



Appeal Decision

Site visit made on 19 January 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2022

Appeal Ref: APP/J1535/D/21/3271864

5 The Poplars, Lambourne, Romford, Essex RM4 1BB

- 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 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 John Hand against the decision of Epping Forest District Council.
 - The application Ref EPF/2123/20, dated 4 December 2020, was refused by notice dated 14 January 2021.
 - The development proposed is Prior approval for enlargement of a dwelling house by construction of an additional storey.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal's description as set out in the banner heading above is taken from the Appeal Form, as it better focusses on the development involved.
3. Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits development consisting of the enlargement of a dwellinghouse by construction of up to two additional storeys, where the existing dwellinghouse consists of two or more storeys, together with any reasonably necessary engineering operations. Development is permitted under Class AA subject to limitations and conditions and a requirement that the developer applies for prior approval to the local planning authority.
4. The provisions of sub-paragraph (3) of Paragraph AA.2 of Part 1 require the developer to apply for prior approval with respect to several different matters. The Council's reason for refusal (RfR) refers to (a)(ii) 'the external appearance of the dwellinghouse, including the design and architectural features of (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway'. Its reasoning also draws on the effect of the proposal on the street scene. How successful the external appearance of a dwellinghouse may be in assimilating with surrounding buildings can be a relevant factor in the consideration of this matter, so I am satisfied that the matters raised in the RfR can be grouped under the aforementioned considerations and addressed in the prior approval determination.
5. Development Plan policies can be considered relevant in prior approval cases but only insofar as they relate to the development and prior approval matters.

6. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The RFR refers to paragraphs 124 and 127, which are now paragraphs 126 and 130 of the current Framework. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party, particularly as the revisions only make minor changes to the policies upon which this appeal turns.
7. The appellant has referred to other paragraphs within the Framework, principally regarding the principle of the development and benefits associated with it, including the effective use of land. However, in contrast to applications for planning permission, my considerations are necessarily limited to the conditions, limitations and restrictions specified within the GPDO.

Main Issue

8. The main issue is whether prior approval should be granted for the external appearance of the dwellinghouse.

Reasons

9. The appeal relates to the left-hand house within a terrace of three properties. It is similar in appearance to four other evenly-spaced terraces arranged in an L-shape configuration around a parking and garage court.
10. The height of the terraces to eaves and ridge heights are uniform but they are arranged in relation to the topography of the street, so appear stepped to the east. The design of windows is generally consistent, with projecting horizontal box windows at first floor, and the front elevations are finished in painted render. Vertical bands of brickwork subdivide the houses and mark the ends of each terrace. These simple and consistent design features bring rhythm and make a significantly positive contribution towards the creation of a distinct external appearance to this development of houses.
11. The proposed additional storey would project above the remainder of the roof slope of the terrace and, given the proportions of the dwellinghouse, it would elongate the height of the house. This would appear ungainly and contrast with the prevailing and coherent design characteristics of the group of terraces within the street. This would be significantly harmful to the external appearance of the appeal property, the terrace it is situated within and the wider street scene.
12. The proposal would be constructed of a carefully considered palette of materials which would be sympathetic to those used in the construction of the existing dwellinghouse. The front elevation would utilise render, continue the existing vertical brick projections upward at either side and incorporate a large horizontal bank of windows. The roof would also be clad in matching tiles.
13. Despite the above factors, I conclude that the proposed development would appear as a discordant addition, which would have an unacceptably harmful effect on the external appearance of the dwellinghouse. Hence, the proposal would be in conflict with the aims in respect of external appearance expressed in Policies CP2 and CP7 of the Council's Local Plan¹; Policies DM9(A) and DM10(E) of its Emerging Plan²; and paragraphs 126 and 130 of the Framework.

¹ Epping Forest District Local Plan (Adopted January 1998 and Alterations Adopted July 2006).

² Epping Forest District Local Plan Submission Version 2017.

14. For the purposes of clarity, given that I have identified that the external appearance of the dwellinghouse would be harmed, prior approval should be refused.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed.

Paul Thompson

INSPECTOR