



Appeal Decision

Site visit made on 4 April 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 9TH June 2022

Appeal Ref: APP/J1535/D/21/3284441
35 Oak Lodge Avenue, Chigwell IG7 5JA

- 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 Ola Akinboh against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1491/21, dated 25 May 2021, was refused by notice dated 19 July 2021.
 - The proposed development is ground floor rear and side extensions; first floor front, side and rear extensions; loft conversion with rear and side dormer including new rear terraced area.
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Procedural Matter

1. Since the appeal was submitted, the Appellant has drawn to my attention to a recent appeal decision for a similar development relating to the appeal site.¹

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect on (a) the character and appearance of the host dwelling and the street scene and (b) the living conditions of the occupiers of the adjoining property, No. 37 Oak Lodge Avenue.

Reasons

4. The appeal site comprises a semi-detached property with attached garage with path to the side. The patio to the rear of the dwelling is at a higher level than the main garden area. There are a number of trees towards the rear boundary of the appeal site. The adjoining dwelling to the south (No. 37) lies at a lower level reflecting the wider topography. The wider road consists of similar semi-detached properties, with some detached, many of which have been extended.
5. The proposed extensions would comprise substantial additions mainly to the side and rear under a hipped roof with dormers in the side and rear roofslopes in addition to rooflights. The main roof would have a similar ridge height to the host dwelling, as would the dormers, and the side extension would project slightly forward of the dwelling with a lower hipped roof over. Extensions of similar size and design have been added to other dwellings in the road, including some within the immediate vicinity of the appeal site including No. 36 which is directly opposite the appeal site.

¹ APP/J1535/D/21/3277184

Character and appearance

6. The side elements of the proposed extensions would be visible within the street scene and extend well above the height of the existing side additions to the adjoining dwelling to the east (No. 37). However, the established character of the street scene, particularly in the vicinity of the appeal site, includes a number of semi-detached properties that have similar extensions to that proposed on the appeal site. These include side / rear extensions with gable fronted forward projections, which are visible within the street scene.
7. I note that in the previous appeal decision the Inspector found that the proposed side dormer, combined with a crown roof proposed as part of that earlier appeal scheme, would result in an unduly bulky and visually prominent form of development when viewed in the street scene. Whilst the current scheme would not include a crown roof, it does include a large flat roofed dormer which would extend across the whole of the remaining rear roofslope, connecting with the proposed rear extension. Whilst this element would not be visible in the street scene, I consider that it would appear as an awkward and bulky addition to the hipped roofs of the host property and proposed extension.
8. Furthermore, the proposed side dormer would result in the introduction of a prominent feature that is not characteristic of the street scene. It would also add further bulk to the roof form which, when taken together with the rear dormer addition, would detract from the overall design.
9. The previous Inspector also concluded that the proposed development would by reason of its scale, not complement the host property by being a subservient addition. The reduction in the depth of the first floor element of the rear extension has reduced the overall scale and size of the proposal though it remains a considerable increase in terms of mass and floor area. However, whilst there appeared to be extensions of similar scale to other nearby properties, the proposed side and rear dormers result in the proposal remaining overly bulky.
10. In respect of the mature trees at the end of and adjacent to the rear garden, the Applicant has provided plans and details to show how these will be protected during construction by the installation of suitable tree protection and associated measures. These could be secured via condition.
11. Overall, however, I consider that the proposed extensions would remain overly bulky and would have a harmful impact on the host dwelling and street scene. They would thereby fail to comply with Policies CP2 and DBE10 of the Epping Forest Local Plan (1998) and Alterations (2006) (LP) which seek to ensure that residential extensions respect and / or complement the form, setting and detailing of original buildings and the character of the local area. I have also had regard to Policies SP7 and DM10 of the emerging Local Plan which take a similar approach in addition to seeking to protect green infrastructure, and to which I have given some weight, but in respect of which I also find conflict for the reasons set out.

Living conditions

12. As noted above the adjoining property at No. 37 lies at a lower level than the appeal site; however, the difference is relatively modest being around half a storey. In addition, there is a large single-storey rear extension at No. 37

which extends out to approximately the same depth as the proposed rear addition to the appeal property. The Council's concern appears to be in respect of the potential for the first floor element of the rear extension to be overbearing given its depth and higher level relative to this property.

13. The proposed first floor element would be clearly seen above the shared boundary fence from the rear garden of the adjoining property, but given the distance maintained and overall garden size of that property, I do not consider that its impact would be overbearing.
14. In terms of the impact on the dwelling itself, the closest affected rear facing window is within the side extension but sited some distance from the shared boundary and although set back from the main rear elevation, would nevertheless receive a reasonable level of light. Whilst the first floor element of the proposed extension would be likely to be visible from this window, the separation distance would in my view be sufficient so as to not result in an unacceptable impact on the outlook from this window, with the main rear facing view unaffected.
15. I noted on my site visit that there are small windows in the flank elevation of the adjoining property, but these were either obscured or appeared to serve non-habitable rooms. In any event, the separation maintained between the flank elevations of the two properties would be sufficient so as to prevent any unacceptable overbearing impact.
16. I therefore find that the proposed extensions would not have a harmful impact on the living conditions of the occupiers of the neighbouring property, No. 37 Oak Lodge Avenue. The proposal would therefore accord with LP Policy DBE9 which seeks to ensure, amongst other things, that extensions do not cause an excessive loss of amenity, including in terms of visual impact. I also find compliance with emerging policy DM9 which takes a similar approach.
17. I note that my findings concur with the previous Inspector who concluded that the previous appeal scheme would not cause unacceptable harm in this regard.

Conclusions

18. I have had regard to the National Planning Policy Framework and consider that the proposal would fail to accord with its policies that seek well-designed places that, amongst other things, function well and are sympathetic to local character including the surrounding built environment.
19. I have also taken into account that the extended accommodation would provide the Appellant with much needed additional and enhanced space for his family. However, this does not outweigh the harms arising as identified above.
20. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR