



Appeal Decision

Site visit made on 4 November 2022

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

an Inspector appointed by the Secretary of State

Decision date: 8 December 2022

Appeal Ref: APP/J1535/W/22/3303563

6 Ladyfields Close, Loughton, Essex IG10 3RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Canim Basri against Epping Forest District Council.
 - The application Ref EPF/0869/22 is dated 13 April 2022.
 - The development proposed is for a part single, part double storey side and front extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a part single, part double storey side and front extension at 6 Ladyfields Close, Loughton, Essex IG10 3RS in accordance with the terms of the application ref: EPF/0869/22, dated 13 April 2022, subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: Arena-03-PL04, Arena-03-PL05, Arena-03-BR06 and Arena-03-PL08.
 - iii. Materials to be used for the external finishes of the proposed development shall match those of the existing building.

Procedural Matters

2. A rear dormer and a single storey rear extension have been built at the property. These do not form part of the appeal proposal before me, and which include a two-storey side extension and a wrap-around single storey front extension which replaces an existing porch.
3. The appellant has submitted amended plans with the appeal which include front facing roof lights in the proposed side extension. However, I have no information before me to indicate that any consultations with the occupiers of adjoining residents and others have taken place and therefore, I have determined the appeal based upon the originally submitted plans.

Main Issues

4. This is an appeal against the Council's failure to determine the planning application within the statutory timescale. The Council has written an appeal statement which explains the reasons why it would have approved planning permission had it been in a position to do so. In this context, the main issues are the effect of the proposed development (i) upon the character and appearance of the area and (ii) upon the living conditions of the occupants of adjoining dwellings in terms of overlooking.

Reasons

Character and appearance

5. The appeal site is located at the end of a residential block of terraced properties which together form a square with individual private amenity spaces on the inside and public open spaces around it. The immediate area contains a similar designed development of terraced housing. The immediate access to most of the houses is by footpaths only.
6. The terraced properties are two storey and have a common palette of external brickwork and with double pitched roofs. While there is some variation in the appearance of the dwellings, there is a generally common rhythm to the width of each terraced block. While one of the right angled corners of the terraces is linked, the other three, including the corner to the appeal property with No 4 Ladyfields Close, are not linked, and which contribute to the openness of the area which forms part of its character and appearance.
7. The proposed two storey side extension would not be linked physically with the adjoining property at right angles to it and would not interrupt the general character and appearance of development in this regard.
8. The proposed single storey extension, by its limited width from the existing elevation and in its overall design to others in the same terrace, would accord with the character and appearance of the area.
9. Therefore, I conclude that the proposal would accord with paragraph 130 of the National Planning Policy Framework 2021 (the Framework) which requires new development to be of good design which adds to the character and appearance of the area.

Residential amenities - overlooking

10. The Loughton Town Council considers that the proposed development would be an overdevelopment of the site resulting in the property being overbearing, incongruous and out of keeping with the street scene and would also result in a significant loss of garden amenity and a sense of enclosing. It considers that the proposed front extension would be out of character with the area by reason of its projection and non-matching materials.
11. However, I agree with the LPA which considers that the proposed development is subservient to the main dwelling and is not out of keeping with the street scene. It notes that No 4 Ladyfield Close has a similar full width front extension. Furthermore, the area which would be taken up by the proposed development is not so great as to have a significant, adverse effect upon the amount of garden amenity space.

12. The proposed development would be set in from the boundary with No 4 Chigwell Lane and at such a distance from it that I consider there would not be a significant adverse impact in terms of outlook.
13. I consider that the issue of the proposed external materials is is a matter which can be controlled by way of a condition.
14. Therefore, I conclude that the proposed development would accord with paragraph 130 of the Framework which requires good design with a high standard of amenity for existing and future users.

Conditions

15. I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

16. For the above reasons, the appeal should be allowed.

S Hartley

INSPECTOR