



Appeal Decision

Site visit made on 4 May 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/J1535/W/20/3259897

19 Great Owl Road, Chigwell, IG7 6AL.

- 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 Syed Hassan Raza against the decision of Epping Forest District Council.
 - The application Ref EPF/3046/19, dated 9 January 2020, was refused by notice dated 26 August 2020.
 - The development proposed is demolition of existing house and replacement with three storey single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the adjoining properties.

Reasons

3. The appeal site comprises a long narrow plot and is located in a residential road comprising of detached dwellings of varying age and design. The existing dwelling is a relatively modest two storey detached modern dwelling with single-storey attached garage to the side set back from the road frontage.

Character and appearance

4. The dwelling on the appeal site is located in a fairly prominent slightly elevated position above the road, it being the first along the northern side at its eastern end. In approaching from Chester Road to the east, the front and side elevations of the dwelling are visible. The new dwelling would be considerably larger than the existing dwelling, extending across most of the width of the plot and to a depth of around twice that of the existing dwelling.
5. However, having regard to the established character of the immediate context of the appeal site, which includes the approach from Chester Road to the east, I consider that the overall scale and modern design of the dwelling would not be inappropriate.
6. There are a variety of sizes and designs of dwellings within the immediate street scene, which include some new and extended dwellings of considerable scale and size. Whilst in the context of Great Owl Road, these are largely viewed as part of the frontage of the street scene, the properties which lie at the junction with Chester Road also form part of the immediate approach to the

site. Both these properties have long flank elevations facing onto the road which have a direct impact on the character of the street scene. The proposed dwelling will be set back from the road frontage of Great Owl Road and whilst the upper part of the long flank elevation will be visible in the street scene, having regard to the above, I do not consider that it will be incongruous in this context.

7. I find that the proposal would accord with Policies DBE1 and DBE3 of the Epping Forest Local Plan and Alterations (1998) (LP) which require new buildings to respect their setting in terms of scale, proportions, siting, massing, height orientation and roof-line, with sympathetic detailing and materials and to create functional, attractive spaces. It would also accord with policy DM9 of the Epping Forest District Local Plan (Submission Version) (2017) (eLP), to which I attach some weight given the stage reached by this emerging plan.

Living Conditions

8. The east boundary of the appeal site is contiguous with the rear boundary of a number of dwellings along Chester Road. The proposed dwelling would be sited close to the rear boundaries of nos. 39 to 43, though I consider that number 41 would be the most directly affected. It would introduce a two storey, long flank elevation along the whole of the rear boundary of this property, set in around one metre from it. It is proposed to excavate the appeal site so that the dwelling would be set below the level of this garden and its overall height would be below that of the existing dwelling.
9. Notwithstanding the above, the first floor and roof elements would be visible above the boundary fence, introducing a much greater mass of built form than the existing dwelling as a result of the much longer flank elevation. I do not consider that its impact would be mitigated to any significant degree by the roof design sloping away from the boundary with a hipped rear element, the overall mass of which would still be evident. This would be a visually intrusive built form that would appear overbearing and oppressive.
10. Having regard to the reasonably long rear garden and resultant separation between the buildings themselves, there would be no direct overshadowing of or significant loss of light to the dwelling itself at number 41 or the patio area which lies immediately to the rear of it. In addition, the proposed windows in the flank could be conditioned to require obscure glazing and fixed elements so as to prevent any loss of privacy.
11. However, given the impact as set out above, there would be a significant loss of outlook and thereby a detrimental impact on the enjoyment of the property overall.
12. I therefore find that the proposal would be harmful to the living conditions of the occupiers of the adjoining property, 41 Chester Road. This would be contrary to LP policies DBE2 and DBE9 which seek to prevent buildings which have a detrimental effect on existing neighbouring properties in either amenity or functional terms or which result in an excessive loss of amenity for neighbouring properties in terms of, amongst other things, visual impact and loss of light. There would also be conflict with eLP Policy DM9 which takes a similar approach and to which some weight can be given.

Conclusions

13. I have noted the appellants comments regarding the consideration of the proposal by the Council including that the recommendation of officers was not accepted by members of the planning committee. However, I have made my decision on the basis of my assessment of the particular site circumstances, finding that whilst there would be no harm to character and appearance, there would be significant harm to the living conditions of the occupiers of a neighbouring property, leading to a conflict with the development plan overall. I do not consider that there are any other material considerations that lead me to reach a different conclusion than that set out above.
14. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR