



Appeal Decision

Site Visit made on 8 December 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/J1535/W/20/3254872
5 Staples Road, Loughton, IG10 1HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Jake Marshall against Epping Forest District Council.
- The application Ref EPF/2486/19, is dated 16 October 2019.
- The development proposed is ground floor and lower ground floor rear renovation and extension.

Decision

1. The appeal is allowed and planning permission is granted for ground floor and lower ground floor rear renovation and extension at 5 Staples Road, Loughton, IG10 1HP in accordance with the terms of the application, Ref EPF/2486/19, dated 16th October 2019, and the plans submitted with it, subject to the following 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: E0.1 Site Location Plan; E0.2 Existing Site Plan; E0.09 Existing Lower Ground Floor Plan; P0.09 Proposed Lower Ground Floor Plan; E1.0 Existing Ground Floor Plan; P1.0 Proposed Ground Floor Plan; E1.3 Existing Roof Plan; E2.0 Existing Elevations; P2.0 Proposed Elevations.
 - 3) No development shall commence above slab level until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) All material excavated from the below ground works hereby approved shall be removed from the site.

Background

2. The Council have confirmed that if they had been in a position to determine the proposal then they would have recommended approval of the application. I have had regard to the objections that have been received and these relate to whether the proposed development would preserve or enhance the character or

appearance of the Staples Road Conservation Area, concerns regarding flooding and the impact on the living conditions of 3 & 7 Staples Road and I will consider these matters below.

Reasons

Character and appearance

3. 5 Staples Road is a detached dwelling located within the Staples Road Conservation Area. It is located within a residential area and faces onto Epping Forest. The building is recognised as a Key Building of Townscape Merit within the Staples Road Conservation Area Appraisal, and the neighbouring dwellings are locally listed.
4. The appeal site comprises one of the few detached dwellings which are located at the end of Staples Road. The area is characterised by a mix of late Victorian and Edwardian dwellings, with a number of bay fronted semi-detached dwellings. These create a suburban character, juxtaposed by the edge of forest location, with the dwellings fronting onto the forest. There is a variety in the design of the dwellings which adds to its overall character.
5. These characteristics are experienced from within the public realm and the proposed development, which would be located on the rear of the building and would replace an existing ground and lower ground floor extension, would not be seen from public viewpoints. From the rear of the site it was possible to see the range of styles that are evident amongst the other properties, given this context, I consider that the design and appearance of the proposed extension, including the use of metal and glass would not be at odds with their surroundings.
6. Whilst the loss of original detailing is regrettable, the central staircase window will still be a feature of the design, albeit its length will be extended. As such the original feature will evolve as part of the updated appearance of the dwelling, rather than be lost entirely. In addition, this change could take place without the need for planning permission.
7. I conclude that the proposed extension would look appropriate within its context and would preserve the character and appearance of the Conservation Area. Accordingly, the appeal scheme would comply with policies CP2 and DBE10 of the Epping Forest District Council Adopted Local Plan (1998) (LP) which seek to protect the quality of the built environment and require residential extensions to compliment and enhance the appearance of the street scene and existing building, having regard to the scale, form and detail of the proposal. It would also comply with policies HC6 and HC7 of the LP which together seek to ensure development within a Conservation Area is appropriate.

Surface Water

8. Concerns have been raised about the potential for increased flooding as a result of the proposed development. However, the appellant has indicated that historic flooding on the site occurred as a result of burst mains water pipes and the Council have confirmed that the site is not located within a flood zone and that the nearest flood stream is 70m from the site.

9. Therefore, having regard to the scale of the proposal, which will in part replace existing development, I do not consider that there is an increased risk from surface water flooding. I also note that the Council have not raised any objection to the scheme on this ground.

Living Conditions

10. The Council have considered the effect of the development on the living conditions of the occupiers of 3 and 7 Staples Road and are satisfied that the proposed development would be acceptable. I note that an objection was received from the Hills Amenity Society, which refers to the effect on outlook from 7 Staples Road. As a result of the set forward position of No 7 and the degree of separation between the dwellings, the proposed extension would not heighten the degree of enclosure, further impair outlook or to appear overbearing in comparison to the existing situation. I therefore conclude that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 7 Staples Road. Therefore the development would comply with policy DBE9 of the LP which seeks to protect the enjoyment of dwellings for neighbouring properties, having regard to visual impact.

Conditions

11. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty.
12. I have had regard to the appellant's comments with regard to the need for a materials condition, however I consider that this is necessary having regard to the lack of detail on the approved plans and the location of the development within a Conservation Area where particular regard should be given to the highest standards of detailing. I have also imposed a condition to ensure that any excavated materials are removed from site, in order to ensure that levels are not altered across the site as a result of deposited materials.
13. I have not found it necessary to impose a condition requiring the submission of a basement impact assessment as the lower ground floor already exists and the extension would not require significant excavation below the level of the existing garden such as to require this assessment.
14. Having regard to the scale of the development I do not consider it necessary to impose a condition on surface water disposal or require details of wheel washing.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

G Pannell

INSPECTOR