



Appeal Decision

Site visit made on 7 November 2022

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 29th November 2022

Appeal Ref: APP/J1535/D/22/3305962

34 Morgan Crescent, Theydon Bois, EPPING, CM16 7DX

- 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 Paul Elliott against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0722/22, dated 25 March 2022, was refused by notice dated 6 June 2022.
 - The development proposed is described as "Remove existing ground floor conservatory, detached garage & car port. Re-build, what was the conservatory area into a kitchen & connect & re-build a larger garage with a new front entrance & lobby with roof light. Wrap-around 2 metre wide roof canopy (to meet new first floor room) with 3 roof lights to kitchen and 3 roof lights to garage. New room on first floor with roof light to proposed shower".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Epping Forest District Council Local Plan (Submission Version) (2017) (the emerging Local Plan) has been submitted and is undergoing examination but has not been found sound or adopted and so it does not yet form part of the Development Plan. In addition to a policy (Policy DBE10) from the Epping Forest District Local Plan (1998) and Alterations (2006) (the adopted Local Plan), the District Council rely upon two emerging policies cited by the District in its reason for refusal: emerging Policy DM9 and emerging Policy DM10.
3. Paragraph 48 of the National Planning Policy Framework (2021) (the Framework) states that local planning authorities may give weight to relevant policies in emerging plans according to: -
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to the Framework. As the emerging Local Plan was submitted prior to the transition period set out in paragraph 220 of the Framework, the version of the Framework against which the policies are to be considered is that which was published in March 2012.

4. I have been provided with draft wording for the policies that the Council considers most relevant to this appeal and their aims correspond closely to those set out in Section 7 of the Framework as it stood in 2012. The Council has provided copies of correspondence between them and the Inspector considering the emerging Local Plan and whilst this indicated no overarching concern on the policies referred to in the decision letter, detailed changes may yet occur to them. Taking this into account and given the advanced stage of the emerging Local Plan I have afforded those policies moderate weight.

Main Issue

5. The main issue in this appeal is the impact of the proposal on the character and appearance of the site and the surrounding area.

Reasons

6. 34 Morgan Crescent (No 34) is a two storey semi-detached house lying within an established residential area predominantly of two storey, substantial houses, but interspersed by groups of bungalows. The dwellings are of varied design and many have been extended. However, they generally retain a traditional appearance, set back off the street behind modest gardens and follow consistent building lines parallel to the carriageway of the street.
7. No 34 lies on the apex of a bend in the street and in response to this the layout of its plot tapers towards the street. No 34 has a detached single garage within the plot lying perpendicular to one arm of the road whilst the main frontage of the dwelling and its conjoined partner are set out with regard to the apex of the bend. This results in the axis of the dwelling lying at an acute angle to that of the garage. During my site visit no other plots with a similar configuration were apparent.
8. The proposal would demolish a modest existing side extension to the main dwelling and the garage. These would be replaced with a part-two storey, part single storey side extension incorporating garage parking.
9. The part of the extension, incorporating the two storey element and part of the single storey element, would be aligned to the front façade of the existing semi-detached dwellings. However the part of the single storey element incorporating the garage would be aligned to the western boundary and the front elevation of that part of the extension would follow the alignment of buildings along the western arm of Morgan Crescent.
10. Whilst the frontage alignment of the garage reflects the building alignment on the western arm of the street, the two storey element would be aligned to the frontage of the main building and appear above and set back behind that frontage. This would produce a visually incongruous and jarring juxtaposition in the two elements.
11. Although set back behind the building lines of both arms of Morgan Crescent, the incongruous elements of the frontages would be plainly visible to passers-by on the street and from windows in dwellings opposite. Given the visibility from the street the incongruity and jarring effect of the proposed dwelling frontages would constitute material harm.

12. As I have identified above many of the dwellings in the area have been extended, some with substantial extensions and many garages in the area are incorporated within the dwelling.
13. The appellant has drawn my attention to other nearby plots on bends, and dwellings with side extensions that have removed original garages to build two storey extensions up to their boundary, infilling their former drives. These extensions do not, he argues, through their increased presence and dominance, design detailing in regard to visible plumbing and decanting parking onto the front garden area, enhance the street scene. However, given the particular layout of the site and its relation to built form on the street, which is not a common feature of the area, these other extensions do not provide a direct contextual comparison to the appeal site. I have considered the appeal site on its own merits.
14. Whilst the proposal leaves the front elevation of the dwelling unchanged, I have considered the proposal, and its impact upon the host dwelling and street scene as a whole.
15. There is some merit in a proposal that would turn the angle between the building lines on the two arms of the street, given that the plot lies on the apex of the bend. The appellant has considered details of design, seeking to provide a proposal in keeping with the area through the selection of materials and finishes reflecting the host dwelling, and the concealment of external services. Nonetheless, taken overall, I have found that it does not address the turn in orientation effectively so as to result in a harmonious built form.
16. I therefore conclude that the development would result in material harm to the character and appearance of the site and the surrounding area. The proposal would therefore be contrary to the provisions of Policy DBE10 of the adopted Local Plan, which requires residential extensions to complement and, where appropriate, enhance the appearance of the street scene and the existing building.
17. Whilst, for the reasons given above, carrying moderate, rather than full weight, the proposal would also be contrary to Policies DM9 and DM10 of the emerging Local Plan. This is because these policies, together, seek to ensure that all new development achieves a high specification of design and contributes to the distinctive character of the local area by relating positively to their context and, for residential extensions, to, amongst other things, respect and/or complement the form and setting of the existing dwelling.

Conclusion

18. The adopted Local Plan precedes the Framework and so I must consider whether the policies that are most important in the determination of this appeal are out of date. The policy within the adopted Local Plan which I consider most relevant to this appeal, Policy DBE10, is closely compliant with the aims of Section 12 of the Framework and is, therefore, not out of date.

19. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

I A Dyer

INSPECTOR

