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# Appeal Decision

Site visit made on 29 October 2018

**by Nicola Davies BA DipTP MRTPI**

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

**Decision date: 8<sup>th</sup> November 2018**

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**Appeal Ref: APP/J1535/W/18/3206072**

**47 Sunnyside Road, Epping CM16 4JW**

- 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 Ms Wendy McDaid against the decision of Epping Forest District Council.
  - The application Ref EPF/2388/17, dated 31 August 2017, was refused by notice dated 10 January 2018.
  - The development proposed is erection of a detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover for 47 Sunnyside Road.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

## Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on: -
  - (a) The living conditions of existing adjoining occupiers; and
  - (b) The character and appearance of the area.

## Reasons

### *Living conditions*

4. The proposed dwelling would be two storeys and be positioned in close proximity to the common boundary with 45 Sunnyside Road (No 45). It would project approximately 5.5 metres beyond the rear elevation of the No 45. I observed that No 45 is situated at a lower land level to that of the appeal site and, although having a long plot, its width, including that of the rear garden, is narrow.

5. No 45 hosts windows both within the side and rear elevations. The side windows most notably have outlook toward the appeal site. No 45 also has a rear patio that is below the land level of the appeal site.
6. The proposed dwelling would create a development of substantial height and length in close proximity to the side windows of No 45, as well as the rear outdoor living space. I saw that the proposed dwelling would be clearly visible in extremely close proximity in the outlook from the kitchen and the rear outdoor living spaces of this adjoining property.
7. Kitchens are living spaces in which occupiers would spend a reasonable amount of their time. This would also apply to the outdoor living space at the rear of the property. The proposed dwelling would be extremely dominant in the outlook from No 45's kitchen and outdoor living environments. This would be particularly so taking into consideration the close relationship of the proposed dwelling to No 45, its elevated siting, along with its proposed length and two storey height. The proposal would be excessively dominant in the adjoining occupiers' outlook and would create the sense of being hemmed in by built development. Consequently, I find that the proposed development would be harmful to the living environment of the adjoining occupiers of 45 Sunnyside Road.
8. The Council comments that the proposed dwelling would not intercept a 45 degree line when take from the centre of the closest habitable first floor window. Whilst this may be so, this does not overcome the harm to the occupiers' outlook from the kitchen and rear outdoor living space or justify the proposed development.
9. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers. As such, the proposed development would conflict with Policy DBE9 of the Local Plan 1998 and Alterations 2006 and Policy DM9 of the draft Local Plan Submission Version 2017. These policies seek, amongst other matters, new buildings to respect their setting in terms of scale, proportions, siting, massing, height and orientation and not to result in an over-bearing or overly enclosed form of development to the living condition of neighbouring residents. This reflects the aims of the Framework, which requires a high standard of amenity for existing users.

#### *Character and appearance*

10. The appeal site is situated between semi-detached two storey dwellings and a two-storey terrace. The space between these developments is narrow toward the site frontage and incrementally increases in width toward the rear of the site. The proposed dwelling would be positioned deeper into the plot than that of the properties either side. The proposed dwelling would therefore be set back from the front building lines of the existing adjoining development.
11. The new dwelling would be positioned in close proximity to the properties either side and would appear as a constrained development for this reason. Nonetheless, the proposed dwelling and its relationship with the development either side would only be visible when observed directly in front of the appeal site. Its visibility would reduce in wider views from Sunnyside Road due to its recessed siting. Consequently, I find that the proposed dwelling would not be a visually prominent feature within this streetscene and would not appear as an

unduly incongruous development given its recessed siting within the gap between existing properties.

12. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such, the proposed development would not materially conflict with Policy DBE10 of the Local Plan 1998 and Alterations 2006 and Policy DM9 of the draft Local Plan Submission Version 2017. These policies seek, amongst other matters, to ensure that development complements the streetscene. The proposal would also accord with the aims of the Framework that requires development to be sympathetic to the surrounding built environment.

### **Other Matters**

13. I acknowledge that the planning application was brought before members of the Council's Planning committee for determination and that members came to a different view to the acceptability of the proposal to their professional officers. It is open to Council members to come to a different conclusion to their officers. From what I observed I cannot agree with the appellant that the decision reached by the members is based upon misplaced consideration in relation to the impact of the proposed development upon the occupiers of the adjoining property.
14. I have been directed by both parties to a planning permission that is in place to erect a dwelling opposite the appeal site between 10 and 12 Sunnyside Road. At the time of my visit that site had been secured by fencing, therefore, I was unable to determine whether any site works had commenced. I have not been provided with the details of that case, nonetheless, it appears to me that the site between 10 and 12 Sunnyside Road narrows in width from front to rear. The appeal site before differs in that the width of the site increases from front to rear. Therefore, the resulting development on each of these sites will differ as the circumstances relating to each of the sites is not the same. This proposed development, therefore, can and should be considered on its own merit in respect of both the living conditions of existing occupiers and the character and appearance of the area.

### **Conclusion**

15. Whilst I have found in favour of the appellant in terms of the effect on the character and appearance of the area, this does not overcome the identified harm in relating to the living conditions of the adjoining occupiers. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR