



Appeal Decision

Site visit made on 6 January 2021

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2021

Appeal Ref: APP/J1535/C/20/3255826

Land between 10 and 12 Sunnyside Road, Epping CM16 4JW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Sachin Shah against an enforcement notice issued by Epping Forest District Council.
 - The enforcement notice was issued on 3 June 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the substitution of the gable roof to the dwelling approved under planning permission EPF/10-40/16, for a flared hipped roof.
 - The requirements of the notice are
 - i) Remove the unauthorised flared hipped roof.
 - ii) Remove resultant debris from the Land following compliance with step (i) above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under Section 177(5) of the Act.
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Decision

1. I direct that the breach alleged in the notice is corrected by deletion of the wording of the breach in full and replacing it with "Without planning permission, the erection of a flared hipped roof."
2. Subject to that correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under Section 177(5) of the Act.

Procedural Matters

3. The breach of planning control refers to the substitution of the roof approved under planning permission EPF/10-40/16 (the original planning permission) for a flared hipped roof. However, the requirement is to remove the unauthorised roof rather than to comply with the original planning permission. The requirement needs to flow from the breach. Nevertheless, as the notice clearly states that the roof is the reason for the issue of the notice and that it needs to be removed, I am satisfied that the breach can be amended without causing injustice to any party. The wording of the breach will be deleted and replaced with "Without planning permission, the erection of a flared hipped roof."

4. A reference to 10 Sunnydale Road rather than 10 Sunnyside Road is acknowledged by the Council in the reasons for issuing the notice but was clearly a minor typographical error. In its reasons for issuing the notice, the Council has also referred to alleged visual harm to the living conditions of neighbours as well as character and appearance. However, in the absence of any further details, I have considered any visual harm to form part of the effect of the roof on the character and appearance of the surrounding area.

Main Issue

5. The main issue is therefore the effect of the flared hipped roof on the character and appearance of the surrounding area.

Reasons

6. The appeal dwelling was constructed following the grant of the original planning permission in August 2016 for a 3 bedroomed dwelling with a gable roof. The dwelling is positioned between a block of terraced Edwardian style dwellings which includes No 10 to the one side and a pair of semi-detached dwellings to the other side. The road slopes downwards from the appeal dwelling towards the terraced dwellings. The appeal dwelling is stepped back from, and in an elevated position in comparison to, the terraced dwellings both due to its overall height and the slope of the road. The roof styles of the dwellings within the vicinity of the appeal dwelling are largely of traditional style being either hipped or gabled.
7. Policy DBE10 of the Epping Forest District Council Combined Local Plan (1998) & Local Plan Alterations (2006)(the Local Plan), amongst other things, refers to enhancement of the appearance of the streetscene. Policy DBE9 of the Local Plan relates to loss of amenity but does refer to visual impact. The Council has also referred to Policy DM9 of the emerging Epping Forest Local Plan (EFLP) which is yet to be adopted. Although the Council states that its preparation is at an advanced stage, I have no details of what outstanding matters are yet to be resolved. However, Policy DM9 of the EFLP which refers to high quality design has similar aims to policy DBE10 of the Local Plan in seeking to ensure that development relates positively to its context and locality having regard to various matters including building heights and the form and scale prevailing around the site. Policy DM9 of the EFLP can therefore be afforded moderate weight in my determination of this appeal.
8. The appellant considers that there is no distinctive architectural character to the road and that the built roof form is not overly dominant in the context of the road. However, from my site visit observations, there are patterns of roof styles visible particularly when walking along the road and I do consider that the design of the roof with a flat top and flared elements contrasts and is over dominant in relation to the existing traditional roof forms in the road. The different roof design on the appeal dwelling is particularly highlighted by its prominent position next to the more modest terraced dwellings. The absence of nearby listed buildings or a Conservation Area designation does not prevent the roof from adversely impacting upon character and appearance of the area.
9. I do therefore find that the design of the roof is visually over dominant and out of keeping with the surrounding area. It would therefore be contrary to Policies DBE9 and DBE10 of the Local Plan and Policy DM9 of the EFLP, the requirements of which are set out above.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice subject to the correction and refuse to grant planning permission on the deemed application made under Section 177(5) of the Act.

E. Griffin

INSPECTOR