



Appeal Decision

Site visit made on 25 September 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 10 October 2017

Appeal Ref: APP/J1535/D/17/3179781

39 Dukes Avenue, Theydon Bois, Epping CM16 7HG

- 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 Jason Donnelly against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0578/17, dated 17 February 2017, was refused by notice dated 21 April 2017.
 - The development proposed is described as an 'amendment to planning application approval reference EPF/2427/16 – proposed roof dormer to side elevation of proposed new dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has previously granted planning permission for an additional dwelling at 39 Dukes Avenue, Ref EPF/2427/16. I saw during my site visit that construction of the new house is underway. The appeal proposal seeks to alter the appearance of the new house by the addition of a dormer in the side roof slope, facing towards Heath Drive.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site lies in a predominantly residential area where there is a variety of sizes and styles of properties. I saw that many houses have been extended or altered to some degree, including the addition of dormers that are visible in the street scene.
5. The side dormer would be in addition to a dormer at the rear of the new house, which forms part of the previously approved scheme and relates to a third storey of living accommodation there. A further rear dormer, contiguous with the rear dormer at the new house, is shown on the approved plans for the host property 39 Dukes Road. The proposed side dormer would be set at ridge height, as the approved rear dormer will be. However, the side dormer would extend down the roof notably closer to eaves level whereas the rear dormer is set higher in the roof slope. The side dormer would also be significantly wider than the rear dormer, in so far as it relates to the new house.

6. The site forms a corner plot at the junction of Dukes Avenue with Heath Drive and it is clearly visible from both roads. There are a number of trees nearby which, particularly while in leaf, partially screen the new house from Heath Drive, which slopes down towards the site. However the side elevation is positioned close to the side boundary such that the side roof slope is clearly visible between the trees, especially from Heath Drive. As a result of its size, and prominent position, the side dormer would appear unduly dominant in the roofslope and conspicuous in the street scene from both Heath Drive and Dukes Avenue. When viewed from the front or the rear the additional dormer would give the new house a 'top heavy' appearance, out of keeping with the attached neighbouring house and unbalancing the roof profile of the houses as a pair.
7. For these reasons, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with saved Policies DBE1 and DBE10 of the Epping Forest District Local Plan 1998 (the LP), which among other things seeks to ensure that new buildings and residential extensions respect their setting and the street scene, including in terms of scale, form, roofline and detailing. These policies are generally consistent with the aims of the National Planning Policy Framework (the Framework) and I have afforded them significant weight for the purposes of this appeal.
8. In forming this view, I have considered that there are various examples of dormer windows in the locality, including some at the side of their host properties. However, I saw during my visit that these are generally more subservient to the host property or positioned in significantly less prominent locations than the appeal proposal. I have also had regard to the provisions of the General Permitted Development Order in relation to the addition of dormers to existing dwellings. However, these rights do not extend to dwellings under construction and so can carry only very limited weight in favour of this appeal.
9. The Council referred in its decision notice to saved Policy DBE9 of the LP. As this policy relates principally to the protection of amenity for neighbouring properties it has not been determinative in relation to the main issue in this appeal.

Other Matters

10. The Council's reason for refusal also refers to emerging Policies DM9 and DM10 of the Council's Draft Local Plan Consultation 2016, which respectively relate to seeking high quality design and high quality housing. I have not been provided with any significant details of progress in the preparation of the emerging plan, but it seems that these policies remain at a relatively early stage of preparation and so, having regard to Paragraph 216 of the Framework, I have afforded them very little weight in this appeal, which does not affect my findings above.

Conclusion

11. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR