



Appeal Decision

Site visit made on 19 October 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/J1535/D/20/3252545

Wycheways, Tysea Hill, Stapleford Abbots, Romford, RM4 1JP

- 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 B Paul against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0098/20, dated 15 January 2020, was refused by notice dated 12 May 2020.
 - The development proposed is described as 'retention of extension as requested via enforcement'.
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Preliminary matters

1. The application form submitted to the Council contained the description of the proposed works as set out above. The Council's registration letter for the application changed this description to '*retrospective consent for basement under single storey rear extension and attached pool room*'. The agent at the time of the application did not agree to the inclusion of a reference to a pool room as, in their view, they said the pool room is not attached and falls under permitted development rights. No objection was raised to the first part of this amended description, namely reference only to the basement under the single storey extension. However, despite this objection, the Council's full new description of the development remained on the formal Decision Notice.
 2. The submitted appeal form stated that the description of the development has changed from that on the application form. The revised wording was given on this form as '*retrospective consent for basement under single storey rear extension*', ie there is no reference to the pool room.
 3. The Council's Delegated Report states that '*the description of the works as submitted refers to the provision of a basement under the 'previously approved single storey rear extension and attached pool room*'. However, as noted above, the documentation I have seen does not point to that being correct; it was the Council who changed the description of the proposed works and added the reference to '*attached pool room*', and the appellant's agent did not agree with that element of the description. The appellant's Grounds of Appeal also state that permission was not sought for the pool house since he considers it is permitted development.
 4. The Council's Delegated Report further states that '*since the entire works, consisting of the single storey extension, attached pool room, and basement require planning consent and have been shown on the proposed plans, the development as a whole has been considered within this application*'. However,
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as the submitted plans are labelled '*Existing and Proposed Plans*' I do not find these plans offering any more or less explanation about what is the 'proposed' development and for what planning permission was sought.

5. It is therefore apparent to me that the appellant agreed to their original description of development being modified by the Council, but not the additional reference to a pool building: that objection was expressed by the agent at the application stage and has been confirmed with the lodging of the appeal. As further noted, the amended modification referred only to seeking permission for the basement under the single storey rear extension.
6. Based on the above, I have therefore determined this appeal as seeking planning permission for what the appellant agreed in the amended description, namely '*a basement under a single storey rear extension*'. I saw at my site visit this development has been undertaken.
7. I must make it clear that my determination of this appeal makes no assessment as to whether the pool room building is permitted development. Nor have I undertaken any appraisal of that pool room building against any development plan policies to make any conclusion if planning permission should be granted (if permission is required). I am also informed in the Delegated Report states that, whilst there was a prior approval application for an 8m deep single storey extension on the site (ref. EPF/1667/19), '*there has been an enforcement complaint on this site which relates to building works being carried out which are not in line with the approved plans*'. No more details about that have been provided and I make no determination on this matter either. It is simply the case that, based on the evidence before me, it is apparent that any consideration of the pool building and/or any departure from a previous permission for the single storey extension fall outside the remit of this appeal under s78 of the Act. My decision therefore should be seen as having no bearing at all on any possible further actions regarding the pool building, or regarding the rear extension, or any other works at the site.
8. Finally, at the time of the site visit the name of the appeal property had been changed to Silver Birch. However, for consistency and clarity I have used the name given on the application form, Decision Notice and appeal form.

Decision

9. The appeal is allowed and planning permission granted for a basement under a single storey rear extension at Wycheways, Tysea Hill, Stapleford Abbots, Romford, RM4 1JP in accordance with the terms of the application Ref PL/EPF/0098/20, dated 15 January 2020, subject to the development being out in accordance with the approved plans 55 P 56 and 55 P 58.

Reasons

10. The main issues in this appeal are the effect of the development on the character and appearance of the surrounding area, and on the living conditions of adjoining occupants.
11. The appeal property is a bungalow lying within a residential area where there is variety in the scale and design of buildings. The garden slopes downwards to the east. The basement does not have any impact upon the character of this area due to not having any external manifestation. The basement does not lead

to any impact on the amenities of neighbouring occupiers due to its location away from boundaries and having no windows.

12. The development the subject of this appeal therefore does not conflict with Policies DBE9 and DBE10 of the adopted Epping Forest District Local Plan 1998, and Policy DM9 of the emerging Epping Forest District Local Plan Submission Version (2017) which, in general, seek to ensure new development is of a high standard of design and does not have an unacceptable degree of visual impact.
13. Planning permission is therefore granted for the development as described. As that has been completed it is only necessary for a condition specifying the relevant drawings as this provides certainty.

C J Leigh

INSPECTOR