

Appeal Decision

Site visit made on 21 June 2016

by **S J Buckingham BA (Hons) DipTP MSc MRTPI FSA**

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

Decision date: 11th August 2016

Appeal Ref: APP/J1535/D/16/3149197

24 Alderton Hill, Loughton, Essex, IG10 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Balbir Bagria against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2983/15, dated 20 November 2015, was refused by notice dated 3 February 2016.
 - The development proposed is two storey side extensions, part single and part two storey rear extensions, dormer windows and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extensions, part single and part two storey rear extensions, dormer windows and associated alterations at 24 Alderton Hill, Loughton, Essex, IG10 3JB in accordance with the terms of the application, Ref PL/EPF/2983/15, dated 20 November 2015, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issues

2. The effect on the living conditions of the occupiers of number 26 Alderton Hill with respect of outlook and sunlight and daylight.

Reasons

Outlook

3. Alderton Hill is a residential area consisting of large detached houses sitting in large plots. Number 24 Alderton Hill sits just downhill and to the south-west of number 26 and has a front building line that sits just forward of the garage of number 26. The boundary between the two properties at the front of the site is a brick wall of something over 3m in height, and further in is characterised by mature vegetation.
 4. The appeal proposal includes two flank extensions, that to the left-hand side comprising a granny-annexe over a garage. The proposed extension to the right-hand side would be set around a metre back from the flank boundary wall, and would be around 7 metres away from the main flank elevation of number 26. The two storey element would roughly follow the footprint of the existing garage, projecting back from the front building line to around halfway
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along the garage of number 26, and some distance forward of the rear elevation of that house.

5. Being set forward in this way, the two storey element of the proposal would not be visible from principal windows to the rear of number 26, and views of it from the front would be oblique or and shielded at ground floor level by the flat roofed canopy, walkway and garage of number 26. I do not consider therefore that it could form an obtrusive element in the outlook of the occupiers of that property.
6. I do not consider that the proposed extension would appear overbearing in the outlook of the occupiers of number 26, and that it would not therefore conflict with policy DBE9 of the local plan, which seeks to protect the outlook of adjoining occupiers where buildings are extended.

Sunlight and Daylight

7. The orientation of the appeal property and its neighbour mean that direct sunlight to the north-west facing garden elevations is already limited. The garden room to number 26 is a glass-roofed lean-to attached to the high boundary wall, therefore precluding sunlight from the south-west also. At the time of my site visit, I noted from the highway that the flat roofed walkway from the house to the garage is open sided, and that in the mid-morning light was passing through and over that to reach the garden room from the south east. Given these facts, the proposed two storey extension element, located to the south west is not likely to make a material difference to levels of sunlight or daylight reaching the garden room or sitting out area of number 26.
8. The appeal includes a sunlight and daylight study which supports this assessment, concluding that there would be a limited effect by the appeal proposal in terms of reductions in daylight or sunlight.
9. I do not, therefore, consider that the proposed extension will cause an unacceptable loss of daylight or sunlight to number 26, and will not therefore conflict with policy DBE9 of the local plan which seeks to protect the daylight and sunlight conditions for adjoining occupiers where buildings are extended. .
10. In arriving at this conclusion I have taken into account the previous appeal decision. However, the massing and siting of the proposed extension in relation to number 26 have changed, and information has been submitted which clarifies the effect of the proposed extension in terms of sunlight and daylight. This does not, therefore, alter my decision.

Other Matters

11. An objection to the proposal suggested that the proposed two storey extension on the left hand side of number 24 would affect the privacy of the occupiers of number 22 Alderton Hill through overlooking. This extension would contain a garage at ground floor level, and the residential accommodation at first floor level would have only an obscured glazed window on the flank elevation adjoining number 22. The installation and retention of obscured glazing can be secured by condition. I conclude therefore that the living condition of the occupiers of number 22 would not be compromised.

Conditions

12. I have had regard to the various planning conditions that have been suggested by the Council. Drawing 1406/304 Revision D indicates that the granny-annexe will have an internal link to the main house, and will share the drive and parking, so I do not, therefore, consider it necessary to impose a condition to ensure that it shall not be occupied as other than for purposes ancillary to the residential use of the main house. I have attached a condition specifying the relevant drawings, as this provides certainty. A condition relating to materials is appropriate in the interests of character and appearance. Conditions securing the installation and retention of obscured glazing and controlling the insertion of new windows in the flank elevations are necessary in the interests of the privacy of the occupiers of adjoining premises. Adequate off street parking should be retained in the interests of highways safety, and I have therefore imposed a condition to secure the retention of parking in the new garage. A condition limiting the hours of construction and demolition works is attached to safeguard the living conditions of the occupiers of adjacent properties.

Conclusion

13. For the reasons given above therefore, and having regard to all other matters raised, I conclude that this appeal should be allowed.

S J Buckingham

PLANNING INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1406/100; 1406/102; 1406/107 Revision A; 1406/303 Revision B; 1406/304 Revision D; 1406/305 Revision B; 1406/306.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials to match those used in the existing building unless otherwise agreed in writing by the Local Planning Authority.
- 4) The extensions hereby permitted shall not be occupied until the windows to the eastern and western flank elevations above ground level, comprising those to the granny flat/studio, bedroom 2, bedroom 3, bedroom 4, bedroom 6 and bedroom 7, have been fitted with obscured glazing, and no part of those window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the flank elevations of the house without the prior written permission of the local planning authority.
- 6) The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors, and for no other purpose.
- 7) Demolition or construction work shall take place only between the hours of 07.30 to 18.30 Monday to Friday, 08.00 to 13.00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.