



Appeal Decision

Site visit made on 25 May 2021

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st June 2021

Appeal Ref: APP/J1535/W/20/3265369

5 Amesbury, Waltham Abbey, EN9 3LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Sian Morgan against the decision of Epping Forest District Council.
 - The application Ref EPF/2146/20, dated 24 September 2020, was approved on 10 December 2020 and planning permission was granted subject to conditions.
 - The development permitted is a first floor rear extension.
 - The condition in dispute appears to be No 2 which states that: *The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers 2014-01; 2014-02; 2014-03B.*
 - The reason given for the condition is: *To ensure the proposal is built in accordance with the approved drawings.*
-

Decision

1. The appeal is dismissed.

Procedural Matters and Reasons

2. The basis for the appeal is unclear but it appears to be against the Council's decision to grant planning permission subject to conditions, specifically that the development should be completed in accordance with drawing 2014-03B. This is an amended drawing submitted by the appellant in an attempt to address the Council's concerns, albeit reluctantly, during the course of the planning application.
3. Having submitted the drawing for the Council's consideration, it seems entirely reasonable that the Council should determine the application on that basis. No refusal of planning permission has occurred and no application has been made to the Council to vary or replace condition 2. Furthermore, the appellant does not provide any evidence that the condition is unnecessary or otherwise fails to meet the relevant tests for conditions, contained within the National Planning Policy Framework and in Planning Practice Guidance. This is notwithstanding the concerns raised about the scheme approved or any preference for the superseded proposals.
4. On this basis, I find no reason to determine that condition 2 is in any way inappropriate and the appeal must fail.

Michael Boniface

INSPECTOR