
Appeal Decision

Site visit made on 21 September 2018

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCIARB MCIL

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

Decision date: 22st November 2018

Appeal Reference: APP/J1535/D/18/3205855
60 Tycehurst Hill, Loughton IG10 1DA

- 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 M Hanif against the decision of Epping Forest District Council.
 - The application (reference PL/EPF/0616/18 dated 28 February 2018) was refused by notice dated 11 June 2018.
 - The development proposed is described in the application form as "Extension of Conservatory at rear Ground Floor to new dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear conservatory, at 60 Tycehurst Hill, Loughton IG10 1DA, in accordance with the terms of the application (reference PL/EPF/0616/18 dated 28 February 2018), subject to the following conditions.
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number FES-2_100A (Site Location Plan);
 - drawing number FHA_2001 (Existing Floor Plans);
 - drawing number FHA_2002 (Proposed Floor Plans);
 - drawing number FHA_2003 (Elevations and Section);
 - drawing number FHA_2004 (Plans, Elevations and Section).
 - 3) 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, doors or openings of any kind shall be inserted in the side elevations of the conservatory hereby permitted without the express written approval of the local planning authority.
 - 4) Access to the flat roof on both sides of the conservatory hereby permitted shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

- 5) The obscured glazed screens to the terrace shall be installed in accordance with the approved plans prior to the first use of the terrace, shall remain in place and shall not be removed thereafter.

Preliminary point

2. Notwithstanding the description of the proposed development given in the planning application form, the appeal proposals can adequately and succinctly be described as the construction of a single storey rear conservatory.

Main issues

3. There are two main issues to be determined in this appeal. The first main issue is the effect of the proposed development on the character of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused to their privacy or outlook).

Reasons

4. Tycehurst Hill is within a residential suburb of Loughton that is characterised by substantial houses in a mature townscape. The road is lined with large houses in substantial plots, generally with mature planting in their front and rear gardens. A number of properties in the vicinity of the appeal site have been extended or redeveloped and the houses are mixed in character, exhibiting a variety of architectural styles.
5. Number 60 Tycehurst Hill is a new house designed in a restrained classical style to replace an earlier building. The design is attractive but the house is very large, even by comparison with other large properties in the vicinity. The construction work is nearing completion and the back garden area has been extended, by the acquisition of an additional area from a neighbouring plot, as shown on the revised (and corrected) site plan that was submitted during the course of the appeal.
6. It is now proposed that the new house should be further extended by the addition of a new conservatory, in the centre of the rear elevation.
7. The 'National Planning Policy Framework' has the aim of making effective use of land but it also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
8. An emphasis on the importance of good design is also to be found in local planning policies (including Policies in the Development Plan), notably in the 'Epping Forest District Local Plan' (and in the adopted 'Alterations') and in the emerging 'Epping Forest District Local Plan (Submission Version 2017)'. In particular, "saved" Policies DBE9 and DBE10 of the 'Epping Forest District Local Plan' are concerned with protecting residential amenities and with achieving high standards of design. Policies DM9 and DM10 of the emerging 'Local Plan' similarly aim to promote high quality design.

9. The new house at number 60 Tycehurst Hill is a very large structure in its setting and is very obvious in views from the rear of houses and gardens to the west, where Tycehurst Hill turns through approximately 90 degrees, so that the rear elevations of those houses face the side boundary of the appeal site. Moreover, the land slopes away from the appeal site, with the result that the visual impact on neighbours is increased. Even so, the houses at numbers 52 and 54 Tycehurst Hill (and their neighbours) have relatively long gardens and the new house at number 60 is some distance away, therefore. In any case, the house itself is not the subject of this appeal.
10. The proposed conservatory would be located in an elevated position (in relation to the neighbouring properties) but it would be set back from its side boundaries, against the centre of the rear elevation. It would be a single storey element that would be modest in scale. Thus, the conservatory would not be noticeable in views along Tycehurst Hill and its visual impact on neighbouring properties would be very limited. Hence, the development that is proposed in this appeal would not have an unacceptable visual impact on the character of the host building and its surroundings, including on neighbours' outlook.
11. The application drawings show that the conservatory would be constructed between side walls of facing brickwork, preventing overlooking of neighbours from the interior (while a condition can be attached to provide that no new openings could be inserted, of course). Though the existing terrace on which the conservatory would be constructed could have a potential for overlooking, conditions can also be imposed to reinforce the restrictions that have already been placed on the side terraces that would remain. In consequence, it must also be concluded that the proposed conservatory would not have an undue effect on neighbours' privacy.
12. The appeal site lies within an existing built up area and the proposed development would amount to only a modest extension to the existing dwelling. I have concluded that the project would not be in conflict with national or local planning policies, in principle, and that it is acceptable in planning terms.
13. In short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations (including representations that have been made by local residents), I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those suggested by the local planning authority in the usual way (without prejudice to their main arguments in the appeal). I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained.

Roger C Shrimplin

INSPECTOR