
Appeal Decision

Site visit made on 23 February 2016

by Andrew Steen BA(Hons) DipTP MRTPI

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

Decision date: 16th March 2016

Appeal Ref: APP/J1535/D/15/3132846
3 Bury Road, Epping, Essex CM16 5ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Grant Foxley against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1342/15, dated 1 June 2015, was refused by notice dated 12 August 2015.
 - The development proposed is double storey lift, ground floor extension (porch) and internal alterations.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook, privacy and light.

Reasons

3. The proposed development would comprise the extension of the existing bungalow at No. 3 Bury Road to create a two storey house with rooms contained within the roofspace.
 4. The neighbouring property at No. 24a Lower Bury Lane has a very small rear garden, its closest point being adjacent to the corner of the existing building at No. 3, such that the additional storey and roof proposed would dominate the small garden and rooms at the rear of No. 24a. This would cause significant harm to the living conditions of occupants of that dwelling in terms of their outlook.
 5. Obscure glazing and non-opening windows is proposed and could be required by condition to restrict overlooking of No. 24a, but this is a poor design solution for main bedrooms. I accept that there is some mutual overlooking between properties in the locality, although that would not justify the potential level of overlooking in this instance. The rear window not proposed to be obscure glazed is to the opposite side of the dwelling from No. 24a, sufficiently far away not to cause overlooking to occupiers of that property.
-

6. The analysis of levels of light to be experienced by occupiers of No. 24a following completion of the development set out in the officer report to the planning committee suggests that this would be likely to be limited. I consider that there would be some loss of sunlight in the early mornings, but this would not be at an unacceptable level and there would be little effect on levels of daylight from the development on that property.
7. Concern has been raised at the impact of the development on Nos. 1 and 5 Bury Lane. These are located to either side of the proposed development and, given that relationship, the harmful impacts identified above would not apply to those properties.
8. I understand that other bungalows in the area have been extended with an additional floor in a similar manner, but they appear to have a different relationship with neighbouring properties.
9. I conclude, therefore, that the proposed development, by reason of overlooking and the effect on the outlook of neighbouring occupiers at 24a Lower Bury Lane, would harm the living conditions of those occupiers. The proposed development is contrary to Policy DBE9 of the Epping Forest District Local Plan that seeks to protect the living conditions of neighbouring occupiers to development.
10. I note the reasons that the appellant wants a larger house to meet the particular circumstances of their family, but these do not justify the harm that I have identified above.
11. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Andrew Steen

INSPECTOR