
Appeal Decision

Site visit made on 1 April 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021.

Appeal Ref: APP/J1535/W/20/3258987
80 Upshire Road, Waltham Abbey EN9 3PA

- 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 John Smith against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0665/20, dated 25 March 2020, was refused by notice dated 15 July 2020.
 - The development is a proposed double storey side extension with part single storey rear extension & skylights.
-

Decision

1. The appeal is allowed and planning permission is granted for a proposed double storey side extension with part single storey rear extension & skylights at 80 Upshire Road, Waltham Abbey EN9 3PA in accordance with the terms of the application, Ref: PL/EPF/0665/20, dated 25 March 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. I note the references to the Council's emerging Local Plan, which is at an advanced stage of examination. I am not aware of any unresolved objections to policies DM9 and DM10 cited in the decision notice. Significant weight can therefore be accorded to these policies in the emerging plan in the determination of this appeal.

Main Issues

3. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the living conditions of occupiers of neighbouring properties with regard to overbearing impact; and (c) the provision of refuse facilities.

Reasons

Character and appearance

4. The appeal site relates to a two-storey, semi-detached house with off-street parking on Grafton Road. The property has been split into two flats. The site is bordered to either side by similar properties, with the surrounding area being predominantly residential in nature. At my visit I saw a number of other extensions in the area similar to that proposed by this appeal.

-
5. I note that the appeal dwelling and those within the row are not locally or statutorily listed and the site is not located in a conservation area. There is no prevailing architectural style and the neighbourhood is characterised by dwellings of various size, appearance and detailing. There are also differences in the widths of gaps between houses and there is no set building line on either side of the road.
 6. The ridge height of the appeal proposal would be lower than the original ridge line of the host property and the front elevation at ground and first floor levels and the front roofslope would be set back from the existing house, thus creating subservience. The single storey side projection would have a monopitch roof similar to that on the front elevation over the front door and bay window. The two-storey side element would be set back from the flank boundary by approximately one metre to prevent a terracing effect. At the rear the two-storey element would have a dual-pitch roof and the ground floor element a crown roof.
 7. To my mind, the development would reflect the scale, proportions and roofline of the host property. It would visually connect with the overall appearance of the dwelling, without dominating it, and respond to the original design features. The considerable variety of built form within the streetscene would ensure that the new arrangement would integrate without causing undue harm to the spatial quality of the area or appearing unduly prominent.
 8. I note the presence of the outbuilding in the garden and the ensuing proximity of the appeal scheme to this existing element. Nevertheless, given the single storey nature of the outbuilding and its limited visibility from the public domain I consider that the development would not appear cramped.
 9. I conclude that the proposal would not result in harm to the character and appearance of the area. Consequently it would comply with the requirements of policy DBE10 of the Epping Forest District Local Plan January 1998 (LP) and policy DM9 of the Epping Forest District Local Plan Submission Version 2017 (LPSV) which seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. The appeal scheme would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

10. Both the appeal dwelling and the neighbouring property at No 82 are semi-detached and have a close relationship to each other on either side of their access drives. The rear building line along the row of buildings is broadly uniform as far as No 84 in one direction and No 70 in the other. I observed a two-storey rear projection within the row of a similar nature to that proposed by this appeal, and a number of other outbuildings in the rear gardens of various sizes and designs.
11. The side extension would be built up to the boundary at ground floor level, but would be set back by one metre at first floor. The two-storey rear projection would extend some 2.8 metres from the existing rear elevation. No 82 has a ground floor rear addition and its own single storey garage to the side that would screen views of the appeal proposal from the private patio area immediately outside the kitchen doors. The principal openings to No 82 facing front and rear would not be materially affected. As such, to all intents and

purposes the appeal scheme would mainly be evident from No 82 along the side access drive and from the secondary windows in its flank elevation.

12. With this in mind, although the appeal elements would add built form in close proximity to the neighbour, in my view they would not dominate the outlook from the neighbouring property at No 82 in a manner that would be overbearing and oppressive, or materially worse than the existing situation.
13. I therefore conclude that the proposal would not result in harm to the living conditions of occupiers of neighbouring properties with regard to overbearing impact. The scheme would be compliant with policy DBE9 of the LP and DM10 of the LPSV, which require new development to account for visual impact and to protect residential amenity. The proposal is also consistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Refuse facilities

14. The appellant has provided a plan that demonstrates provision of refuse storage on the frontage adjacent to the parking spaces. I consider that this would adequately address the matter and can be secured through the imposition of a condition. The development would be in accordance with policy DM11 of the LPSV that requires on-site provision for waste and recycling.

Other Matters

15. I note the third-party objections to the proposal in relation to, amongst other things, loss of light and parking. These issues have been addressed in the planning officer's report. Therefore, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.

Conditions

16. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
17. A condition requiring external materials to match those on the existing dwelling would ensure a satisfactory appearance. Obscure glazed flank windows with 1.7 metre cill heights from floor level would safeguard the privacy of neighbouring residents. In the interests of highway safety wheel washing facilities should be available on the site for the duration of the works. A condition relating to refuse and recycling storage is necessary to ensure provision on the site.

Conclusion

18. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR

Schedule of 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: AJC-1372 01, 03, 05, 06, 07, 08
- 3) The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
- 4) The development hereby permitted shall not be occupied until the windows in the east flank elevation have been fitted with obscured glazing to a minimum Level 3 obscurity, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened.
- 5) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 6) The development shall not be occupied until details of refuse and recycling storage have been submitted to and approved in writing by the local planning authority. The approved refuse and recycling storage shall be kept available for that use thereafter.