
Appeal Decision

Site Visit made on 26 August 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/J1535/W/21/3266648
4 Brooklyn Avenue, LOUGHTON, IG10 1BL

- 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 Jabhill Properties Ltd. against the decision of Epping Forest District Council.
 - The application Ref EPF/0815/20, dated 20 April 2020, was refused by notice dated 25 August 2020.
 - The development proposed is Roof extension, two storey side extension and conversion to two no. flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following the submission of the appeal, a revised National Planning Policy Framework (the Framework) was published. The main parties have been consulted in relation to this matter, and any comments received have been factored into my assessment of the appeal.

Main Issues

3. The main issues are the effect of the proposal on;
 - i) the character and appearance of the surrounding area; and
 - ii) the living conditions for the occupants of No 6 Brooklyn Avenue.

Reasons

Character and Appearance

4. The appeal site is occupied by a single storey dwelling with a hipped roof. It is situated amongst a cluster of seven similar properties which all front on to a gently curving section of Brooklyn Avenue. This scale of building is also broadly consistent opposite the site as it turns into Priory Avenue.
5. To the north west of the site is a substantial four storey building which has an imposing presence when viewed from Brooklyn Avenue. Further to the south, the housing is principally two storeys in height. Despite the varied scale of buildings found within the surrounding locality, in my judgement, the consistency found in the cluster of bungalows generates a strong and distinct uniformity in a prominent location opposite a wide junction. The row of single storey dwellings therefore represents an important feature within the built

environment and due to its location within the row of bungalows, the appeal building positively contributes to this characteristic.

6. The proposal would seek to enlarge the building by introducing an additional floor of accommodation as well as a two storey side extension. Accordingly, the bungalow would be transformed into a two storey structure with a hipped roof above. Although the resultant bulk and appearance would be comparable with the two storey dwellings found elsewhere in the road, it would be immediately flanked by bungalows on each side. This would create a stark transition in building height which would demonstrably change the uniformity of the cluster of bungalows. As identified above, in my judgement this cluster creates an interesting and positive attribute within the street scene. However, by substantially increasing the height of the building, the proposal would harm the established uniformity and architectural rhythm and introduce a standalone two storey building that would dominate its neighbours on either side. Accordingly, rather than adding to the variety found in the broader surroundings, the proposal would be to the detriment of the currently pleasing street scene.
7. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. As a consequence, it would fail to comply with Saved Policy DBE10 of the Epping Forest District Local Plan Alterations (2006) (LP) and Policy DM9 of the Epping Forest District Local Plan Submission Version (2017) (SV). Taken together, these seek amongst other things, high quality design which complements the street scene and relates positively to its context.

Living Conditions

8. No 6 Brooklyn Avenue benefits from glazed doors which open onto a patio area located to the side of the appeal site. The doors are almost north facing and therefore despite the evidence before me, I am satisfied that the amount of sunlight received would not be substantially altered by the proposed extension. However, they would look directly towards the increased height of the flank elevation. Due to the proximity of the flank wall and its substantial increase in height, the proposal would create an imposing and oppressive form of development that would cause demonstrable harm to the outlook from the existing opening.
9. I have been presented with evidence which implies that the amount of daylight received by the facing patio doors would also be substantially compromised by the proposed development. The evidence does not confirm what room is served by the doors. However, in light of my findings above relating to outlook, I am satisfied that this is not necessary. The proposal would substantially increase the height of a flank wall in close proximity to the existing opening. The direct consequence of this would be a significant and noticeable loss in daylight. Accordingly, when this is combined with the substantial reduction in outlook, I conclude that the proposal would harm the living conditions for the occupants of No 6 Brooklyn Avenue. It would therefore fail to comply with Policy DBE9 of the LP and DM9 of the SV, which taken together, seek amongst other things, development which takes account of the amenity of neighbours.

Other Matters

10. The appeal site is located within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC). However, due to my findings in relation to

the main issues, the appeal has failed. As a consequence, I do not need to assess the proposal against the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). On this point, I note that the appellant has provided a Unilateral Undertaking (UU) regarding recreational pressure, but it does not relate to the potential impact on air pollution. Regardless, even if the UU had been found to provide suitable and necessary mitigation, it would not be a direct benefit of the proposal and would therefore only weigh neutrally in my assessment of the appeal. Accordingly, it would not alter or outweigh my findings regarding the main issues.

11. Due to the date of the LP, the appellant is of the view that the relevant policies which are most important for determining the appeal are out-of-date. Accordingly, it is their view that the presumption in favour of sustainable development, as outlined in Paragraph 11 of the Framework, applies to the proposal. However, Paragraph 219 of the Framework confirms that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework.
12. On this basis, other than the date of the plan, I have no compelling evidence to suggest that the relevant policies are not consistent with the Framework. Indeed, in my judgement, I am satisfied that on the issues under consideration, the policies are entirely consistent with the Framework. Accordingly, the presumption in favour of sustainable development as outlined in the Framework is not applicable to the proposal. Consequently, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposal should be determined in accordance with the development plan, unless material considerations indicate otherwise.
13. The proposal would make a small but helpful contribution to local housing supply, and it would also generate economic benefits. However, due to the scale of the proposal, the weight that these attract is limited and do not outweigh my findings in relation to the main issues. Accordingly, the material considerations relevant to this appeal do not indicate a decision contrary to the development plan.

Conclusion

14. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR