



Appeal Decision

Site visit made on 29 July 2025 by E Street BSc (Hons) MSc

Decision by John Morrison BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2025

Appeal Ref: APP/J1535/D/25/3367639

36 Scotland Road, Buckhurst Hill, Essex IG9 5NR

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Martin against the decision of Epping Forest District Council.
 - The application Ref is EPF/0188/25.
 - The development proposed is an additional storey to existing bungalow.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning General Permitted Development) (England) Order 2015 (as amended) for an additional storey to existing bungalow at 36 Scotland Road, Buckhurst Hill, Essex IG9 5NR in accordance with the terms of the application, Ref EPF/0188/25.

Appeal Procedure, Preliminary Matters & Main Issue

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, I have taken the description from the application form which is sufficient to identify it. I have omitted the additional superfluous explanation that follows but have taken it into account.
3. Under the above-mentioned legislation, planning permission is granted for the enlargement of a dwellinghouse by construction of additional stories, subject to limitations and conditions. I have no reason to disagree with the Council's conclusions on the compliance of the scheme with the relevant permitted development provisions and some prior approval matters. This decision therefore focusses on the effect of the scheme on the amenity of adjoining premises (living conditions of occupiers), with particular regard to outlook and light. This is the main issue of the appeal.

Reasons for the Recommendation

4. The appeal site is a detached bungalow situated in between two dwellings of a one and half and two storey nature. The existing bungalow is set further back and within the plot causing a slight outrigger in comparison to the two neighbouring buildings. The appeal building sits centrally within its plot with access pathways either side. There would be an increase in height of the existing bungalow to provide the additional storey which would be viewed by neighbouring occupiers both within the building and their respective gardens.

5. The proposal by virtue of its height would result in some blank elevation viewed both within the buildings and their gardens. However, its overall effect on the occupiers of both properties would be limited by virtue of the separation distance due to the pathways both around the bungalow and the neighbouring properties. Moreover, the combination of the stepped down single storey element along with the modest set back within the plot, would only marginally affect the occupiers to the rear and would retain an otherwise open aspect which would not result in harm to outlook. Additionally, the plots are long and mostly unincumbered, and along with the existing boundary treatments there would not be an adverse sense of enclosure arising nor would the scheme result in unacceptable harm to the outlook within the gardens.
6. Both number 34 and 38 Scotland Road (No 34) (No 38) have windows on the side elevation which appear to serve both living spaces and hallways and whilst there would be some reduction, these rooms also experience light from other larger windows which would remain unobstructed. The relationship experienced would be no different to others in respect of groups of close-knit detached properties. I am satisfied that the occupiers of the properties would not experience an unacceptable loss of light.
7. For the above reasons, I therefore find that the proposal would comply with Paragraph AA.2(3)(a)(i) of Class AA, Part 1 of the GPDO which relates to the impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light. The Council and third parties have drawn my attention to Policy DM9 of the Epping Forest District Local Plan (2023) which seek to ensure that, amongst other things, proposals are of a high-quality design and amenity standards. Whilst policies are a material consideration, they are not decisive. For the reasons I have set out however, the scheme would not conflict with the development plan's aims in the above regards.

Other Matters

8. Concerns have been raised surrounding the external appearance of the resultant building. The appeal proposal is on the matter of whether it would meet both the permitted development criteria and then the conditions alongside it. Development plan policies are not determinative, as I have explained, in the decision as to whether prior approval is granted. Therefore, only limited weight can be given to this. Moreover, and when determining the prior approval application, the Council has raised no objections to the appearance of the building both in terms of the dwelling itself and that of the street scene. I have no reason to disagree.
9. A number of third-party consultees commented on the application prior to the appeal in that the loss of the bungalow would be contrary to Policy H1. However, there is no basis for me to consider the effect of the development on the loss of a certain type of housing as it is beyond the scope of the prior approval regime. I have not therefore considered the matter further.

Conditions

10. As set out above, Class AA of Part 1, Schedule 2 grants planning permission subject to conditions and limitations. These include the requirement for the development to be carried out in accordance with details provided along with it being completed within three years starting with the date prior approval is granted. The development must be constructed in materials similar to the existing dwelling

and must not include a window in any wall or roof slope forming a side elevation of the dwelling. The Council have recommended similar conditions. Since these are intertwined with the prior approval they are therefore not required. I have not considered any other conditions necessary.

Conclusion and Recommendation

11. For the reasons given above I conclude that the appeal should be allowed, and that prior approval should be granted.

E Street

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and prior approval is granted in the circumstances and subject to the conditions set out.

John Morrison

INSPECTOR