
Appeal Decisions

Site visit made on 15 December 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2021

Appeal A - Ref: APP/J1535/D/21/3275960

Knolls Hill Farm, Bournebridge Lane, Stapleford Abbots, RM4 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr T Hussain against the decision of Epping Forest District Council.
 - The application Ref EPF/0400/21, dated 11 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is the enlargement of a dwellinghouse by construction of an additional storey (render option).
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Appeal B - Ref: APP/J1535/D/21/3275961

Knolls Hill Farm, Bournebridge Lane, Stapleford Abbots, RM4 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr T Hussain against the decision of Epping Forest District Council.
 - The application Ref EPF/0452/21, dated 11 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is the enlargement of a dwellinghouse by construction of an additional storey (brick option).
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Appeal C - Ref: APP/J1535/D/21/3275964

Knolls Hill Farm, Bournebridge Lane, Stapleford Abbots, RM4 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr W Hussain against the decision of Epping Forest District Council.
 - The application Ref EPF/0515/21, dated 24 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is the enlargement of a dwellinghouse by construction of an additional storey (brick, no dormers).
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Decisions

1. Appeals A and B are dismissed.
2. Appeal C is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended) for the enlargement of a dwellinghouse by construction of an additional storey (brick, no dormers), in accordance with application Ref EPF/0515/21, dated 24 February 2021 and plan numbers SK201112/GA/020, SK201112/GA/021/A, SK201112/ELE/020/A and SK201112/ELE/021/A submitted with it.

Preliminary Matters

3. Class AA of Part 1 in Schedule 2 of the Order establishes that the enlargement of a dwellinghouse by the construction of additional storeys is permitted development. However, this provision is subject to several conditions, limitations and restrictions. Amongst other things, these require the materials used in any exterior work to be of similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Furthermore, an application for prior approval must be made as to the external appearance of the dwellinghouse.
4. In prior approval cases there is no requirement to have regard to the development plan as there would be for any development requiring planning permission. Nevertheless, the policies referred to in the adopted and emerging Local Plans are material considerations. These are generally concerned with the quality of the environment and design.

Main Issues

5. These are:
 - For Appeal A – whether the external materials would be similar to those existing so that the proposed extension accords with the conditions for permitted development.
 - For Appeals B and C – the effect of the proposed extension on the external appearance of the dwellinghouse.

Reasons

6. Knolls Hill Farm stands in an isolated position on the southern side of Bournebridge Lane. There is a group of residential buildings at Knolls Hill on the opposite side of the road. The proposals all involve an additional storey but have been designed differently as indicated in the descriptions above.

Appeal A

7. The dwelling is two-stories and built of yellow bricks with profiled concrete roof tiles. Whilst intended to provide visual interest, the use of render as proposed in this appeal would not be similar to these materials. This is because its smoothness would contrast markedly with the texture of the masonry. There would be some resemblance to mortar but this is not the main external material of the house. Depending on its colour, render might not be as dramatically different as other possible finishes such as timber or metal cladding. However, this does not alter the finding that it would be dissimilar to the existing brickwork.
8. Therefore the proposal does not comply with the condition at paragraph AA.2(2)(a) of the Order and so is not permitted development.

Appeals B and C

9. In making an assessment about the external appearance of the resulting dwelling it should be borne in mind that these proposals are permitted development. They have therefore been accepted in principle by virtue of the Order. Consequently objections solely to the effect that the proposed upward extensions would be bulky, overbearing and monolithic cannot be sustained.
10. Both proposals would continue the existing front gable upwards and so maintain the form and style of the house. Appeal C would also replicate the fenestration pattern from the first floor level below. It would therefore fully reflect the design of the existing building and is unobjectionable.
11. Appeal B includes two 'dormer' windows in the front elevation. These are not true dormers in the roofspace but rather small gables above eaves level on top of the second floor windows. They are intended to 'break up' this façade. Dormers and modest roof features are not uncommon on residential buildings but these would not be well-placed or sensibly articulated. Rather the windows would bear no relation to the proportions of the existing fenestration and would not match each other. One would have a narrow, mean appearance. Overall they would not lead to a coherent front elevation and so would not complement the conventional domestic design of Knolls Hill Farm. Consequently this proposal is unacceptable.

Conditions (Appeal C)

12. The Order prescribes several conditions in relation to implementation in paragraph AA.2(3). In particular, before beginning the development a report for the management of the construction of the development must be provided to the local planning authority. Development must be completed within 3 years of the date of this decision and the local planning authority must be notified as soon as reasonably practicable after completion.
13. Paragraph AA.3(15) allows for the imposition of conditions reasonably related to the subject matter of the prior approval. None have been suggested. The drawings for Appeal C show that matching materials would be used and, as specified by paragraph AA.3(14), the development must be carried out in accordance with the approved details.

Conclusion

14. Appeal A does not fall within the parameters of permitted development and the effect of the extension proposed in Appeal B on the external appearance of the dwellinghouse would not be satisfactory. These appeals therefore fail. However, Appeal C would result in an acceptable external appearance and therefore succeeds.

David Smith

INSPECTOR