



Appeal Decision

Site visit made on 28 January 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2025

Appeal Ref: APP/J1535/D/24/3356398

Haven Cottage, 1B Westbury Lane, Buckhurst Hill, Essex IG9 5NF

- 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 Yan Li against the decision of Epping Forest District Council.
 - The application Ref is EPF/1486/24.
 - The development proposed is demolition of conservatory and erection of a single storey rear extension with 4no. velux rooflights including steps to rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. A revised version of the National Planning Policy Framework was published on 12 December 2024. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

2. The main issues are the effect of the proposed extension on the amount of private amenity space at the appeal property and, therefore, on the living conditions of current and future occupiers; and the effect on trees.

Reasons

3. The appeal property is a two storey detached dwelling in a residential road of similar dwelling types as well as semi-detached properties. The surrounding area is residential in character.

Amenity Space

4. The proposed extension would replace a conservatory that covers around half the width of the appeal property. The extension would be of slightly greater depth and would cover the full width of the property.
5. The *Essex Design Guide* provides an indicative minimum private garden size of 100m² for most types of houses. It states that this provision has been found to be an acceptable and workable minimum size that accommodates most household activities, as well as providing for visual delight, sunshine and planting. The existing rear garden is already below this standard with an area of 70m².

6. The proposed extension would reduce the size of the garden to 48m², under half the minimum size indicated in the design guide. It was clear from the inspection that this would result in a materially reduced amount of space in the rear garden, which would be of limited practical use to the current and future occupiers of the property.
7. I acknowledge the appellant's personal circumstances and that the extension is intended to create more living space. However, the rear garden is the only available private space and in this regard it is particularly important for use for children's play and sitting out because it is enclosed.
8. Part of the area to be used for the extension currently includes a small garden shed, but it is likely that with the extension in place a shed may be placed elsewhere, thereby reducing the garden's limited openness further. Concerns about use of the existing conservatory due to poor insulation are not sufficient reason to set aside the harm that would result from the reduction in useable garden space.
9. Therefore, for these reasons, I conclude that the proposal would materially reduce the amount of private amenity space at the host dwelling and so would have an unacceptably harmful effect on the living conditions of current and future occupiers. Consequently, it is contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), which requires all new development to achieve a high quality of design, including that proposals are expected to provide good sunlight, daylight and open aspects to all parts of the site, including private amenity space.

Trees

10. Policy DM5 of the Local Plan, concerning green and blue infrastructure, includes the requirement that proposals must be accompanied by sufficient information to demonstrate that the retention and protection of trees will be successfully secured.
11. There are a number of semi-mature trees along the eastern boundary in the neighbouring property's garden, directly next to the position of the proposed extension. In the absence of a tree survey, impact assessment and any necessary mitigation measures, it is not possible to conclude that the trees would be retained and protected in accordance with development plan policy.
12. Accordingly, for these reasons, I must conclude that the proposal is contrary to Policy DM5 as it has not been adequately demonstrated that the proposal will not have a harmful effect on trees directly adjacent to the proposed development.

Conclusion

13. For the reasons given the appeal is dismissed.

J Bell-Williamson

INSPECTOR