



Appeal Decision

Site visit made on 10 December 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4th January 2022

Appeal Ref: APP/J1535/D/21/3285077

69 Monkwood Avenue, Waltham Abbey EN9 1LD

- 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 Mrs Emily Gryc against the decision of Epping Forest District Council.
 - The application Ref EPF/1362/21, dated 12 May 2021, was refused by notice dated 28 July 2021.
 - The development proposed is a first floor side extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension and garage conversion in accordance with the terms of the application EPF/1362/21, dated 12 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved drawings listed below:
 - Site Plan (Existing and Proposed), Drawing No. 80_301, Dated May 2021
 - Proposed Plans, Drawing No. 80_304, Dated May 2021
 - Proposed Elevations, Drawing No. 80_305A, Dated May 2021
 - Street Elevations, Drawing No. 80_306, Dated May 2021
 - 2) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have taken the description of the development from the Council's Decision Notice as this more accurately describes the elements which require planning consent. It is noted that the Council's description of the development is also repeated on the applicant's appeal form.
3. I note that the Council in their refusal reason references the 2019 version of the National Planning Policy Framework (the Framework). Since the submission of the appeal, the 2019 version of the Framework has been superseded by the 2021 version. I have considered the appeal on this basis and refer only to the updated 2021 Framework within my decision.
4. I note reference in the Decision Notice to Policies DM9 and DM10 from the emerging Epping Forest Local Plan 2017 (Submission Version) (LPSV). In my application of paragraph 48 of the Framework, whilst the LPSV is not part of

the adopted development plan, it is at an advanced stage in the adoption process, and according to the Authority's proposed Main Modifications there have been no modification to the policy or the accompanying text. In my opinion the emerging policy would appear to be consistent with the Framework. I am also mindful that the examining Inspector may wish to re-open the examination to hear further evidence and as such could result in further changes and additions to this policy and accompanying text. Based upon this, I will afford the LPSV moderate weight in this appeal decision as a material consideration.

Main Issues

5. The main issues are the effect of the proposed development upon:
- The existing building and the character and appearance of the locality; and
 - The living conditions of No.67 Monkswood Avenue, with particular regard to visual impact and outlook.

Reasons

Character and appearance

6. The appeal site is located along Monkswood Avenue, which forms one of a number of streets in the local area that contains formally laid out speculative housing which appears to date from the mid-twentieth century. The local area is largely suburban and contains a variety of dwellings that predominantly date in two phases, one phase around mid-twentieth century and a later phase later which includes the appeal site. Whilst there are examples of single storey dwellings, many of the dwellings along Monkswood Avenue are two storey semi-detached dwellings which have a symmetry in their placement with a consistent building line and setback with front gardens and boundary walls and setbacks from the side boundary. Dwellings along Monkswood Avenue are quite functional in design with pitched roof forms fronting the road with brick construction and concrete tiled rooves. A number of dwellings have undertaken side extensions, and some having had front extensions which illustrates that there is a varied and changing character within this particular street scene.
7. In undertaking extensions to existing buildings, the Epping Forest Core Strategy (CS) Saved Policy DBE10 seeks to ensure that residential extensions complement and where appropriate, enhance the appearance of the street scene, and the existing building from assessing elements such as scale, form, detail, separation from neighbouring dwellings, amongst others. Saved CS Policies CP2 and CP7 also seek to encourage good design, particularly in urban fringe areas and improving urban form and quality. Emerging LPSV Policies DM9 and DM10 are a design-led policies which seeks that all new development is of high quality design taking into account design principles such as context, height, form, scale, amongst others, and that extensions are in keeping with original buildings.
8. The proposed extension would be approximately half the width of the original dwelling, and whilst the proposal does feature a small forward extension, it would not be dissimilar to other extensions permitted in the nearby vicinity¹. The extension would be more prominent than the front extension to the other

¹ No.s 101, 105 and 107 Monkswood Avenue

half of the semi-detached dwelling, however would generally be in proportion to the existing dwelling. I disagree that the proposal would be overly large, as it would be subservient in scale and massing and not uncharacteristic to similar extensions found within the locality.

9. Consequently, and in conclusion of this matter, the proposed scheme would be in compliance with saved CS Policies DBE10, CP2 and CP7 and LPSV Policies DM10 and DM11 as described previously. The scheme would also comply with the design led policies of the Framework.

Living conditions

10. The main concerns raised from the Council are with regards to living conditions of No.67 as a result of visual impact and outlook. No.67 is a single storey bungalow with accommodation within the roof space and has a small setback to the side boundary with the appeal site. The small setback contains vegetation and is not sufficiently large enough to be a space used in association with the private amenity space of the rear garden area. According to the appeal documents, windows on the bungalow which face the appeal property are to a bathroom and kitchen area, which are not deemed as being habitable spaces.
11. Whilst the proposed extension at first floor would project towards the shared boundary there is a sufficient setback of approximately 2 metres to the boundary with No.67 also being setback from the boundary, increasing the distance between the proposal and the neighbouring property. Whilst there may be some increase in perception of enclosure towards No.67, it would not be significant enough or 'excessive' enough to cause adverse detriment. The occupiers have adequate rear garden space away from the extension, with the windows of the neighbouring property not being detrimentally impacted by the proposed development from loss of outlook.
12. Consequently, and in conclusion of this matter, the proposed scheme would be in compliance with saved CS Policies DBE9 and CP7 which seeks that development not result in an excessive loss of amenity to neighbouring properties. The proposal would also comply with emerging LPSV Policy DM9 (H) which seeks that proposals not result in an over-bearing or overly enclosed form of development which materially impacts on the outlook of neighbouring properties.

Conclusions and conditions

13. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions as detailed previously.
14. The Council in their Appeal Form response detailed that should the appeal be allowed, that conditions regarding time limit, approved plans and materials which match existing be placed on any decision notice. I have considered the conditions as specified in the beginning of this letter in accordance with the Planning Practice Guidance (PPG). Conditions 1 and 2 are standard conditions which set the standard time limit and approved plans which are necessary for the avoidance of doubt and in the interests of proper planning. Condition 3 seeks that the scheme is constructed in matching materials which are

necessary as this condition enables the development to fit in with the character and appearance of the existing dwelling and the locality.

J Somers
INSPECTOR