
Appeal Decision

Site visit made on 20 March 2025 by Sara Manson DipTP

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Appeal Ref: APP/J1535/D/24/3356958

Goldings Mansion, 12 Stanmore Way, Loughton, Essex, IG10 2SA

- 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 Jason Parker against the decision of Epping Forest District Council.
 - The application Ref is EPF/1849/24.
 - The development proposed is described as a 'retrospective application for a rear dividing garden brick wall'.
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Decision

1. The appeal is allowed, and planning permission is granted for development described as a 'retrospective application for a rear dividing garden brick wall' at Goldings Mansion, 12 Stanmore Way, Loughton, IG10 2SA in accordance with the terms of the application, Ref EPF/1849/24, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan, drawing reference P1495.Wall.02, Rev A.
 - 2) Notwithstanding the plan hereby approved, the proposed railings shall be no higher than 0.22m above the top of the wall hereby permitted and painted black to match the existing railings.

Appeal Procedure and Preliminary Matter

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, the drawings show the proposed railings atop the wall to be 0.22 metres, but an annotation states them as 0.77 metres. Appendix A of the appellant's statement confirms the intention to use railings of 0.22 metres. I have proceeded on this basis, drafting conditions accordingly. Furthermore, the development subject of the appeal has been carried out in part, but not completed. I have referred to it as such below.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of Number 14 Stanmore Way with specific regard to outlook and light.

Reasons for the Recommendation

Character and Appearance

4. The appeal building is a substantial detached dwelling on a wide and deep plot. It is in amongst a number of others of similar scale and differing designs. Boundary

treatments also vary but brick walls are not uncommon, contributing to a varied character and appearance, but one of substance and size.

5. The proposed wall, including the railings, would be an imposing structure but as it encloses a rear garden rather than a front one its obviousness in the public realm would be limited. Of what could be seen from neighbouring gardens, it would be befitting of the scale of the dwelling to which it relates, similar to that which appears much older than the proposals on the boundary with Number 10 Stanmore Way, and an extension of an existing section which protruded from the rear of the appeal building. It would not therefore be out of scale with its context and the sense of enclosure it would create would not be dissimilar to that created by other rear garden boundary treatments locally.
6. Railings of the style proposed are not uncommon in domestic settings and would be in keeping with the general residential character of the area. Their use would retain a degree of visual permeability, and not add any further solidity to the development. The boundary treatment would not therefore appear incongruous or out of character in this varied setting.
7. For these reasons, the development would not harm the character and appearance of the area. As such it would comply with Policy DM9 of the Epping Forest District Local Plan 2023 (Local Plan). This states, amongst other things, that development proposals must relate positively to their context and locality, drawing on local character, and having regard to the form, scale and massing around the site.

Living Conditions

8. The original brick wall is the immediate boundary section between the appeal property and Number 14 Stanmore Way (No 14), therefore any material impacts on living conditions experienced by the occupants, would have been borne by the original wall, and less so the additional section subject to this appeal. Like the host plot, the wall would be comparable in its height and scale with No14 and not overbearing to an extent that results in an unacceptable level of outlook for the occupiers or create an impressive feeling of enclosure. The railings will add an element with permeability, that will not add a further solidity to the wall.
9. Furthermore, I am content that the wall would not have an undue effect upon neighbouring occupiers in regard to light, due to the orientation of the property and the ground floor large bi-fold openings serving this area. In this and the above case, the garden to No 14 is otherwise sizeable, unincumbered and with a clear and uninterrupted outlook from its ground floor windows.
10. Therefore, the wall would not cause harm to the living conditions of neighbouring residential occupiers, having regard to outlook and light. Consequently, the proposal would accord with Policy DM9 of the Local Plan, which seeks to ensure that development does not result in an over-bearing or overly enclosed form of development, materially impacting on the living conditions of occupiers of neighbouring properties.

Other Matters

11. In regard to the precedent value of allowing the appeal scheme, any future similar works elsewhere would have to be considered on their own merits and their own specific context. There is no guarantee they would benefit from express planning

permission. Other matters relating to party wall agreements and construction methods are private and civil and thus worthy of limited weight in my findings.

Conditions

12. Since works in pursuant of the appeal have started, a time condition is not required. I have set out the approved plan for certainty and enforcement purposes, as well as addressing the ambiguity of the proposed railing height. In terms of finish, and noting the wall section has been completed with an appropriate brick type and colour, I have stated that the railings should be black to match the existing and thus be suitable for their setting.

Conclusion and Recommendation

13. The appeal scheme would comply with the development plan for the reasons I have set out and there is nothing to suggest a decision other than in accordance therewith. I therefore recommend the appeal is allowed, subject to the conditions specified.

Sara Manson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions set out.

John Morrison

INSPECTOR