



Appeal Decision

Site visit made on 7 August 2015

by Timothy C King BA (Hons) MRTPI

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

Decision date: 18/08/2015

Appeal Ref: APP/J1535/D/15/3121627

42 Princes Road, Buckhurst Hill, Essex, IG9 5EE

- 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 Mrs Katie Wood against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2693/14, dated 13 November 2014, was refused by notice dated 9 March 2015.
 - The development proposed is '*Retrospective application for patio. Letter received from Mr David Thompson – Planning Enforcement Officer.*'
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a raised patio area at 42 Princes Road, Buckhurst Road, Essex, IG9 5EE in accordance with the terms of the application, Ref PL/EPF/2693/14 dated 13 November 2014 and the plans submitted with it, subject to the following conditions:
 - 1) Notwithstanding the annotations shown on Drawing No 42/PR/4 the proposed methods of screening shall not be carried out, although the balustrading is hereby permitted.
 - 2) Within two months of the date of this decision full and specific details as to the means of providing effective screening on both side boundaries shall be submitted to the local planning authority for written approval. Subsequent implementation of such shall be carried out in accordance with the approved details in compliance with a time schedule to be agreed between the two main parties.

Procedural Matter

2. For the purposes of this appeal I am treating the entire development as a proposal given that Section 55 of the Town and Country Planning Act 1990 makes no provision for such retrospective matters. I have also altered the proposal's description to more closely focus on the development involved.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to overlooking.
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Reasons

4. The appeal property is a semi-detached dwelling, sharing a party wall with No 44 Princes Road whilst No 40's facing flank wall stands close to the opposite common boundary. A raised patio, requiring the benefit of planning permission, has been constructed across the full width of No 42, immediately to the rear of the dwelling itself, and with the land sloping downwards from west to east I have estimated that the resultant terrace sits between 0.75m and 1m above the rear garden lawn below.
5. The path running at the side of No 42, close to the fenced boundary with No 40, also rising progressively rearwards. The terrace lies at a similar level with the open space immediately to the rear of the dwelling at No 44, but higher than the adjacent area of garden at No 40, and I have had regard to the written objections made by the occupiers thereto. The main ground of objection put forward is that the raised patio has rendered the existing fencing inadequate and I shall address this matter.
6. In terms of the policies cited by the Council in its decision notice Policy DBE2 of the Epping Forest District Local Plan (LP) indicates that planning permission will not be granted for new buildings which would have a detrimental effect upon neighbouring properties, either in amenity or functional terms whilst LP Policy DBE9 guards against excessive loss of amenity in terms of, amongst other things, overlooking. Whilst I accept that the raised patio has given rise to the potential overlooking of both neighbouring properties the existing fencing is substantial in form, if insufficient in height to prohibit such. Nonetheless, raised decking and patios are not uncommon these days, along with existing fence screening being consequentially compromised.
7. Weighing the matter up, and having considered the particular circumstances at my site visit, I do not consider that either neighbours have suffered an 'excessive' loss of amenity from the raised patio; certainly not to such an extent that the patio might be removed. However, I do consider that some form of screening would be helpful on both boundaries.
8. The occupiers of No 40 have mentioned that they erected the fencing divide and, at the opposite boundary it would similarly appear that the fence belongs to No 44. Notwithstanding this the appellant is proposing that timber screens with Georgian wired glass opaque infill panels supported on timber posts are to be erected. In the interests, visually, of a satisfactory standard of development, I do not consider that such materials would be appropriate and, perhaps, some form of vegetative planting which would both screen and soften the development might instead be explored. However, that shall be a matter between the appellant and the Council, the two main parties, and I am imposing a condition to this effect.
9. Although the Council has suggested conditions requiring that the patio be lowered and new fencing erected along the boundary with No 44, in view of my findings I consider such conditions to be neither strictly necessary nor reasonable. Given the circumstances and the conditions imposed I am satisfied that the proposal would not be in material conflict with either LP Policies DBE2, DBE9 or relevant advice in the National Planning Policy Framework. For the

above reasons, and having had regard to all other matters raised, the appeal succeeds.

Timothy C King

INSPECTOR