



Appeal Decision

Site visit made on 10 September 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2019

Appeal Ref: APP/J1535/D/19/3233984 22 Stony Path, Loughton IG10 1SJ

- 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 Paul Millbrook against the decision of Epping Forest District Council.
 - The application Ref EPF/0698/19, dated 14 March 2019, was refused by notice dated 13 May 2019.
 - The development proposed is new roof extension above existing garage to mirror the opposite side of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: -
 - the living conditions of occupants of 18 Stony Path; and
 - the character and appearance of the existing house, the surrounding townscape and the Baldwins Hill Conservation Area.

Reasons

Living conditions

3. The appeal property is positioned some distance forward of its immediate neighbour, 18 Stony Path. The gap between the 2-storey element of No. 22 and the side boundary shared with No. 18 is filled with a single-storey garage. This separation between the 2-storey building and the boundary somewhat limits the visual impact of the property when seen from within No. 18 and its garden. The proposal involves the addition of a first-floor extension over the garage. Although the proposed extension would include a half hip to its gable end, it would fill this space and present a substantial area of solid wall to the side boundary. The resultant development would therefore be oppressive and create an enclosing effect when viewed from within No 18 or its garden. The effects of this change in the environment of that property would be more apparent given that No 18 only has a garden to its front and relies on outlook across that garden.
4. The proposed extension would also be likely to lead to a loss of daylight and sunlight within No 18 and its garden but these effects are unlikely to be significant or harmful as the orientation and height of the proposed extension

would mean those effects would only be apparent for part of the day. In addition, I note that the Council did not have any concerns with respect to the privacy of occupants of neighbouring properties. Nonetheless, the absence or lesser degree of harm in respect of each of these matters would not weigh in favour of the proposed extension.

5. For the reasons outlined above and despite my findings with respect to daylight, sunlight and privacy, I conclude that the proposed development would be oppressive when viewed from No 18, to the extent that, overall, it would be unacceptably harmful to the living conditions of the occupiers of that property. Hence, the proposals would not accord with Policy DBE9 of the Epping Forest District Local Plan and Alterations (1998 and 2006) (LP). The policy requires that extensions do not result in excessive loss of amenity for neighbouring properties, including in terms of its visual impact. This is qualified in the supporting text as referring to the effects of, amongst other things, scale, proportion, siting, massing and height. The proposals would also not accord with Paragraph 127 of the Framework which requires that development creates places with a high standard of amenity for existing and future users.

Character and appearance

6. The appeal property falls within the Baldwins Hill Conservation Area. I have had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
7. The residential area within which the site is located is formed of houses of a varied design and appearance, the majority of which fill the width of their plots. The roof form and configuration of houses is wide-ranging and they often incorporate different competing elements. However, this varied approach adds interest to the roofscape of the area, a large part of which also falls within the Baldwins Hill Conservation Area.
8. I am not aware of the circumstances that have led to the appearance of the appeal property but its appearance adds interest to the street scene. Moreover, the property incorporates a staggered roof form, with roof slopes set up and down and forward or back of one another. The frontage of the property is finished to a good standard. The existing hipped dormer windows to the front roof slope are larger than others in the street but are not imposing in relation to the scale of property. In light of this, when viewed from within the street, the property does not make a negative contribution to the character and appearance of the surrounding townscape or Conservation Area.
9. To the street the proposed extension would have a similar appearance to the first-floor element at the other end of the frontage of the dwelling, whilst to the rear it would be more modest and include a rooflight. Although the resultant building would fill the site to two storeys, this is not uncommon in the Conservation Area. The proposal would therefore complement the architecture of the appeal property and provide visual interest in keeping with the character and appearance of the surrounding townscape and Conservation Area.
10. The Council have suggested that the proposal would result in a terracing effect, but as I have indicated, No 18 is situated some way back from the appeal property. Terracing effects would not therefore be apparent in this instance. Both main parties have also referred to the Council's previous decision to

refuse planning permission for extensions to the property. I have not been provided with details of that scheme or the circumstances that led to the Council's decision. In any event, whilst consistency is desirable, each case must be considered primarily on its own merits.

11. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character or appearance of the Conservation Area or its significance as a designated heritage asset.
12. I conclude overall that the effect of the proposal on the existing house, the surrounding townscape and the Conservation Area would be acceptable. The proposals would accord with Policies CP2, DBE10 and HC7 of the LP. Consistent with the Framework, between them, these policies seek to ensure that development is of a high standard, sympathetic to the character and appearance of the Conservation Area in terms of, amongst other things, scale, massing, height and layout. In particular, extensions should complement and enhance the appearance of the streetscene and the existing building; and roofs should be pitched and incorporate appropriate visual interest. Whilst the scheme would also accord with Policies DM7 and DM9 of the Epping Forest District Local Plan Submission Version 2017, these emerging Policies are the subject of objections and modifications which have yet to be finalised, and so I give them limited weight.

Conclusion

13. Whilst I have not found harm in relation to character and appearance, this matter is outweighed by the identified significant harm to the living conditions of the occupants of 18 Stony Path. Furthermore, I consider on balance that the proposals would conflict with the Development Plan taken as a whole and would not amount to sustainable development under the terms of the Framework. Therefore, for the reasons given above, I conclude on balance that the appeal should be dismissed.

Paul Thompson

INSPECTOR