
Appeal Decision

Site visit made on 16 January 2015

by **David Fitzsimon MRTPI**

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

Decision date: 9 February 2015

Appeal Ref: APP/J1535/A/14/2218652

44 Hoe Lane, Abridge, Romford, Essex RM4 1AU

- 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 Matthew Phillips against the decision of Epping Forest District Council.
 - The application Ref EPF/2322/13, dated 1 November 2013, was refused by notice dated 12 February 2014.
 - The development proposed is the 'demolition of existing dwelling and replacement dwelling'.
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Application for Costs

1. An application for costs was made by the appellant against the Council which is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the demolition of existing dwelling and replacement dwelling at 44 Hoe Lane, Abridge, Romford, Essex RM4 1AU in accordance with the terms of the application, Ref EPF/2322/13, dated 1 November 2013, subject to the conditions contained within the attached Schedule.

Main Issue

3. The main issue in this case is the effect of the proposed replacement dwelling on the living conditions of the occupiers of No. 46 Hoe Lane with particular regard to outlook and access to natural light.

Reasons

4. The proposal seeks to replace an existing bungalow with a much larger house. The Council has no concerns regarding the appearance of the house and given the variety of dwelling styles found locally, I see no reason to disagree.
 5. The Council does, however, have concerns regarding the impact of the proposed house on the occupiers of the adjacent bungalow, No. 46 Hoe Lane. The existing bungalow which sits on the appeal site has a 'reverse P' shape footprint. Although its main section sits forward of the adjacent bungalow, No.
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46 Hoe Lane, this element is set well off the common boundary. The section nearest to No. 46 sits slightly behind the main front elevation of this bungalow.

6. The proposed house would sit slightly further forward on the plot than the main body of the existing bungalow. Its main two storey section would span almost the full width of the plot, but the section along the common boundary, which would project beyond the front elevation of No. 46, would be single storey.
7. This single storey section would project much further forward than the nearest section of the existing bungalow which sits on the appeal site. Nevertheless, the adjacent bungalow is, and the proposed dwelling would be, set off the common boundary and I understand that the windows on the affected side elevation of No. 46 do not serve habitable rooms. Further, a car port and tiled open porch area cover the main entrance to No. 46 and they already restrict the levels of natural light available to this part of the property along with the outlook from it. In addition, the nearest window on the front elevation of No. 46 which appears to serve a habitable room would be some distance from the closest part of the single storey section at the front of the proposed house, which would also sit at a lower ground level.
8. I recognise that the proposed house would be much taller than the existing bungalow. Nevertheless, given the arrangement explained above, I am satisfied that it would not unduly harm the outlook for the occupiers of No. 46 Hoe Lane or unacceptably reduce the levels of natural light available to them. In this respect, there would be no conflict with saved policy DBE9 of the adopted Epping Forest District Local Plan.

Conditions

9. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested several conditions in the event the appeal succeeds.
10. I agree that the first floor windows on the side elevation facing No. 42 Hoe Lane should be fitted with obscured glazing and have restricted opening in order to safeguard adequate levels of privacy for the occupiers of this neighbouring dwelling. It is not necessary, however, for the glazing in the door shown on this elevation to be fitted with obscured glazing as it is at ground floor level. I also agree that the flat roof sections of the single storey elements of the dwelling should not be used as balconies, whilst the Juliet balconies shown on the drawings should be fitted in order to safeguard privacy. The Council has suggested that permitted development rights should be removed so that future extensions can be controlled, but no exceptional reasons have been given to justify this. I do agree, however, that roof enlargements and alterations should be strictly controlled in order to ensure that the attractive roof form of the dwelling is safeguarded.
11. In allowing the appeal, I shall impose conditions accordingly.

David Fitzsimon

INSPECTOR

SCHEDULE OF 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:
13-001/02 Rev A, 13-001/03 Rev A, 13-001/04 Rev A, 13-001/05 Rev A and 13-001/06 Rev A.
- 3) The first floor windows to the side elevation of the dwelling hereby permitted which faces No. 42 Hoe Lane shall be fitted with obscured glazing and shall have fixed frames to a height of 1.7 metres measured from the floor level of the room which they serve in accordance with details first submitted to and approved in writing by the local planning authority. The windows shall be installed in accordance with the approved details before the dwelling is first occupied and they shall be retained in that condition thereafter.
- 4) No enclosure or balcony shall be formed on the single storey roofs of the dwelling hereby permitted. Access to these roofs shall be for maintenance purposes and for emergency means of escape only and they shall not be used as balconies at any time.
- 5) The dwelling hereby approved shall not be occupied until the Juliet balconies indicated on drawing numbers 13-001/02 Rev A and 13-001/03 Rev A have been fitted to the windows they are shown to enclose. The Juliet balconies shall be retained in the approved positions thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any other Order revoking, further amending or re-enacting that Order, no additions to, or enlargements of, the roof of the dwelling hereby permitted shall take place without planning permission first being granted by the local planning authority.