



Appeal Decision

Site visit made on 30 April 2025 by F Bradford BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 June 2025

Appeal Ref: APP/H1515/D/25/3362667

31 La Plata Grove, Brentwood, CM14 4LA

- 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 David Mould against the decision of Brentwood Borough Council.
 - The application Ref is 24/01086/HHA.
 - The development proposed is the erection of a loft dormer conversion.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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.

Main Issue

3. The main issue of the proposed development is its effects on the living conditions of the occupiers of 35 La Plata Grove with regard to privacy.

Reasons for the Recommendation

4. The appeal dwelling is semi-detached, and its current orientation means that it is afforded outlook onto the gardens of numbers 36, 31, and 35 La Plata Grove, with particular unobscured views to the rear garden of No. 35. Within La Plata Grove, and particularly to the southern end, there is an existing degree of mutual overlooking between the occupiers of properties due to the urban layout.
5. The proposed development would introduce a dormer to the rear roof slope of the appeal dwelling. This would include windows facing No. 35's garden from the side boundary. It is noted that there is currently a degree of overlooking into the rear garden of No. 35 from the first-floor rear windows at the appeal dwelling. However, the cumulative effect of the boundary fence and height of the existing windows mean that the angle of outlook results in obscured views. This means that if the occupiers of No. 35 use the side of their garden closest to the boundary with the appeal dwelling, they are either not, or only partly seen from occupiers of the appeal dwelling. It also means that they benefit from a degree of not feeling or being perceived to be overlooked.
6. As a result, though there is currently potential for some overlooking, there is a degree of actual and perceived privacy for the occupiers of No. 35. With the proposed dormer being located at second floor level, the angle of viewing would be changed, exposing

an additional substantial proportion of the garden to unobscured views from occupiers of the appeal dwelling at close range. Consequently, the existing level of actual and perceived privacy enjoyed by the occupiers of No. 35, would be unacceptably diminished by the proposal, and subsequently result in harm to the living conditions of occupiers of No.35.

7. For these reasons, I find that the proposed development would be harmful to the living conditions of the occupiers of No. 35 La Plata Grove by way of overlooking and would therefore conflict with the Brentwood Local Plan (2016-2033) with specific regard to policy BE14. Among other things, this policy aims to ensure proposals avoid unacceptable overlooking or loss of privacy.
8. I have given due regard to the Essex Design Guide Standard and do note that the existing arrangement of dwellings does not appear to accord with its guidance in terms of separation distance. However, as described above, the proposed development would create and further increase the degree of overlooking which would result in an unacceptable loss of privacy to the occupiers of No. 35 La Plata Grove. As described, this would conflict with the policies of the development plan when taken as a whole.

Other Matters

9. Whilst it is acknowledged that there are other dormers within the surrounding area, I do not have any evidence before me in order to reasonably assert their merits in relation to overlooking. As such, I am unable to facilitate a basis for precedence or comparison in this instance and I have therefore attributed this minimal weight within my considerations.
10. I note that the appellant has suggested that a planning condition that required the rear window openings on the proposed dormer to be obscured glazed, would mitigate against any harm relating to overlooking and loss of privacy. However, in order to overcome the harm identified above, such window openings would need to be obscured glazed and fixed shut. Whilst I acknowledge the proposal includes small rooflights to the front roof slope, I have not been provided with any information that suggests that a requirement that rear windows be obscured glazed and fixed shut, would not result in significant harm to the living conditions of the future users of the proposal in terms of outlook.
11. I acknowledge the appellant's contention that the proposed development would be an efficient use of land, as described within the National Planning Policy Framework. However, the private benefit associated with the development, that being additional accommodation, would not outweigh the harm as identified above. As such, I have afforded this matter limited weight within my considerations.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Finlay Bradford

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR