



Appeal Decision

Site visit made on 25 February 2021

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021.

Appeal Ref: APP/J1535/W/20/3263989

27 Algers Road, Loughton IG10 4NG

- 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 Suhail Khawaja against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1483/20 dated 30 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is replacement of an existing outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of an existing outbuilding at 27 Algers Road, Loughton IG10 4NG, in accordance with the terms of the application, Ref PL/EPF/1483/20 dated 30 June 2020, 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: Location Plan, Drawing No's. 2025-01, 2025-02 and 2025-03.
 - 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the outbuilding 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.
 - 4) The hereby permitted development shall only be used for purposes incidental to the residential use of the dwelling known as 27 Algers Road and shall not be used for any primary residential accommodation.

Procedural Matters

2. I consider that the Council's amended description accurately describes the appeal scheme instead of the much longer and detailed description given on the application form, accordingly I have adopted an amended description in the heading above rather than the appellants description of development.

Main Issue

3. The main issue is the effect of the development, by virtue of its height, on the character and appearance of the area.

Reasons

4. The appeal site is a semi-detached property with a generous rear garden within a predominantly residential area. The Council consider that the proposed development would not be overdevelopment of the site, I do not disagree.
5. The height of the proposed development would not be a typical feature in the immediate area and would appear as a large structure within the rear garden. Notwithstanding this given the siting of the proposed outbuilding which would be viewed in the context of the adjacent 2 storey residential property (No. 35 Algers Road), the proposed development would not appear out of keeping visually.
6. The proposed development would not harm, by virtue of its height, the character and appearance of the area.
7. There is no conflict with Policies CP2, CP7, DBE1 and DBE10 of the Epping Forest District Local Plan (1998 and alterations 2006)) which seek to ensure development respects its context in order to protect the character and appearance of an area. The aim of achieving good design is carried forward in Policies DM9 and DM10 of the emerging Epping Forest District Local Plan (Submission Version 2017) (the LPSV). The LPSV has not been adopted and policies could be subject to further modification, however the policies attract some weight.
8. The proposed development would not be contrary to the National Planning Policy Framework (2019) which seeks to secure good design which adds to the overall quality of an area.

Other matters

9. A number of objections have been submitted against the proposal, including the effect of the proposed development on occupiers of neighbouring residential properties. These concerns were considered by the Council in the Officer's Report, the Council did not have concerns relating to these issues and based on the information I have before me I do not disagree.
10. Reference has been made to the potential for the occupiers of neighbouring properties to experience some loss of property value. That is not a land use planning consideration and is therefore a matter that I cannot take into account.
11. Concern has been raised with regard to precedent for similar proposals of this scale, should the proposed development be permitted. However, each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
12. Concerns have been raised regarding the use of the proposed outbuilding as a dwelling. Should the current owner or any future owner of the site wish to change the use of any buildings, a new planning permission would be required. Should a breach of planning control occur the Council could take enforcement action to remedy this.

Conditions and Conclusion

13. I have imposed a standard condition relating to the commencement of development. I have included a condition specifying the relevant plans as this provides certainty. In the interest of safeguarding the character and appearance of the area I have imposed conditions relating to details of the external materials.
14. The Council have suggested a condition requiring the proposed development to only be used ancillary to 27 Algers Road and not to be used for any residential accommodation. 'Ancillary' use can include primary residential accommodation which the Council clearly wishes to restrict. I have not assessed the proposal on the basis of comprising primary residential accommodation and the effect this could have, therefore on this basis I have imposed a condition which requires the outbuilding to be incidental to No. 27, with the restriction that it contains no primary residential accommodation in the interest of protecting the living conditions of occupants of neighbouring properties.
15. For the reasons set out above, I conclude that the appeal should be allowed.

C Pipe

INSPECTOR