

Appeal Decision

Site visit made on 7 October 2022

by S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 24 October 2022

Appeal Ref: APP/J1535/D/22/3293898

53 Weald Bridge Road, North Weald Bassett, Epping CM16 6ES

- 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 J. Smyth against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2840/21, dated 26 October 2021, was refused by notice dated 6 January 2022.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The local planning authority (LPA), in its decision notice has referred to policies in the Epping Forest emerging local plan. However, as the plan has yet to be adopted, I can only give such policies limited weight in the decision-making process.
3. While the proposed development is described by the appellant and by the LPA in its decision notice as for a loft conversion, it includes raising the roof line by approximately 0.35 metres, a first-floor, gabled extension above the existing attached garage and the inclusion of dormers to the front and rear elevations. I have determined the appeal based upon all the proposals.

Main Issues

4. The main issues are the effect of the proposed development upon (i) the living conditions of the occupiers of 55 Weald Bridge Road in respect of outlook and a perceived loss of privacy; (ii) the character and appearance of the area and (iii) the loss of a bungalow.

Reasons

Effect upon occupants of 55 Weald Bridge Road

5. 53 Weald Bridge Road is a detached, hipped bungalow in a residential area of similarly designed dwellings when first constructed, all with front and rear amenity areas.

6. While the proposed development would be contained within the existing footprint of the building, its increased height would be viewed from No 55 Weald Bridge Road. The latter has a ground floor side window facing the appeal site, but as the proposed extension above the existing garage would not extend directly in front of it, I do not consider that the outlook from the window would be severely impacted. However, the proposed extension, with its addition above the existing garage, would be seen from that part of the rear garden of 55 Weald Bridge Road closest to it and which would be likely to be most intensively used.
6. The adjoining property is set in from the mutual boundary with the appeal property. However, I consider that this would be insufficient to prevent the proposed extension from having an unacceptable impact upon the living conditions of the occupants of No 55 Weald Bridge Road in terms of an adverse, overbearing impact. I appreciate that the current occupants have not made a written objection. However, it is necessary to consider matters from the view of future possible occupiers as well.
7. The appellant has referred to other extensions in the immediate vicinity, notably at 47 and 49 Weald Bridge Road and of a similar nature. I am not aware of the circumstances relating to such decisions, but on my site visit I was able to note that the impact of these extensions in relation to adjoining properties are dissimilar in terms of their heights and layouts. In any event, I have determined the appeal upon its individual merits.
8. Therefore, I conclude that the proposed development would not accord with policy DBE9 of the Epping Forest District Local Plan and Alterations (1998 and 2006) (LP) which aims to prevent new development from having an adverse visual impact, or with policy DBE2 which, while applying to new buildings rather than specifically to extensions, reflects a similar objective.

Character and appearance

9. The LPA considers that the remodelling of the bungalow would result in alterations and extensions with a height, bulk and position close to the boundaries of the site which fail to respect the original building in terms scale, roofline and form.
10. The character and appearance of the immediate area remain essentially that of detached bungalows with hipped roofs, even though several dwellings have been altered by extensions. The dwellings to either side of the appeal building, and the appeal building itself, reflect and retain those original characteristics.
11. While the proposed development includes the raising of the height of the dwelling by approximately 0.35 metres, I do not consider that this in itself would adversely affect these characteristics, nor do the proposed dormer windows. The double bay frontage would be retained which counts in the development's favour and I have taken account of the fact that most of the development would be to the rear of the property and therefore less conspicuous from the public domain than might otherwise be the case. However, the replacement of hipped roofing by gables would not accord with

the essential character and appearance of the area, notwithstanding that there are some such features to a limited number of properties in the area. This is an adverse matter to which I attach significant weight in the decision-making process.

12. Therefore, I conclude that the proposed development would not conform with policies CP7 and DBE10 of the LP which aim to preserve the local urban character and by ensuring that extensions complement or enhance the appearance of existing buildings and the street scene. It would also fail to accord with policy DBE1, which, while applying to new buildings rather than specifically to extensions, reflects a similar objective. It would also run counter to the aims of chapter 12 of the National Planning Policy Framework 2021 (the Framework) which gives great emphasis to good design which is sympathetic to local character.

Loss of a bungalow

13. Both parties refer to policy H1(F) of the emerging local plan and refer to its purpose of opposing the loss of bungalows. However, I have already noted that as the emerging plan has not yet been adopted, I can only afford it limited weight. I have not been provided with any evidence as to whether there is a shortage or surplus of bungalows or whether such an emerging policy relates to true bungalows or dormer bungalows.
14. In view of the limited weight which I afford to the emerging policy, together with an absence of evidence as to any shortage of either true or dormer bungalows, it would not be reasonable to withhold planning permission for this reason alone. However, this finding does not alter or outweigh my conclusions on the other main issues.

Conclusion

15. I have found that the proposed development would lead to an unacceptable impact upon the occupiers of No 55 Weald Bridge Road and that it would detract unacceptably from the character and appearance of the area. It would not accord with the development plan and therefore the appeal should be dismissed.

S. Hartley

INSPECTOR