



Appeal Decision

Site visit made on 17 July 2019

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2019

Appeal Ref: APP/J1535/D/19/3227212

7 Maltings Lane, Epping CM16 6SB

- 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 Ms & Mr C & P Liesegang & Claisse and against the decision of Epping Forest District Council.
 - The application Ref EPF/0194/19, dated 23 January 2019, was refused by notice dated 19 March 2019.
 - The proposed development is described as a "two storey front extension. New pitched roof with loft room with front and rear facing dormer windows. Perimeter pitched roof to existing garage. General elevation changes to windows and wall finishes".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host dwelling and local area
 - trees protected by a Tree Preservation Order (TPO)

Reasons

Character and Appearance

3. The appeal site is a three bedroom 1950's detached house of simplified design reflective of traditional cottage style. Predominantly two storey with a single storey link to an attached garage, the house is located on a quadrant shaped plot on the inside curve on the south side of the street. The dwelling sits off centre in its plot, towards the boundary with 5 Maltings Lane. The area of Maltings Lane is characterised by a leafy appearance with mature trees and shrub planting between similar scaled but not large detached houses and occasional bungalow, mostly appearing to date from the same period as the appeal property, but exhibiting a variety of architectural expressions. Although the design of individual properties is varied there is a coherent scale and character to the street scene of the area.
4. The proposed extension would involve removing the existing front to the property and extending the building forward on the plot, extending to the side at first floor above the single storey link and by creating the second floor with two additional bedrooms within a more extensive and raised roof with two dormer windows at the front and 3 at the rear.

5. The proposed forward extension of the dwelling and loft extension with dormers would not appear as a subordinate extension to the host dwelling and would result in a significantly larger five bedroom house with a different architectural expression. Due to the prominent location of the appeal property on a corner curve within the street, this would be particularly apparent within the context of the streetscene of the area where it would look materially out of place owing to its bulk, massing and apparent height.
6. The proposed first floor side extension, new roof to the garage and the front bay incorporating an entrance porch would be in keeping with the variety of design to be found in the area. Nevertheless, the proposed forward extension of the ground and first floors, and loft extension with dormers would result in a scale, massing and appearance that would not be in keeping with the character and appearance of the host dwelling and that of the local area.
7. The proposal would, therefore, result in the host property having a bulk and massing that would be visually intrusive and appear dominant and discordant in the street scene. The proposal would be incongruous within the context of the modestly sized two storey houses and occasional bungalow that make up the grain and character of the local area and that provide its immediate setting.
8. Thus, the proposal would result in harm to the character and appearance of the host dwelling and that of the local area. It is in conflict with Policy DBE10 of the Epping Forest District Local Plan Alterations 2016 (the Altered Local Plan) and Policy DB9 of the of the Epping Forest District Local Plan Submission Version 2017 (the Submitted Local Plan), which seek, amongst other things, to achieve development, including extensions, of high quality design that relates positively to locality, complement the streetscene and pay close attention to the scale, form and design of the existing building.

Tree Preservation Order

9. The appeal property has lime trees on its front boundary that are the subject of a TPO that covers many trees within the wider area around Maltings Lane. The trees contribute to the visual and landscape value, not only to the appeal property, but also from a wider public realm and private viewing perspective. Due to the prominent curved corner location of the property, opposite the junction of Maltings Lane with Egg Hall, they make significant features within the local townscape.
10. The Council's arboricultural officer was of the view that the extension would result in a building outside of the calculated rooting area of the trees and that, with the front door placed as shown, it would be unreasonable to request details of the hard and soft landscaping of the frontage and an arboricultural methodology for its installation to be provided prior to its installation.
11. Given that the position of the nearest part of the proposal would be outside of the calculated rooting area of the trees, and that they have a dwarfed pollarded canopy form that would also not conflict with the proposal, it would be reasonable to request the information detailed by the arboricultural officer prior to the commencement of the works for construction of the front wall of the proposed extension.
12. As this information would be required for planning purposes, in accordance with the requirements for conditions set out in Paragraph 55 of the National

Planning Policy Framework, a specific condition requiring its submission prior to the construction of this element of the proposal could be reasonably applied to a planning permission.

13. As a potentially unacceptable development, with regard to potential impact of trees protected by a TPO, could be made acceptable by the application of a suitable condition, the proposal does not conflict with Policies LL10 of the Altered Local Plan and Policy DM5 of the Submitted Local Plan, which seek, amongst other things, that development makes adequate provision for the retention and protection of trees.

Other Matters

14. The appellant has commented on the accuracy of the Council planning Officer's report and the council's approach to dealing with the planning application. However, this is not a matter that is material to my determination of this appeal as other mechanisms exist to resolve such issues. Moreover, I have considered the development on its own merits, which is a fundamental principle that underpins the planning system.
15. The appellant has brought to my attention other properties in the immediate area of the appeal property, including 3 Maltings Lane, that have been the subject of earlier extensions. Whilst these properties have been extended, it has been in a manner that is different to the proposals for the appeal property, in that the extensions are evidently subordinate to the host dwelling, do not create an additional floor of accommodation and do not result in such a significant increase in scale as the proposals for the appeal property. As such, I afford these little weight in my considerations.

Conclusion

16. For the above reasons, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR