 3 metres to existing) height 2.55 metres and eaves height 2.5 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interest of accuracy, the description of development in the banner heading above is based on the decision notice.
3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

5. The main issue is the impact of the proposed development on the amenity of adjoining premises at 13 Westall Road with particular regard to light and outlook.

Reasons

6. The appeal dwelling is a terraced dwelling with an existing 3 metre rear extension. The proposed extension would be single storey and set back from the common boundary with No 13 Westall Road. However, there is an existing rear extension at No 15 which lies on the common boundary with No 13. Whilst the appellant states that the extension would only project 50cm above the existing boundary fence, it would still be noticeable. The considerable depth of the proposed extension means it would appear overbearing and

would create an adverse sense of enclosure for the occupiers of No 13. The extent of built form on both sides of the rear garden of No 13 would therefore harmfully erode the outlook from the ground and first floor rear windows as well as from the rear patio area.

7. Furthermore, because of the orientation of the buildings, the proposed extension would reduce the amount of daylight and sunlight received by the rear patio area and rear ground floor rooms of No 13. Due to the north-westerly orientation of the buildings, the loss of sunlight would occur during the late afternoon and evenings. However, as the extension would be single storey and would only project 50 cm above the existing fence, the loss of light would be very limited. The proposal would thus not result in an unacceptable loss of light.
8. Given the above, I conclude that the proposed development would have an adverse impact on the amenity of the adjoining premises at 13 Westall Road with regard to a loss of outlook. It would therefore not comply with the conditions set out in Schedule 2, Part 1, Class A of the GPDO.

Other Matters

9. The appellant states that the extension would be well-designed, would respect the character and appearance of the surrounding area, would be adequately serviced, provide additional living space for the current occupants, and contribute positively to the economic growth and social well-being of the area. However, I have assessed this appeal against the limitations and conditions set out under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO. Paragraph A.4(7) requires me to specifically assess the impact of the proposed development on the amenity of neighbouring premises. The design and other matters referred to are not relevant to the main issue.
10. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, Policy DM9 is relevant to the planning judgement to be made on this main issue and I have found that the development does not accord with this policy.

Conclusion

11. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR