



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/22/3295915

14 Victoria Road, Buckhurst Hill, Essex, IG9 5ES

- 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 CWR Capital Ltd against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2556/21, dated 20 September 2021, was refused by notice dated 5 January 2022.
 - The development proposed is a single storey rear extension, change main roof to gable end and add rear dormer, widen crossover to road.
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Decision

1. The appeal is allowed and planning permission is granted only insofar as it relates to the change of the main roof to a gable end, the rear dormer and the widening of the crossover to the road at 14 Victoria Road, Buckhurst Hill, Essex, IG9 5ES in accordance with the terms of the application Ref PL/EPF/2556/21, dated 20 September 2021 subject to the following 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 plans insofar as they relate to the change of the main roof to a gable end, the rear dormer and the widening of the crossover to the road only: Drawing Nos 1A, 2A, block plan scale 1:500.
 - 3) No development shall commence in respect of the dormer until details of the cladding materials to be used in the construction of the external surfaces of the dormer hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall commence in respect of the crossover until details of the pavior materials to be used in the construction of the crossover hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
2. The appeal is dismissed insofar as it relates to the rear extension.

Preliminary matters

3. 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

4. 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

5. 14 Victoria Road is a semi-detached Edwardian house with a main hipped roof and a front projecting gable. Like its adjoining neighbour, it is largely unaltered and retains much of its original character despite its poor condition. As such, the two dwellings form an attractive and cohesive pair which make a positive contribution to the character and appearance of this residential street.
6. The proposed change from a hipped to a gable roof would clearly unbalance the symmetry of the pair of dwellings given that no 12 retains its original roof. However, the neighbouring dwelling on the other side of the appeal site at no 16 has had a similar change following prior approval where its neighbour retains the original roof. I also noted that there are gabled roofs in the street that formed part of the original design of those dwellings. In this case, there is only a very small gap between the appeal dwelling and no 16. This would mitigate the impact of the proposed roof and it would not be prominent in the street scene. It is also the case that the proposed roof change could be carried out as permitted development. Having regard to the appellant's personal statement attached to the grounds of appeal and given that the roof change here is very similar to that built at no 16, this is a realistic and likely fallback position. In this context, I find that the proposed roof change would be acceptable.
7. The proposed single storey rear extension would extend across the width of the dwelling, projecting some 5.4m from the main rear elevation with a flat roof of some 3.8m in height. Its size, scale and form would be very similar to the rear extension built under prior approval at no 16 and characteristic of many contemporary extensions on the rear of traditional houses in the locality and elsewhere. I disagree with the planning officer's report which found that it would be lacking in refinement because the plans show a simulated stone parapet with red brick detailing which would provide some visual interest and would complement the original detailing of the dwelling. The extension would therefore be of a high quality design.
8. The Council has objected to the external cladding materials of the proposed rear dormer. Whilst the plans show that lead/zinc cladding is proposed which

is characteristic of many such features and is seen on the front of other dwellings in this street, there is a lack of detailed specification and it is important that the cladding is of a high quality and design that complements the attractive detailing of the dwelling. A condition requiring further details of that would be necessary and would overcome these concerns.

9. For the reasons given, I conclude that the proposal would not cause significant harm to the character or appearance of the dwelling or the area. It would, therefore, accord with development plan policy DBE10 in the Epping Forest District Local Plan & Alterations (1998 & 2006) (LP) which seeks to ensure, amongst other things, that development proposals are of a high quality. It would also be contrary to the emerging policies referred to earlier.

Living conditions

10. LP policy DBE9 is similar to emerging policy DM9 in seeking to ensure that development proposals do not result in undue loss of amenity to neighbouring occupiers. I have noted that the Council has objected only to the loss of outlook in regard to this matter and from what I have seen, the effect in terms of daylight and sunlight would be acceptable given the orientation of the proposal to the north of the adjoining dwelling at no 12.
11. No 12 has not been extended to the rear and has a rear facing habitable room with a window and glazed door very close to the side boundary with an adjacent, small sitting out area at a slightly lower ground level than the floor level of the house. The appeal dwelling currently has a dilapidated structure with a small projection adjacent to the side boundary that is lower than the proposed extension would be according to my estimate at my site visit. The side boundary fence between the two properties is almost the same height as the top of the rear window and there is already a small degree of enclosure and overbearing from that. From the sitting out area, there are steps up to the rear lawn where the side boundary has planting alongside within the garden of no 12.
12. However, the length and height of the proposed extension and its proximity to the door, window and sitting out area, would introduce a substantial wall that would be seen clearly above the boundary and the planting and would significantly worsen the amount of enclosure and overbearing in the outlook from the rear window and sitting out area of no 12 to an unacceptable degree. It was clear at my visit that the glazed rear door forms the main access into the garden for the occupiers and that the both that room and the outside sitting area are well used.
13. Although the extension would not be dissimilar to that at no 16, the site location plan indicates that the adjoining dwelling to that at no 18 may have a rear extension or structure that projects beyond the original wall of no 16, thereby reducing the impact of the extension there. The appeal site has a greater separation from the extension at no 16 than is the case here with no 12. The two extensions are therefore not directly comparable in their impact on the outlook from neighbouring properties and the site specific circumstances of this case form the basis of my conclusions.
14. I have taken into account the poor condition of the property and the appellant's need for additional and improved accommodation. However, the Council has suggested an alternative means of achieving a smaller extension that may be

acceptable and I am not persuaded that this is the only means of achieving the appellant's wishes.

15. The proposal would therefore would cause significant harm to the living conditions of the occupiers of no 12 and the proposal would be contrary to the development plan policy DBE9 and to emerging policy DM9.

Conditions and conclusion

16. The Council has not objected to the proposed crossover and from what I have seen that would be acceptable. I conclude then that the roof, dormer and crossover would not cause harm in terms of either of the main issues and would accord with the development plan. As these are clearly separate elements from the rear extension, I shall issue a split decision.
17. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans (insofar as it relates to those elements only), in order to provide certainty. Conditions requiring further details of the external cladding of the dormer and the paviers for the crossover are necessary in the interests of the character and appearance of the dwelling (dormer) and the street scene (paviers). The application specifies that other external materials will match those of the existing dwelling so a condition for that is not necessary.
18. Although I have found that the rear extension is acceptable in terms of character and appearance, my conclusion regarding its the effect on living conditions is significant and overriding. The proposed extension is contrary to the development plan in that regard and there are no material considerations that would outweigh this.
19. For the reasons given above, I conclude that the appeal should be allowed, insofar as it relates to the roof, dormer and crossover. Insofar as it relates to the rear extension, given the significant harm that would arise in terms of living conditions, the appeal should be dismissed.

Sarah Colebourne

Inspector