



Appeal Decision

Site visit made on 7 January 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2020

Appeal Ref: APP/J1535/D/19/3238176

14 Upper Park, Loughton, Essex IG10 4EW

- 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 & Mrs Jones-Chapman against the decision of Epping Forest District Council.
 - The application Ref EPF/1373/19, dated 29 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is a two storey side extension, new roof forming a loft conversion with one front dormer and cladding to part of the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension, new roof forming a loft conversion and cladding to part of the front elevation at 14 Upper Park, Loughton, Essex IG10 4EW in accordance with the terms of application Ref EPF/1373/19, dated 29 May 2019, subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of development in the banner heading above is taken from the application form. Nevertheless, amended plans were submitted during the determination of the planning application. These omit the front dormer originally proposed and it is clear from the Council's report and decision notice that the proposal was dealt with pursuant to these amended plans. I have therefore determined the appeal on the basis of these plans. The description of development given on the appeal form accurately reflects these amendments and I have therefore used this description within my decision.

Main Issue

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

Reasons

4. The appeal site is located on Upper Park where the strong front building line to dwellings, general stepping up in the height of dwellings with the land levels and an overall sense of spaciousness around buildings provides for an attractive rhythm and feeling of harmony within the street scene.
5. Together with 8, 10 and 12 Upper Park, the dwelling on the appeal site is part of a small group of similarly designed buildings with shallow hipped roof forms, single storey flat roof projections to their side, ground floor front bay windows and a brick external finish. The dwellings within this group are of relatively

modest scale in comparison to many of the other dwellings on Upper Park which are more substantial in scale, including 16 Upper Park adjacent to the appeal site.

6. There are some other small groups of dwellings of similar designs along the street. However, the number of dwellings per group varies, and these are interspersed with individual dwellings of mixed designs and scales. An assortment of external materials are also present, and near to the appeal site I saw examples of various colours of brick and render, mock Tudor detailing, tile hanging, as well as timber cladding used to differing extents. Overall, the street scene of Upper Park is notable for the diversity in the appearance of dwellings. This adds visual interest, and I find that it contributes positively to the character of the area.
7. Planning permission has previously been granted on the appeal site for a two storey side extension and new roof forming a loft conversion¹. I have not been provided with full details of this permission, but the main parties indicate that the appeal proposals differ with regard to the front gable feature and changes to fenestration and the use of external cladding. It is these changes to the front elevation that are the basis of the Council's concerns and I have dealt with the appeal accordingly.
8. The proposed development would significantly alter the appearance of the appeal dwelling, setting it apart visually from those at 8, 10 and 12 Upper Park. However, there is no clear pattern within the street scene to the arrangement of dwellings of similar designs, or to the size of groupings where they occur. The differentiation of the dwelling from the current group would not therefore erode any characteristic feature of the street scene.
9. The scale of the proposed front gable would not be disproportionate to the dwelling as extended, and the design of the gable roof would be sympathetic to the proposed main dwelling roof. Given this and the numerous examples of front gable projections of varying scales and designs within the street scene, it would not be out of keeping. I note that the glazing above the first floor window as is proposed to the front of the gable is not a common feature nearby. However, it would be set well in from the sides of the gable and as a result would not appear disproportionate or over-dominant. Moreover, there is no consistent design or arrangement of fenestration to dwellings in the area. For these reasons, the gable would not be a prominent or unsympathetic feature, and I am satisfied that it would complement the building and varied street scene.
10. Most of the dwelling would be finished in render but there would be cladding to part of the front elevation which would wrap around the corner closest to the neighbour at 12 Upper Park. Cladding is already used within the street scene, including to the front of 29 and 35 Upper Park and to the side of 33 Upper Park. It would not therefore be an extraordinary feature here. I acknowledge that the proposed application of cladding to both the ground and first floors of the dwelling would be somewhat unusual. Nevertheless, with regard to the assorted materials present in the area which are used to differing degrees on individual buildings, I see no reason that the proposed cladding or its extent would be an incongruous or discordant addition to the mixed street scene.

¹ Application reference EPF/3228/18

11. I therefore conclude that the proposal would not harm the character or appearance of the area; rather it would add visual interest which would complement the dwelling and street scene. Accordingly, I find no conflict with saved Policies CP2 or DBE10 of the Local Plan and Alterations 2006 which broadly seek development that safeguards and enhances the setting, character and townscape of the urban environment and which complements and enhances the appearance of the existing building and street scene. For similar reasons, the proposal would comply with Policies DM9 and DM10 of the emerging Local Plan Submission Version 2017 (LPSV) which require development that relates positively to its locality and original building, but as the LPSV is not yet an adopted part of the development plan and is subject to change, I afford these policies less weight.

Other Matters

12. The Council comment that there have been changes to policy since the gable end window present to 21 Upper Park opposite the site was granted permission. However, I have determined the appeal with regard to current policies, and have considered the proposal before me on its own merits.
13. Owing to the scale of the proposed development, and the relationship with neighbouring dwellings including the separation afforded and increase in land levels towards Hazelwood to the rear of the site, I am satisfied that there would be no unacceptable loss of light or outlook to neighbouring dwellings. Similarly, and subject to the use of obscure glazing to the first floor flank windows which can be secured by condition, these factors mean that there would not be unacceptable overlooking or loss of privacy for neighbouring occupiers. Any effects during the construction period would be short-term, and would be unlikely to differ significantly from those under the previously approved application². For these reasons, I do not find that there would be interference to rights under Articles 1 or 8 of the European Convention on Human Rights, as enshrined within the Human Rights Act 1998.

Conditions

14. I have considered the Council's suggested conditions. Where necessary, I have altered these for clarity and to ensure compliance with the relevant tests at paragraph 55 of the National Planning Policy Framework. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty. Conditions to require the implementation of replacement tree planting and use of obscure glazing are necessary to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers. As the proposed external materials would not match the existing building, I have amended the Council's suggested condition to require the submission of details of these.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

² Application reference EPF/3228/18

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23518/SP Rev A, 23518/01, 23518/02, 23518/03 Rev A, 23518/04 Rev C, 23518/05 Rev A and 23518/06 Rev B.
- 3) No development above ground level shall take place until full details of the materials, finishes and colours to be used for the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Soft landscaping works as shown on the plan of 'Replacement trees' received by the Council on 14 June 2019 shall be carried out in the first planting season (the period from October to March) following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same species and size and in the same location.
- 5) The development hereby permitted shall not be occupied until the first floor flank windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the windows are installed and once installed the obscured glazing shall be retained as such thereafter.