



Appeal Decision

Site visit made on 15 August 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/J1535/D/22/3294069

43A Upper Park, Loughton, Essex, IG10 4EQ

- 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 David Pace against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2353/21, dated 26 August 2021, was refused by notice dated 20 December 2021.
 - The development proposed is a first floor extension replacing dormer roof rooms plus a two storey front extension.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council's decision refers to policy DM9 and DM10 in the Epping Forest District Local Plan Submission Version 2017 (LPSV) which relate to high quality design. Policy DM9 also requires that development proposals take account of the amenity of neighbours. I have noted that, although not yet adopted by the Council as part of its development plan, the LPSV has been through the examination process and has reached a very advanced stage. I am not aware of any unresolved objections to those policies so far as they relate to this appeal. Therefore, I have attached significant weight to these emerging policies.

Reasons

3. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the area;
 - the living conditions of the neighbouring occupiers in terms of outlook.

Character and appearance

4. The appeal site is located within a residential area and comprises a dormer bungalow style dwelling of a modest and unassuming design, sited on a long but narrow plot. It has a deep plan form and a steeply pitched and hipped roof with dormer windows for the first floor accommodation in the roof.
5. The proposal would result in the remodelling of the dwelling to create a contemporarily styled two storey house with a flat roof form. The proposed design would extend out at the front of the dwelling in line with the existing

garage and the new flat roof would extend across the whole of the resulting floor plan, resulting in additional volume mostly at first floor level.

6. Dwellings in Upper Park are generally sited on wider plots than the appeal site, some built during the inter-war period and others built at different times since then. They are mainly detached with two storeys and of varying, individual designs and materials which are mainly typical of their period. Most have roofs which are pitched, hipped, gabled or a combination of those. A few have been remodelled and have a more contemporary appearance albeit with traditional roof forms. There is, however, a prominently sited and striking contemporary flat roof dwelling close to the appeal site at the corner of Upper Park and Nursery Road that is a positive addition to the street scene. Either side of the appeal site is a two storey hipped roof dwelling of a traditional style and a dwelling of a more recent chalet bungalow style.
7. The height of the resulting dwelling would be only very slightly higher than the existing ridge and the neighbouring dwelling at no 43 and would be significantly lower than that at no 45. Although it would create additional volume and would be very slightly wider at first floor level, the gaps between the dwelling and its neighbours when seen from the street would be retained and it would therefore sit comfortably in the street scene. Given the variety of dwelling styles in the street, its flat roof form and contemporary design would be acceptable and would enhance the character and appearance of the area. It would, therefore, accord with development plan policies in the CP2, CP7 and DBE10 in the Epping Forest District Local Plan & Alterations (1998 & 2006) (LP) which together seek to ensure, amongst other things, that development proposals are of a high quality that protect and enhance their settings as well as the emerging policies referred to earlier.

Living conditions

8. LP policies CP7 and DBE9 are similar to emerging policy DM9 in seeking to ensure that development proposals do not result in undue loss of amenity to neighbouring occupiers.
9. The neighbouring house at no 45 is a large two storey house set on a large plot. Although the closest parts of both the front and rear elevations of the neighbouring house at no 45 are set back from the appeal dwelling, no 45 is sited at a higher ground level and there is a generous gap between the side elevations of the properties. There is a high level of screening within no 45 along the side boundary and a generous rear garden. The proposed development would be outside a line of 45° when taken from the nearest windows in that property on both the front and rear elevations. This, together with the lower ground level of no 45, the gap between the side elevations, leads me to find that the proposal would not be unduly overbearing when seen from there and the living conditions of those occupiers would not be significantly harmed.
10. The other neighbouring property at no 43 is also a large dwelling sited on a large plot. Its rear elevation is set back significantly from the appeal dwelling. No 43 is sited at a lower ground level than the appeal dwelling and both dwellings are sited close to the side boundary. Although the existing dwelling projects significantly beyond the rear elevation of no 43, the existing roof over the rear part of the dwelling is hipped and has a lesser impact. Whilst the proposal would have a set in at first floor level on part of the side elevation, it

would still result in a much greater mass and volume of building at first floor level. I noted at my visit that although there is a small store on the part of the rear elevation closest to the appeal site at no 43, there is a rear facing patio window with an adjoining patio and two rear facing bedroom windows above. The additional mass and volume at first floor level when seen from the rear of no 43 would be unduly overbearing, given its extent and its siting on higher ground. As there are three windows and a patio that would be affected, I conclude that this would cause significant harm to the outlook of the occupiers of that property. I have noted that the existing occupiers have raised no objection but at some point in the future the occupiers will change and the Council's policies seek to protect the amenity of both existing and future occupiers. The proposal would therefore be contrary to the policies referred to at the start of this matter.

Other matters and conclusion

11. I accept that the proposal would significantly improve the very poor energy efficiency of the existing dwelling and would provide further accommodation for the applicant and his extended family which would include the occasional use of the front ground floor room as a bedroom by an elderly family member with on-going health issues for whom the applicant is the carer. However, whilst these are important matters, I am not persuaded that this scheme is the only way of making that provision and they are outweighed by the harm I have found.
12. Although I have found that the proposal is acceptable in terms of character and appearance, my conclusion regarding living conditions is significant and overriding. I conclude that the proposed development is contrary to the development plan in that regard and there are no material considerations that would outweigh this. The appeal should be dismissed.

Sarah Colebourne

Inspector