
Appeal Decision

Site visit made on 26 November 2021

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 DECEMBER 2021

Appeal Ref: APP/J1535/D/21/3277265

3 Sparelease Hill, LOUGHTON, IG10 1BS

- 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 Ned Kelly against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0241/21, dated 28 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is described as the construction of a first-floor side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first-floor side extension at 3 Sparelease Hill, LOUGHTON, IG10 1BS in accordance with the terms of the application, Ref PL/EPF/0241/21, dated 28 January 2021, 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: NEO.1097.01, NEO.1097.02 Rev A
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council notes that the description of the proposed development as a 'first-floor extension' is based upon the appellant's contention that a ground-floor extension can be built under a previous approval (Ref EPF/0556/07). At the time of my visit, the ground-floor extension had not been built, and as such the Council assessed the proposal as a two-storey side extension. The Council acknowledges that the appellant may be able to erect a single storey side extension under a previously implemented consent, although this has not been clarified or formally determined by way of a Lawful Development Certificate.
3. From the limited information available to me, it would appear that the 2007 permission has been implemented in part and that, on the balance of probabilities, the ability to construct a single-storey side extension remains extant. I have, therefore, determined this appeal on the basis of a proposal to construct a first-floor extension in line with the current drawing NEO.1097.02 Rev A, above the site of the previously approved single-storey extension.

4. There would appear to be errors within the first-floor plan drawing on submitted plan sheet NEO.1097.02 Rev A, in that what appears to be the proposed first-floor plan is notated as 'Existing First-Floor Plan', while the set-in from the side boundary is notated as relating to the 'Ground-Floor Extension' and not the first-floor extension. From the context of the overall sheet, it seems clear that these are typographical errors only and that this whole set of drawings is intended to relate to the proposed first floor extension.

Main Issue

5. The main issue in this case is the effect of the proposed first-floor extension on the character and appearance of Sparelease Hill.

Reasons

6. The appeal property (No 3) is a large, detached house situated on the southern side of Sparelease Hill, close to its junction with Tycehurst Hill. In common with the other properties on the southern side of this length of Sparelease Hill, it has a relatively wide plot and sits well back from the road. The property has benefitted from previous permissions for alterations and extensions including case ref EPF/0556/07, as referred to above, and case ref EPF/2313/20 for the construction of a single-storey front porch and associated elevational alterations. The latter permission had not been completed at the time of my site visit.
7. The current proposal at No 3 is for the construction of a first-floor side extension, sited above the position of the previously approved ground-floor extension. It would be set in from the side boundary with No 1 by between 1 metre at the rear and 1.2 metres at the front, and it would be set-back by a small amount from the main front elevation of the house. It would have a hipped roof and would be set down from the main eaves level by a small amount and from the main roof ridge by about 1 metre.
8. Policy DBE10 of the Council's Combined Policies Local Plan and Alterations (LP) indicates that a residential extension will be required to complement and, where appropriate, enhance the appearance of the streetscene and the existing building. This will be achieved by close attention to the scale, form, elevations, and detail of the building, and separation from any neighbouring buildings.
9. Policy DM9 of the Council's Local Plan (Submission Version 2017) (LPSV) requires development to relate positively to its context to create a harmonious whole, and to relate positively to its locality, having regard to form, scale and massing prevailing around the site. Policy DM10 of the LPSV indicates that extensions or alterations to residential buildings will be required to respect and/or complement the form, setting, and detailing of the original buildings. Matching or complementary materials should be used. In the light of the advanced stage of production of the LPSV, I afford it significant weight.
10. The Council contends that the proposed extension would be sited too close to the western boundary, closing the important gap and resulting in a terracing effect. The appellant contends that there is already permission for a ground-floor extension almost up to the side boundary, and that the first-floor would be set in from the boundary by a minimum of 1 metre. Furthermore, he notes that permission has recently been granted for a first-floor side extension close to the boundary at the neighbouring No 1 Sparelease Hill.

11. In this case, it would appear that houses along this part of Sparelease Hill characteristically have only narrow gaps between them. Moreover, it is not unusual to find garages or outbuildings built up to, or very close to, property side boundaries, either as ground-floor elements or as part of a two-storey element. In this regard, the proposal at No 3 would not be out of character. Whilst there would be a ground-floor extension almost up to the boundary, the first-floor extension would be set in from the boundary by around 1.2 metres at the front, and this would be in keeping with many of the other properties along the road, including the neighbouring properties at No 1 and No 3A. It would reflect the general degree of spacing between properties in the surrounding area and would not, in this case, result in a terracing effect.
12. The proposed first-floor extension, by virtue of its set-in from the side boundary and set-back from the main front elevation, would result in the development appearing subservient to the main house. Furthermore, the set-down of the roof at both eaves and ridge level, would reinforce this subservient appearance.
13. In conclusion, I find that the proposed first-floor extension, by virtue of its set-in nature from the side boundary, would complement the characteristic appearance of the row of properties along Sparelease Hill and the typical spacing between them. It would respect the form, scale, and massing of the host property and other prevailing properties around the site. On this basis, it would not be harmful to the character or appearance of Sparelease Hill, and it would not conflict with Policy DBE10 of the LP or with Policies DM9 and DM10 of the LPSV

Conditions

14. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR