

Appeal Decision

Site visit made on 25 August 2016

by Timothy C King BA (Hons) MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/J1535/D/16/3152857

170 Manor Road, Chigwell, Essex, IG7 5PX

- 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 Sylvein Pinto against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/3207/15, dated 22 October 2015 was refused by notice dated 30 March 2016.
 - The development proposed is '*Basement Extension.*'
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Decision

1. The appeal is allowed and planning permission is granted for a basement extension at 170 Manor Road, Chigwell, Essex, IG7 5PX in accordance with the terms of the application Ref PL/EPF/3207/15, dated 22 October 2015, subject to the following conditions:
 - i) The development hereby permitted shall be carried out in accordance with the following approved plans: SK/201015.1 and 201015.2.
 - ii) Prior to the basement, hereby approved, being brought into use, sufficient provision shall be made for the parking of two private motor vehicles, in accordance with drawing No SK/201015.1, and the two spaces shall be retained for such purposes thereafter.

Procedural Matter

2. It appeared at my site visit that the proposal is currently in the process of being implemented, pursuant to a previous planning application relating to the dwelling's extension and also general renovation works. This has not affected my conclusions and I am treating the intended basement extension as a development proposal.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal property, similar to No 168, its semi-detached neighbour, comprises a two-storey dwelling which has recently undergone development by way of
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front and rear extensions approved under an earlier planning permission ref: EPF/1271/13. Both dwellings are significantly set back from the footway, and the appellant intends to use this area to the front of No 170 as a driveway. Accordingly, the submitted drawing No SK/20105.1 shows two cars easily accommodated within.

5. The Council's concerns, by way of its reason for refusal, relate to the proposed basement's size being inappropriate and disproportionate to the size of the dwelling involved and inconsistent with the character of the locality. The basement would be significantly larger than the one that was granted by way of the previous planning permission. However, despite representations made to the contrary, the officers' case report confirms that the extended basement's roof would be no higher than that of the original ground level or the ground levels of the neighbouring properties. Indeed, my site visit gave no indication of a departure from this. The only features that would be visible are three small proposed lightwells that would be installed into the driveway, but significantly set back from the front boundary with the public footway, and an additional lightwell below the steps to the dwelling's front door entrance. The intended boundary walling is not untypical in its context.
6. Given that the enlarged basement is fully accommodated underground I cannot see how the development can adversely affect the property's appearance, irrespective of the additional floorspace involved. The small lightwells would not be unsightly and, save for these, there would be no indication as to the accommodation situated below. The recently built front extension, although appearing as an unusual physical arrangement, has the benefit of an earlier planning permission. Consequently, the character of the immediate locality would be unaffected by the basement development.
7. The Council's other two concerns relate to an absence of landscaping and the lack of provision made for Sustainable Drainage Systems (SUDS). However, although SUDS is desirable for rainwater run-off I understand that the said 2013 planning permission did not require for such measures to be incorporated and neither was there a requirement for a planting or landscaping scheme to be incorporated into the development. As such, the use of the property's front curtilage and its appearance is a matter for the householder. In this instance it is intended that space be allotted for the parking of two cars, as the Council has suggested in its list of recommended conditions should this appeal be allowed and planning permission granted.
8. Interested parties have made representations objecting to the proposal, some of which I have already covered. A common ground of complaint is that the excavation works were commenced without the necessary planning permission. This is not an offence in itself so long as the unauthorised development is subsequently regularised. In instances where planning applications are made retrospectively the fact that development has already been carried out should not advantage the applicant but, equally, it should not be to the applicant's disadvantage as the development must be assessed on its planning merits, or otherwise. The issue of Building Regulations is a separate matter with planning permission and approval under current building regulations not necessarily being concurrent or mutually dependent.

9. I have not found that any harm in planning terms would result from the enlarged basement, and the Council has not justified its consideration that the proposal represents an unsustainable form of development. Also, the explanatory text to Policy LL.11 of the Epping Forest District Adopted Local Plan (LP), cited in the Council's reason for refusal, refers to new developments which require 'comprehensive landscaping'. In essence, such a requirement must relate to larger proposals for development which go beyond that of householder scale such as is the case with the current appeal. Accordingly, I do not find this policy to be directly applicable in this instance.
10. I conclude that the development would not be harmful to the character and appearance of the area, and there would be no material conflict with LP Policy LL.11, Policy CP3(v) of the Council's Local Plan and Alterations nor relevant advice within the National Planning Policy Framework.
11. For the above reasons, and having had regard to all other matters raised, the appeal succeeds. In terms of conditions, as the development has already been partially implemented and due to its nature, it is only necessary, out of the standard three conditions applied to householder proposals, for me to impose a condition requiring that the development be implemented in accordance with the approved plans. This will be for the avoidance of doubt and in the interests of good planning. Finally, I have imposed a condition relating to off-street parking, in the interests of highway safety.

Timothy C King

INSPECTOR