
Appeal Decision

Site visit made on 22 May 2025 by Mr 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: 18 June 2025

Appeal Ref: APP/J1535/D/25/3363376

20 Great Lawn, Ongar, CM5 0AA

- 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 Reald Nika against the decision of Epping Forest District Council.
 - The application Ref is EPF/0073/25.
 - The development proposed is a side/rear two storey extension.
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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 Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of number 19 Great Lawn (No. 19) with specific regard to outlook and overshadowing.

Reasons for the Recommendation

Character and Appearance

4. The appeal dwelling is semi-detached and located within a residential area. The proposed development would introduce a two-storey extension abutting the boundary with No. 19.
5. From the principal elevation, the additional bulk to the existing dwelling would comprise of a first floor mass. This would be set back from the principal elevation and set down from the existing roof ridge. By virtue of its scale and positioning, the proposed development would appear as a subordinate addition when viewed from the front.
6. However, the appeal dwelling is one of a pair of semi-detached dwellings which sits within a group to the northern end of Great Lawn. Within the groups of semi-

detached dwellings, the side single storey garages and extensions result in generous building gaps above. Great Lawn has a variety of dwellings in terms of scale and design and whilst some have undergone alteration and extension, and some gaps have been reduced, they are nevertheless legible. These building gaps, in cumulation with the dwellings' set back from the highway and the urban layout, contribute to a sense of openness and spaciousness within Great Lawn.

7. The proposal would narrow the existing gap between the host dwelling and its neighbour at No.19 by a significant amount. This reduction would diminish the positive contribution that the gap currently makes to the open and spacious character of the locality. In that respect, the harm to the character and appearance of the area resulting from the proposal would be limited, affecting only its immediate surroundings.
8. For these reasons, I find that the proposal would result in harm to the character and appearance of the area, albeit limited harm. Nevertheless, the proposal would conflict with the Epping Forest District Council Local Plan with particular regard to policy DM9 (High Quality Design) which aims to, among other things, ensure development contributes to the distinctive character of the area.
9. The Council has referenced policy DM10 (Housing Design and Quality) in their reason for refusal. However, that policy appears to concern requirements for minimum internal space standards, provision of garden space, the provision of green infrastructure and mixed tenure residential development proposals. Having reviewed this policy, it therefore does not appear that its provisions are relevant to the type of development within this appeal.
10. The appellant has drawn my attention to other schemes within Great Lawn in support of this appeal. Due to the cul-de-sac layout and that No. 18 is a corner plot, there is an expansive gap between No. 18 and No. 17. As such, the approved scheme at No. 18 would not result in any significant narrowing of this gap. Conversely, the existing gap between the appeal dwelling and No. 19 is much smaller and is therefore more sensitive to development that narrows it. I therefore consider that whilst both schemes are comparable in bulk terms, their context is not comparable and so is their effects to the character and appearance of the area. I have therefore afforded this limited weight within my recommendation. It is noted that No. 1 The Pavillion sits within the gap between No. 17 and 18 Great Lawn. However, I observe that its orientation and setback within the cul-de-sac means that the appearance of the expansive gap is maintained.
11. The approved development at No. 21 is stepped in from the side boundary with No. 22 at first floor. Conversely, the proposed development covers the full width between the appeal dwelling and side boundary and as such would have differing effects to the established gap. Therefore, I do not find that the scheme at No. 21 is comparable and as such have afforded it limited weight within my recommendation.

Living Conditions

12. The proposed development would introduce a dominant two-storey mass directly along the boundary with No. 19, projecting forward of its front elevation. This would significantly alter the existing outlook for the occupiers of No. 19 by bringing the two-storey bulk, which is currently set back, directly to the boundary. As a result, it

would be overbearing and create a sense of enclosure to the occupiers of No. 19 when viewed from their ground floor front windows.

13. Furthermore, the proposed development's proximity to No.19 and its height would likely result in the reduction of light reaching the ground floor front windows at No. 19. This issue would be further exacerbated by the site's orientation, with both the appeal dwelling and the planned development positioned forward and directly south of No. 19.
14. For these reasons, I find that the proposed development would result in unacceptable harm to the living conditions of occupiers of No. 19 with regards to sense of enclosure, outlook and overshadowing. I therefore find conflict with the Epping Forest District Council Local Plan with particular regard to DM9 (High Quality Design) which aims, among other things, to ensure proposals do not result in overbearing or overly enclosed forms of development that impact the outlook of occupiers of neighbouring development.
15. The appellant has drawn my attention to factors in support of this appeal. As described, it is the two storey scale and positioning of the proposed development on which harm is found. Therefore, I do not consider that the existing single storey structure offers a comparable scheme in terms of its impacts to the living conditions of the occupiers of No. 19.
16. I do not consider the potential fallback development to constitute a comparable scheme. While Permitted Development rights may allow the erection of a boundary fence adjacent to No. 19, the resulting impacts would differ materially from those of the proposed development. A fence could reach a maximum height of two metres, whereas the proposed scheme comprises a two-storey structure. Consequently, the fallback position would not address the additional height as introduced by the proposed development. Accordingly, I have attributed limited weight to the suggested fallback position within my recommendation.

Other Matters

17. The appellant has noted that the proposed development would result in economic benefit, to include local employment opportunities during construction. Whilst this may be the case, its benefit to the public would be temporary in nature and limited by reason of the scale of development. The main benefits associated with the development would instead be afforded to the private occupiers of the appeal dwelling. Therefore, I do not find that public benefits would outweigh the harm identified.

Conclusion and Recommendation

18. 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

19. 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