

Appeal Decision

Site visit made on 29 March 2017

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/J1535/D/17/3169395

24 Whitehall Close, CHIGWELL, IG7 6EQ

- 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 Konzul Choudhury against the decision of Epping Forest District Council.
 - The application Ref. PL/EPF/2549/16 was refused by notice dated 1 February 2017.
 - The development proposed is an outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at 24 Whitehall Close, CHIGWELL, IG7 6EQ in accordance with the terms of the application, Ref. PL/EPF/2549/16, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 160304 L 300; 160304 L 301; and 160304 L 302 B.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it states that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The outbuilding the subject of this appeal is at an advanced stage of construction but has not yet been completed.

Main Issue

4. The main issue is the effect of the development on the living conditions of occupants of 147 Lambourne Road, with particular reference to outlook and shading.

Reasons

5. The appeal relates to an outbuilding which is under construction at the end of the garden of 24 Whitehall Close. The rear boundary of the appeal site forms the side boundary of 147 Lambourne Road (No.147) to the rear.
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6. Although the outbuilding has a 'mock' pitch to the front of its roof, the remainder is flat. It is built close to the shared boundary with No.147, and creates a wall projecting above the existing boundary fence. As a result the development is visible from the garden of No.147 but also from its glazed conservatory. However, the outbuilding is to the side of the conservatory, and although it is visible from No.147, it is not unduly dominant or oppressive on the outlook from that property. Whilst the development exceeds the height that would be permissible in the exercise of Permitted Development rights¹, I have had regard to this as a potential 'fallback' position.
7. The development is located to the west of No.147. As the development projects above the fence line, there would be a degree of additional shading to that property, but in view of the outbuilding height and its separation distance from the conservatory, I do not find that this would be so significant as to cause material harm.
8. Policy DBE9 of the Epping Forest District Adopted Local Plan 1998 (LP) seeks to resist development which results in an excessive loss of amenity for neighbouring properties in matters including visual impact and loss of daylight/sunlight. However, for the reasons outlined above, I conclude that the effect on outlook and shading would not be excessive or to a degree that the living conditions of current and future occupiers of 147 Lambourne Road would be harmed, and that the development accords with the aims of LP Policy DBE9.

Other Matters

9. The outbuilding has been constructed close to the rear and both side boundaries of the appeal site. I appreciate the views of neighbouring residents that this may not provide space for maintenance, but this is a private civil matter and is not grounds to dismiss the appeal.

Conditions

10. As the development has commenced, a time limit for implementation is unnecessary. However, I have attached a condition specifying the approved drawings as this provides certainty as to the scope of the permission, including the intended render finish to the outbuilding walls, as confirmed on the submitted plans, planning application form and in the grounds of appeal. I consider this to be necessary in the interests of the appearance of the building and visual amenity.
11. The Council's suggested condition restricting the use of the building is unnecessary as separate and independent use would require express permission.

Conclusion

12. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its social strand is to create a high quality built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and for the reasons given above the

¹ By virtue of the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015

development complies with this principle and is sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be allowed.

H Lock

INSPECTOR