
Appeal Decision

Site visit made on 6 December 2016

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 January 2017

Appeal Ref: APP/J1535/D/16/3159437
10 Bridge Hill, Epping, Essex CM16 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Beech against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0206/16, dated 25 January 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations at 10 Bridge Hill, Epping, Essex CM16 4ER in accordance with the terms of the application, Ref PL/EPF/0206/16, dated 25 January 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1092 113D Rev D; 1092 114D Rev D; and 1092 115D Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The flat roofs of the development hereby permitted shall not be used for any purpose other than as a means of escape in an emergency or for maintenance of the building.
 - 5) Demolition or construction works shall take place only between the hours of 0730 to 1830 on Mondays to Fridays and 0800 to 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Preliminary matter

2. The original planning application was made retrospectively. However, during the course of the planning application, a number of revised plans were submitted and the Council re-consulted interested parties on these revised
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plans. These include plans 1092 113D Rev D; 1092 114D Rev D; and 1092 115D Rev D. These are the submitted plans which the Council considered and based its recommendations on. The appellant sets out that these are the submitted plans that he wishes me to consider. It is therefore these plans (hereafter referred to as 'the submitted plans') which I have considered when determining this appeal.

Application for costs

3. An application for costs was made by Mr R Beech against Epping Forest District Council. This application is the subject of a separate Decision.

Main issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 8 Bridge Hill with particular regard to outlook.

Reasons

5. The appeal property is a semi-detached, two-storey dwelling located within a wider residential area. It has been extended to the rear in the recent past. The extensions include a ground floor rear extension, a first floor rear extension and a rear dormer at roof level. In addition, the roof has been altered from a hip to a gable end. Notwithstanding the presence of these recent extensions and alterations, as set out above, I am to determine the appeal on the basis of the submitted plans.
6. The evidence indicates that, with the exception of the eaves height of the proposed ground floor rear extension, the dimensions and siting of the proposed rear extensions, roof alterations and roof dormer, would be broadly consistent with a combination of development permitted under previous planning permissions and prior approval notifications¹. This is a material planning consideration to which I afford substantial weight. In addition, I observed that the dimensions and siting of these elements, with the exception of the eaves height of the proposed ground floor rear extension and the proposed roof form of the first floor rear extension, would be broadly consistent with what has been built.
7. The appeal property benefits from a prior approval under Ref EPF/0208/15 to erect a single storey rear extension to span the width of the appeal property with a depth of 6 metres (m), an eaves height of 2.5m and an overall height of 4m. The proposed single storey rear extension would span the width of the appeal property and would have a depth of approximately 6m and an overall height of approximately 4m. However, the eaves height would be greater than 2.5m and would therefore exceed the parameters allowed for under prior approval Ref EPF/0208/15.
8. The western flank wall of the proposed single storey rear extension would run along the shared boundary with 8 Bridge Hill. The external amenity space to the immediate rear of No 8 comprises an area of decking which would sit at a higher than the finished floor level of the proposed single storey rear extension. Given this difference in levels, the eaves height of this element of the proposal would be approximately 2.65m above the area of decking. At this point, a hipped roof would slope away to a maximum overall height of 4m.

¹ Ref EPF/0208/15; Ref EPF/0350/15; and Ref EPF/2225/15

9. I observed that No 8 has some substantial evergreen vegetation growing alongside the shared boundary with the appeal property. This vegetation, in combination with an existing ground floor rear extension at No 8 which extends across approximately half the width of this dwelling, is already likely to provide a considerable level of enclosure to the area of decking and to a rear facing window which serves a habitable room. In addition, No 8 benefits from an overall rear garden of a considerable size and length.
10. On this basis, the height and length of the western flank wall of the proposed single storey rear extension, in combination with the proposed hipped roof form, would not, in my opinion, provide a harmful sense of enclosure for the occupiers of No 8. Moreover, the effect in this regard would not be materially greater than would be the case were the single storey rear extension consented under Ref EPF/0208/15 to be implemented. In addition, views down the rear garden of No 8 from the rear facing window to a habitable room would not be affected. Furthermore, given that the proposed first floor rear extension would be set back from the shared boundary with No 8 and the proposed roof dormer would be set back from the eaves, I also do not consider there would be any harmful cumulative effects as a result of these elements of the proposal. Whilst the lack of any neighbour objections does not necessarily mean that no harm would arise, I also note that the occupiers of No 8 have not objected to the proposal.
11. In light of my reasoning above, I conclude that the proposal would not result in harm to the living conditions of the occupiers of No 8 in respect of outlook and would not detrimentally affect their enjoyment of their home or garden.
12. The proposal would therefore comply with saved Policy DBE9 of the Epping Forest District Local Plan 1998, which requires, amongst other things, development not to result in an excessive loss of amenity for neighbouring properties. This policy is consistent with the broad aims and objectives of the National Planning Policy Framework which seek to secure a good standard of amenity for all existing occupiers of land and buildings.

Other matters

13. I acknowledge the concerns of some interested parties, including in respect of character and appearance, privacy and light. However, these matters were not specifically referred to within the Council's reasons for refusal and on the basis of the evidence before me and my own observations, I have no substantive reasons to take a different view.
14. I also recognise that some aspects of development undertaken at the appeal property have not been built in accordance with previous planning permissions or prior approvals. Nevertheless, I have determined the appeal on the basis of submitted plans before me. Furthermore, any enforcement action in this regard would be at the discretion of the Council.

Conditions

15. I have had regard to the planning conditions suggested by the Council. I have amended some of these for clarity and conciseness. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. A condition relating to materials is necessary in the interests of character and appearance. A condition relating to

working hours is necessary in the interest of neighbour living conditions. I also agree that a condition restricting the use of the flat roofs is necessary for the same reason.

Conclusion

16. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR