
Appeal Decision

Site visit made on 12 June 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 28th June 2017

Appeal Ref: APP/J1535/W/17/3170766

102A Oakwood Hill, Loughton, Essex IG10 3ER

- 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 Craig Glister against the decision of Epping Forest District Council.
 - The application Ref EPF/2793/16, dated 24 October 2016, was refused by notice dated 31 January 2017.
 - The development proposed is a new three bedroom house to be erected on the land adjacent to 102 Oakwood Hill.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that the appeal scheme has been constructed. I also viewed the proposal from 104 Oakwood Hill as requested to in advance of my visit by the occupants of this property.

Background and Main Issue

3. It is apparent from the appeal submissions that planning permission¹ was granted for a semi-detached dwelling at the appeal site. However, it would not have been possible to construct the approved scheme without the gutters or down pipe encroaching onto the highway. The appellant has therefore constructed a dwelling that is materially different in form and appearance to that which was approved. The constructed dwelling does not have planning permission and must be considered afresh. However, the previous approval is an important material consideration in my assessment.
4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site encompasses a narrow parcel of land between 102 Oakwood Hill and the original side boundary of this property. The unauthorised dwelling has been constructed in the position of a previous flat roofed side extension. The principal section of the appeal property retains the simple pitched form

¹ Council reference EPF/0907/15

evident in No 102 and the row of semi-detached properties to the west, which the appeal property is viewed in the street scene as being a part of.

6. The rear element of the proposed dwelling has been constructed to follow the alignment of the side boundary. The eastern flank wall of the rear element therefore marks the site boundary. This has resulted in an awkward shape to the property, which appears squeezed into the available space. However, this aspect of the proposal would be similar to the approved scheme, which the Council has already found to be acceptable.
7. A parapet has been constructed to conceal a triangular flat roof and the gutter. This has resulted in a very contrived and discordant appearance to the side and rear elevations of the dwelling. This is because the main west facing gable is asymmetrical and the rear addition has the appearance of a bulky flat roof when viewed from the side. Moreover, the parapet wall is higher than the eaves height found elsewhere on the building which is a jarring relationship. The high parapet has also resulted in the rear gable being disproportionately tall. This is not mitigated by the presence of a similar gable feature at 121 Roding Road, as this property is of a different scale and form and some distance from the appeal site.
8. When looking east along Oakwood Hill it is possible to see the discordant western elevation of the appeal property. The unusually tall parapet wall and rear gable is also visible from Leycroft Close when looking south towards Oakwood Hill. The parapet wall is therefore harmfully prominent in spite of the attempt to lessen the impact by using a similar brick finish to nearby properties. Thus, the proposal harms the character and appearance of the area.
9. In reaching this view I note that the appeal scheme is promoted by the appellant as an amendment to the previous approval. However this has not been implemented and the appellant has suggested it cannot be implemented without encroaching onto third party land (the public highway in this instance). As such, the previous approval as a fall-back position is a matter of limited weight in justifying the scheme now before me. This is especially so as the approved scheme would not have incorporated the parapet wall that is now unduly apparent in the street scene.
10. The appellant has also provided details of two other ways of constructing the rear addition. These were considered and discounted by the appellant before settling on the appeal scheme. I share the view of the appellant that these solutions would have been undesirable for the reasons he has given. Nevertheless, these may not have been the only options available. Notwithstanding this, if it was not possible to implement the approved scheme satisfactorily then a more comprehensive redesign may have been necessary. Consequently, the inadequacy of the two alternative options proposed is not a matter of sufficient force to justify the appeal scheme.
11. The Council have suggested that the rear window in the north facing gable is poorly positioned but the window is level with the other first floor windows in the rear elevation of the terrace. It is slightly off centre but not to such an extent that it is a notable anomaly in the pattern of fenestration nearby.
12. Nevertheless, my overall conclusion is that the proposal has harmed the character and appearance of the area. It is therefore at odds with Policies CP2

and DBE1 of the Epping Forest District Local Plan 1998 and Alterations 2006. These policies seek to secure development which safeguards and enhances the built environment and is respectful in terms of proportions, roof line and detailing. These policies pre date the Framework but they are nevertheless consistent with it, particularly Paragraphs 17 and 58, and can therefore be afforded significant weight.

Other Matters

13. The appeal scheme includes two first floor windows in the eastern elevation. It is understood that they serve a bathroom and landing. The northernmost window is obscured and capable of partial opening. The southernmost window is not obscured and it is unclear whether it is capable of being opened. Due to the height of these windows and their proximity to 104 Oakwood Road (No 104), the residents of No 104 would suffer a loss of privacy. However, it is likely occupants of the appeal scheme would want privacy when in the bathroom and the landing is a transitory space. Consequently, overlooking would not be so great as if these windows served habitable rooms. Notwithstanding this, it would have been possible to attach a planning condition had the proposal been otherwise acceptable that requires the bathroom window to retain an obscured glass finish with minimal opening and for the landing window to be obscured and fixed shut.
14. I note that the appellant requested comments from the Council on the acceptability of the appeal scheme before completing the works. The Council's apparent lack of a response is therefore unfortunate, especially as it has concerns with what has been constructed. However, I must confine my assessment to a consideration of what has been proposed. This is unacceptable for the reasons already set out. Thus, the suggested lack of engagement by the Council at a pre application stage does not alter the harm I have identified or mitigate for it.
15. The retaining wall and steps to the front of the appeal property have, in combination with the bin store, resulted in an overly engineered appearance to the front garden. This does not represent the softer hedged frontage of the properties to the west. However, the Council have not raised concerns with this aspect of the appeal scheme and nor shall I. Likewise, the pitched roof over the porch does not reflect the flat porch roofs of nearby properties but it ties 102 and 102A Oakwood Road together and therefore it is, on balance, an acceptable aspect of the proposal.

Conclusion

16. The appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given above, and having regard to all other matters raised, including the lack of objections in respect of the parapet wall from the Parish Council and neighbours, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR