



Appeal Decision

Site visit made on 3 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/J1535/W/20/3257472

Scathes, Matching Green, Matching, Harlow CM17 0PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr R Tomkins against the decision of Epping Forest District Council.
 - The application Ref EPF/1072/20, dated 22 May 2020, was refused by notice dated 20 July 2020.
 - The application sought planning permission for demolition of existing house in conservation area and the erection of a replacement dwellinghouse without complying with a condition attached to planning permission Ref EPF/2975/17, dated 14 February 2018.
 - The condition in dispute is No 2 which states that: The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 4622/PA01, 4622/PA 10D, 4622/PA 11 D, 4622/PA12D, 4622/PA13D, 4622/PA14A, 4622/PA15D, 4622/PA16D, 4622/PA17D, 1283/02, 1282/03.
 - The reason given for the condition is: To ensure the proposal is built in accordance with the approved drawings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house in conservation area and the erection of a replacement dwellinghouse at Scathes, Matching Green, Matching, Harlow, CM17 0PR in accordance with the application Ref EPF/1072/20 dated 22 May 2020, without compliance with condition number 2 previously imposed on planning permission Ref EPF/2975/17 dated 14 February 2018 and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The emerging Epping Forest District Local Plan has been examined through public hearing sessions and the examining Inspector has issued advice to the Council regarding its soundness. The emerging plan is therefore at a relatively advanced stage and there are no unresolved objections to the relevant policies, so its policies therefore attract significant weight in the determination of this appeal.
3. The replacement dwelling was under construction at the time of my site visit. The appeal has been determined on this basis.

Main Issue

4. The main issue is whether the development proposed would preserve or enhance the character or appearance of the Matching Green Conservation Area.

Reasons

5. The appeal site is in the Matching Green Conservation Area (the CA). The CA broadly encompasses the houses and buildings surrounding the open green space, and it derives its significance from the character of the properties therein and the relationship between the properties and the open space. There is a considerable variety in character, form, scale and materials of the individual properties within the CA.
6. The appeal proposal seeks to substitute a revised roof form on the approved replacement dwelling on the site. The revisions would incorporate accommodation within the roof that, due to the dual-pitched valley roof slopes and hipped ends, would not result in significant alterations to the overall profile of the replacement dwelling.
7. The appeal proposal would introduce a crown roof element to the replacement dwelling. This would result in a slight increase in the mass of the roof, and would be an uncommon element in the CA. However, there is significant variety in the roof forms of the properties within the CA, including a prominent part flat-roofed house at Elms Farm Cottage. The replacement dwelling is set well back from the road in a much less prominent location than the existing, and given the wide array of roof forms in the area the revised design would have a negligible effect on the significance of the CA.
8. Given the variety in roof forms throughout the CA, which includes several properties with prominent dormer windows, the addition of rooflights to the rear roof slope of the dwelling would not significantly alter the character or appearance of the property. The rooflights would not be visible from the road, nor prominent in views from neighbouring properties or in the wider area.
9. In this instance, therefore, the revisions to the approved roof form and addition of rooflights would preserve the character and appearance of the CA. The appeal proposal would accord with the requirements of Policies HC6, HC7 and HC12 of the adopted Local Plan and Alterations and DM7 of the emerging Local Plan. These policies require, amongst other things, that development in a CA be sympathetic to its character and appearance.

Conditions

10. National Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also repeat the relevant conditions from the original planning permission, unless already discharged. Some of the conditions imposed on the original permission have been discharged, and as work has begun on site the standard commencement condition is not required. The conditions from the original permission are therefore repeated where relevant, and otherwise amended where discharged.

Conclusion

11. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SCAt_PL_001_B
 - SCAt_PL_100_B
 - SCAt_PL_101_B
 - SCAt_PL_102_B
 - SCAt_PL_103_B
 - SCAt_PL_301_B
 - SCAt_PL_302_B
 - SCAt_PL_303_B
 - SCAt_PL_304_B
 - SCAt_PL_401_B
- 2) The windows and doors shall be constructed in timber and retained as such thereafter.
- 3) The external cladding shall be timber, with a featheredge finish.
- 4) All new rainwater goods and soil and vent pipes shall be of black painted metal.
- 5) The proposed new roof lights shall be of the conservation type and shall be installed so that they are not any higher than the surrounding roof tiles.
- 6) Within one month of substantial completion of the new dwelling the existing house and garage shown to be demolished on drawing no. SCAt_PL_001_B shall be removed from the site.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C and D of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8) The types and colours of the external finishes shall be implemented in accordance with the approved details set out in EPF/0322/20.
- 9) Surface water disposal shall be implemented in accordance with the approved details set out in EPF/0322/20.
- 10) The flood risk measures approved under EPF/0322/20 shall be carried out prior to the substantial completion of the development hereby approved and shall be adequately maintained in accordance with the approved management and maintenance plan.
- 11) Hard and soft landscape works (including tree planting) shall be implemented in accordance with the approved details set out in EPF/0322/20. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or

- defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.
- 12) If any tree, shrub or hedge shown to be retained in the Arboricultural report submitted with EPF/2975/17 is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
 - 13) The development shall be carried out only in accordance with the Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule details approved under EPF/0322/20.
 - 14) The boundary treatment shall be carried out and retained in accordance with the approved details specified under EPF/0322/20.
 - 15) All works shall proceed in accordance with the strategy set out in the Preliminary Ecological Assessment approved under EPF/0322/20. Any amendments will need to be agreed in writing by the Local Planning Authority.
 - 16) The biodiversity enhancement plan approved under EPF/0322/20 shall be implemented prior to occupation of the new dwellinghouse.
 - 17) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
 - 18) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
 - 19) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
 - 20) Demolition or construction works shall take place only between 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays.