

Appeal Decision

Site visit made on 17 December 2020

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Reference: APP/J1535/D/20/3261723

Land at 32 Regent Road, Epping CM16 5DL

- 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 A Patel against the decision of Epping Forest District Council.
 - The application (reference EPF/0848/20, dated 26 April 2020) was refused by notice dated 2 September 2020.
 - The development proposed is described in the application form as "a two storey side extension and a single storey wrap around extension, with first floor having a 1m set back from boundary".
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Decision

1. The appeal is allowed and planning permission is granted for "a two storey side extension and a single storey wrap around extension, with first floor having a 1m set back from boundary", at 32 Regent Road, Epping CM16 5DL, in accordance with the terms of the application (reference EPF/0848/20, dated 26 April 2020), subject to the conditions set out in the attached Schedule of Conditions.

Main issues

2. There are two main issues in this appeal. The first is the effect of the proposed development on the character and appearance of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance).

Reasons

3. Regent Road is a quiet residential road although it is close to the High Street (the B1393) where a range of retail and commercial outlets is to be found. The location is characterised by substantial detached and semi-detached houses, set back from their road frontages behind front gardens, but there is a considerable variation in their designs. Moreover, the original buildings have been modified in many cases, as is especially obvious in rear views of the houses. This helps to create a varied streetscene, however, while grass verges in the highway, set with mature trees, soften the townscape and add to its attractiveness.

4. Number 32 Regent Road is a two-storey detached brick-built house under a hipped main roof and is in harmony with its neighbours, though it is relatively modest in scale by comparison with others in the road. It has a pleasant back garden with an outbuilding at the end of the plot. The house is set away from its side boundary with number 30 (to the south-east) but a single-storey garage that is attached to the house abuts the boundary with number 34 (to the north-west).
5. It is now proposed to construct a two-storey side extension, in place of the existing attached garage, and to add a single-storey extension across the rear of the house.
6. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation in new development.
7. An emphasis on the importance of good design is also to be found in the Development Plan. Policy DBE10 of the 'Epping Forest District Local Plan' (adopted in January 1998) is concerned with design issues in relation to residential extensions, while Policy DBE9 deals specifically with the need to prevent an "excessive loss of amenity" for the neighbours of new development. The aim of achieving good design is carried forward in Policy DM9 of the emerging 'Epping Forest District Local Plan' (Submission Version 2017).
8. The proposed new extensions would include a two-storey section close to the boundary with number 34 but set back from the boundary at first floor level, though at ground floor level the new construction would extend to the side boundary. The proposed extension at the rear would also be a single-storey construction.
9. The project would have some impact on the streetscene but visual separation between adjacent buildings would be maintained by the first floor set back. Moreover, the front wall of the proposed side extension would also be set back at first floor level. The essential character and appearance of the streetscene would thus be preserved and the design as a whole would be in harmony with the host building. In short, the proposed extension would be acceptable in relation to the host building as it would be in relation to its effect on the surroundings.
10. The properties either side of the appeal site have side windows that face number 32 but, similarly, the impact of the proposed extensions would not be so great as to cause undue harm to their residential amenity, by creating an unacceptable loss of outlook or by having an overly dominant effect.
11. Hence, the appeal scheme would be acceptable in planning terms and would not conflict with Development Plan Policies DBE9 or DBE10.
12. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed extension would be a useful addition to the accommodation at 32 Regent Road. The contribution that the appeal scheme would make to the provision of residential accommodation in

the locality, even though it would be limited, weighs in favour of the appeal. I have concluded that the project would not be in conflict with local or national planning policies, in principle.

13. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions, and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications in the interests of clarity and simplicity.
15. I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. I have also noted that the new "en-suite" at first floor level in the proposed extension would face the neighbouring property and I accept that it is necessary for this window to be glazed with obscured glass. I have imposed a suitable condition accordingly.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings (all dated 17 October 2019):
 - Unnumbered Ordnance Survey location plan;
 - "Drawing No. 1 – Proposed Site Block Plan";
 - "Drawing No. 1" (Existing Plans and Elevations);
 - "Drawing No. 2" (Proposed Plans and Elevations).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. The extension hereby permitted shall not be occupied until the proposed window at first floor level in the north-west (side) elevation of the extension has been fitted with obscured glazing, and no part of that window 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 window is installed and once installed the obscured glazing shall be retained thereafter.