

Appeal Decisions

Site visit made on 11 February 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH February 2022

Appeal A Ref: APP/J1535/D/22/3290176
27 Roundmead Avenue, Loughton IG10 1QA

- 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 Ed Delaney against the decision of Epping Forest District Council.
 - The application Ref EPF/2450/21, dated 8 September 2021, was refused by notice dated 16 November 2021.
 - The development proposed is 2 storey side extension, single storey rear extension and loft conversion.
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Appeal B Ref: APP/J1535/D/21/3282177
27 Roundmead Avenue, Loughton IG10 1QA

- 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 Ed Delaney against the decision of Epping Forest District Council.
 - The application Ref EPF/1657/21, dated 24 May 2021, was refused by notice dated 9 August 2021.
 - The development proposed is 2 storey side extension, single storey rear extension and loft conversion.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for 2 storey side extension, single storey rear extension and loft conversion at 27 Roundmead Avenue, Loughton IG10 1QA. The permission is granted in accordance with the terms of the application Ref EPF/2450/21, dated 8 September 2021, subject to the conditions included in the Schedule at Annexe A.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. As set out above, there are two appeals concerning similar extensions to the same property. I note that the proposal in Appeal A involves design revisions following the refusal of the proposal in Appeal B. As two separate appeals have been made, I have considered each proposal on its individual merits.

4. With regard to the application in Appeal B, the Council has clarified that it took account of the Revision 2 version of the proposed plans and elevations¹, not Revision 1 as stated on the decision notice. I have, therefore, taken account of Revision 2 for the purposes of determining Appeal B.
5. The Council relies on policies from the Epping Forest District Local Plan Submission Version 2017 (LPSV) with regard to both appeals. I note that the LPSV has been submitted for examination, that the hearings have taken place and that the Inspector has advised on the necessary main modifications to enable soundness issues to be addressed. I am not aware that the Inspector commented on the relevant policies in this case concerning design quality and residential amenity. As such, they can be given substantial weight for the purposes of this appeal².

Main Issues

6. The main issue with regard to Appeal A is the effect of the proposed side and rear extensions on the character and appearance of the host dwelling and surrounding area.
7. The main issues with regard to Appeal B are the effect of the proposed side and rear extensions on the character and appearance of the host dwelling and surrounding area; and the effect of the rear extension on the living conditions of the occupiers of No 25 Roundmead Avenue, with regard to outlook.

Reasons

8. The appeal property is a detached two storey dwelling in a residential road of detached and semi-detached properties.

Appeal A

9. No 27 is positioned between another detached dwelling on one side and a row of semi-detached dwellings to the other. Both the detached neighbouring dwelling and the semi-detached dwellings have wider frontages and, consequently, the appeal property appears as a smaller built form in the street scene. As such, the additional width at first floor level would not alter the built form to the extent that it would be incongruous or uncharacteristic.
10. There is a good degree of separation between the appeal property and No 25 at first floor level due to the adjoining single storey garages. The first floor extension would be set away from the shared boundary and so a substantive gap would remain between the neighbouring dwellings. The additional bulk created by the extension would be mitigated by the setting back of the first floor extension from the existing front elevation. While this would result in an overhang to the roof, this would be limited in extent and would not upset the proportions or appearance of the extended dwelling. Moreover, there are examples in Roundmead Avenue of similarly designed extensions with a limited

¹ Ref 1098_RA_AL_0_002.

² In accordance with paragraph 48 of the National Planning Policy Framework.

roof overhang. Consequently, this detail would not be uncharacteristic of the street scene.

11. The rear of the property includes a single storey extension and conservatory, which would be replaced by the new extension, adding some 2.5 metres of depth beyond the existing single storey elements. While the new extension would nearly cover the full width of the extended dwelling, it would be of limited height with a flat roof. As such, it would appear as a conventional single storey projection of domestic scale and proportions that would not be incongruous in relation to the two storey host dwelling or wider residential setting.
12. Accordingly, for the reasons given, I conclude that the proposed side and rear extensions would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. As such, there is no conflict with Policies CP2 and DBE10 of the Epping Forest District Local Plan (1998) and Alterations (2006) or with Policy DM10 of the LPSV, all of which concern the design quality of the built environment, including residential extensions. Policy SP7 of the LPSV is not directly relevant in my reading of it as it concerns the natural environment, landscape character and green and blue infrastructure. There is also no conflict with the National Planning Policy Framework (the Framework), which promotes high quality design.

Other Matters

13. I have had regard to matters raised by interested parties. The rear extension would not reduce the size of the garden to the extent that it would result in material harm; the majority of the garden area would remain undeveloped and useable. Direct views from the rear dormer would be towards No 27's rear garden and the separation between properties and boundary planting to the rear would protect neighbours' privacy. The dormer window would be proportionate to the size of the roof, as it would be set in from the sides and up from the eaves. Therefore, while I have had regard to these matters they do not lead me to reach a different overall conclusion.

Appeal B

Character and Appearance

14. The main differences from the revised scheme considered in Appeal A are that the side extension would be closer to the boundary with No 25 and not set back from the dwelling's existing front elevation; and the rear extension is directly next to the boundary, rather than being inset as in the revised scheme.
15. The increased proximity to the boundary in each case, and lack of setback to the frontage are limited in their effects and would not materially change the character or appearance of the appeal property or street scene compared to the revised scheme considered in Appeal A. In particular, a substantive gap would remain between the appeal property and No 25 at upper floor level and the terracing effect referred to by the Council would not occur. It follows that

as I found no harm with regard to the proposal under Appeal A, the findings should be the same with regard to this proposal.

16. Therefore, for these reasons, I conclude that the proposed side and rear extensions would not have a harmful effect on the character and appearance of the host dwelling and surrounding area. Consequently, the proposal is not contrary to Policies CP2 and DBE10 of the adopted local plan and alterations, or to Policy DM10 of the LPSV, as described above with regard to Appeal A. There is also no conflict with the Framework.

Living Conditions

17. Unlike the proposal in Appeal A, the rear extension would be directly next to the shared boundary with No 25. Due to the downward slope of the avenue, this neighbouring dwelling is on lower ground than the appeal property. As a result and despite it being single storey, the extension's height, length and proximity means that it would be a dominant and overbearing feature seen from No 25. In particular, it would be prominent in views from the patio area close to the neighbouring dwelling.
18. I acknowledge that a similar depth of extension could be built as permitted development, but the appellant does not appear to dispute that permission is required for the proposal in this appeal. I acknowledge that there were no objections to the proposal from neighbouring residents. However, given the permanent nature of the change proposed, the effects need to be considered in the long term, with regard to both current and future occupiers of the neighbouring property. The fact that the Council did not discuss possible revisions to the scheme does not have a direct bearing on my consideration of the planning merits of the proposal before me.
19. I conclude, therefore, for the reasons given that the proposed rear extension would have an unacceptably harmful effect on the living conditions of the occupiers of No 25 Roundmead Avenue, with regard to outlook. As such, it is contrary to Policy DBE9 of the adopted local plan and alterations and to Policy DM9 of the LPSV, which concern amongst other matters the effect of development on neighbouring amenity. There is no basis to conclude that these or other development plan policies referred to with regard to the other main issue are not relevant or misapplied, as contended by the appellant.

Other Matters

20. The same matters raised by interested parties with regard to Appeal A were also raised with regard to Appeal B. Given that the dormer window and depth of the rear extension are the same in both proposals, my findings on these matters are the same as in relation to Appeal A.
21. I note the appellant's concerns regarding procedural matters and engagement with the Council. However, these matters do not have a direct bearing on my consideration of the appeal. I acknowledge also that the proposed extensions are intended to create additional living space. However, these personal

circumstances do not overcome the harm and conflict with development plan policies that I have found would result from the proposal.

Conclusion and Conditions

22. For the reasons given above, Appeal A succeeds while Appeal B is dismissed.
23. For Appeal A, of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plan. I agree that a condition requiring matching materials, unless shown otherwise on the approved plan, is necessary in the interests of the character and appearance of the dwelling and street scene.
24. I agree also that use of the single storey extension as a roof terrace should be prohibited by condition to preserve the privacy of neighbouring residents. Finally, a condition requiring the upper floor windows in the side elevations to include obscured glass and open to a prescribed level is necessary also to preserve privacy.

J Bell-Williamson

INSPECTOR

Annexe A

Schedule – conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 1098_RA_AL_0_002 Revision 3.
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building, unless shown otherwise on the approved plan.
- 4) Access to the flat roof over the rear extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5) Prior to first occupation of the extensions hereby permitted the windows in the flank elevations at first floor level and above shall have been fitted with obscured glass with a minimum privacy level 3 obscurity, and no part of those windows that is less than 1.7 metres above the internal floor level of the room in which they are installed shall be capable of being opened. Once installed the obscured glass shall be retained thereafter.