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## Appeal Decision

Site visit made on 7 February 2023

**by H Lock BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> February 2023**

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**Appeal Ref: APP/J1535/D/22/3311838**  
**31 Hillyfields, Loughton, Essex, IG10 2PT**

- 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 George Mokonchu against the decision of Epping Forest District Council.
  - The application Ref. EPF/1238/22, dated 24 May 2022, was refused by notice dated 1 September 2022.
  - The development proposed is first floor rear and side extensions, loft conversion and internal alterations.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

### Reasons

3. The character and appearance of Hillyfields is reasonably mixed, with three-storey terraced buildings and semi-detached houses. Original roof forms were mostly hipped but a number have been extended to create side gables. Gaps between properties are not uniform, but most semi-detached pairs are separated by side garages or ground-floor extensions, with a sense of space retained by the open gaps above. Although first-floor extensions built up to side boundaries are not prevalent, there are some examples, including a flat-roofed extension on the appeal property.
4. A Certificate of Lawful Development (CLD) has been issued for a hip-to-gable roof alteration and rear dormer window at the property<sup>1</sup>. If implemented, the existing hipped roof would have a gabled side and a flat-roofed rear dormer window would occupy much of the rear roof slope. These elements are included in the appeal scheme. Given the reasonable likelihood of the CLD scheme being built were this appeal to fail, it represents a 'fallback' position of weight in this appeal. However, the CLD scheme offers support to only part of this proposal, which includes additional side and rear extensions.

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<sup>1</sup> EPF/3028/21 CLD - Certificate of lawful development for a proposed hip to gable roof alteration and rear dormer window in connection with a loft conversion – issued 17 January 2022.

5. Policy DBE10 of the Epping Forest District Local Plan 1998 and Alterations 2006 (LP) requires extensions to complement and, where appropriate, enhance the appearance of the streetscene and the existing building, achieved by attention to matters including the scale, form, detail, elevations, roof treatment, and fenestration of the existing building, and the separation from neighbouring buildings. The supporting text<sup>2</sup> to the policy sets out the importance of maintaining visual breaks between adjoining properties.
6. Although two-storey, the existing flat-roofed side extension is set some distance back behind the front elevation, which to a degree reduces its visual impact in the streetscene. Despite being built up to the shared boundary with 29 Hillyfields (No.29), this set back position and the absence of an extension at No.29 ensures that a characteristic gap is retained. Replacing the flat roof with a hipped roof may enhance the building, but this benefit would be offset by the increased prominence of the side extension; although set back 1m behind the main front elevation, it would result in significant closure of the existing first-floor spacing between buildings. The relative siting of No.29 and the appeal property, and the proposed hipped roof form, would avoid the creation of actual terracing, but spacing between the semi-detached houses in the street is an important part of its character, and it is this loss of space which would be detrimental.
7. I consider the proposed hip-to-gable roof extension and rear dormer window to be acceptable given the fallback position of the CLD and other similar developments in the vicinity. Whilst I appreciate the aim to minimise the impact of the rear extension on neighbouring properties, in design terms its fenestration and roof would have an awkward relationship with the main house and dormer window above. I am mindful that this element would not be apparent in the street scene, and its visual impact would be confined to the rear garden environment, but nevertheless the focus in the National Planning Policy Framework (the Framework) is to create high quality, beautiful buildings that are visually attractive as a result of good architecture. Having regard to LP Policy DBE10, the extensions would combine a number of conflicting elements that would not complement the host building.
8. I therefore conclude that the proposed first-floor side and rear extensions would detract from the character and appearance of the appeal property; with the side extension also detrimental to the character and appearance of the surrounding area. This would be contrary to the Framework and LP Policies DBE10, CP2 and CP7, which together seek to protect the quality of the built environment. Given its stage in the Examination process, I have also had regard to the design standards of Policy DM9 of the Local Plan Submission Version 2017.

### **Other Matters**

9. Submitted representations to the application included concerns about overshadowing and loss of light to neighbouring habitable rooms and garden areas. However, given the separation of the proposed rear extension from the party boundaries, and the position and roof form of the proposed side extension, I share the Council's assessment that the proposal would not result in significant overshadowing and light loss. A legal right to light would be a private matter between the parties.

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<sup>2</sup> Paragraph 15.67

10. I appreciate that the appellant received pre-application advice from the Council which indicated that the appeal proposal may have been acceptable. However, in the main, I find the Council's formal decision to refuse the development to be justified.

**Conclusion**

11. For the above reasons, I conclude that this appeal should be dismissed.

*H Lock*

INSPECTOR