

## Appeal Decision

Site visit made on 17 April 2023

**by Andrew Dale BA (Hons) MA MRTPI**

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

**Decision date: 04 May 2023**

---

**Appeal Ref. APP/J1535/D/23/3314981**  
**33 Fontayne Avenue, Chigwell IG7 5HD**

- 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 Saleem Sabir against the decision of Epping Forest District Council.
  - The application ref. EPF/0899/22, dated 11 April 2022, was refused by notice dated 18 November 2022.
  - The development proposed is "*Proposing a two-storey side extension and two storey front extension.*"
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Epping Forest District Local Plan 2011-2033 (LP) was adopted on 6 March 2023. It was at a very advanced stage in its route to adoption when the Council's decision to refuse planning permission was made and the appeal was lodged. Policies DM 9 and DM 10 of the LP Submission Version December 2017 are now redundant, and I note that the section on residential extensions that was in Policy DM 10 now falls within LP Policy DM9 (High Quality Design) which is, at this moment, the principal development plan policy relevant to this appeal. The Local Plan (1998) and the Local Plan Alterations (2006) will be revoked once the period for a legal challenge into the adopted LP has expired.
  3. The reason for refusal in the decision notice and the officer's report, when read together, point to a discrepancy between the roof plan and the other floor plans and elevations in relation to the finished plane of the resulting front elevation and to street scene drawings which do not accurately depict the actual configuration of the neighbouring dwellings. Furthermore, there is no southern side elevation drawing, whilst the proposed northern side elevation drawing does not include the front bay of the proposed 2-storey side extension if that part of the scheme is to be stepped back from the front elevation as otherwise shown on that drawing. The proposed floor plans show that this extension would be in line with the existing 2-storey advanced bay.
  4. The Council should be able to rely on a set of accurate plans to determine the acceptability of a proposal. Any builder appointed to the project, if it was to be permitted, would not know which plans to follow. The discrepancy in the plans
-

would lead to an inability to construct a development which accords with that which is depicted upon the plans. This, in itself, would be sufficient to justify dismissing the appeal. I note that the appellant has not responded to these concerns in his appeal statement. The email from the Council the appellant has produced in his statement does not explicitly refer to a recommendation of approval as such. Much of the remainder of the statement seems to relate to some other proposal elsewhere as there are references to Bertie Road, the London Plan, the Unitary Development Plan, a ground floor flat, 4 bicycle stands, a proposed conversion and a location facing an open field.

### **Main issue**

5. The Council went on to examine the planning merits of the application. I shall do likewise. The main issue is the impact of the proposed development upon the character and appearance of the area.

### **Reasons**

6. The appeal concerns a detached 2-storey house, not a semi-detached house as stated in the officer's report. Many of the detached and semi-detached houses along this pleasant residential avenue have prominent and pronounced advanced 2-storey bays of considerable character, some of which have timber brackets underneath their overhanging, predominantly hipped roofs. This original architectural style is evident and substantially intact at the appeal property and at nos 35 and 37, the detached houses to the north. This built form was designed to be distinctive with the wings to the side of the advanced bays being left to appear very much subsidiary through their narrower width, more restrained window treatments, recessed front wall planes or single-storey form. These houses make a positive contribution to the street scene.
7. The principle of extending the property is not at issue. However, the National Planning Policy Framework (the Framework) advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area, be visually attractive as a result of good architecture, be sympathetic to local character and establish or maintain a strong sense of place. I find that the appeal scheme is ill-judged in these important respects.
8. The front 2-storey bay of the proposed 2-storey side extension would appear to be of the same height, width, depth and window design as the existing 2-storey advanced bay and stand very close to the side of it. Regardless of whether this extension would be set in line with or set back slightly from the existing 2-storey advanced bay, it would give rise to an uncomfortable duality of features when viewed against the original dwelling. It would visually compete for attention with the distinctive original existing 2-storey advanced bay and would add considerable bulk to the building especially as it would reach across very close to the common boundary with no. 35.
9. The proposed 2-storey front extension would not be as dominant, wide or bulky as the proposed 2-storey side extension. However, if it was to be built in line with the front elevation (as shown on the proposed floor plans) it would erode the character and form of the host dwelling by removing a recessed part of the front façade and by further reducing the dominance of the existing 2-storey advanced bay.

10. The proposal would seriously detract from the character and appearance of the host dwelling's original front elevation which can be clearly seen from various public vantage points. Moreover, it would not relate positively to its wider context as it would appear incongruous in the Fontayne Avenue street scene.
11. I saw that some properties on Fontayne Avenue have been extended and altered but I have not been referred to any extension project identical to or even very similar to what is proposed under this appeal scheme. There are no binding local precedents for the appeal proposal in the evidence put before me.
12. Viewed as a whole, I consider that the proposed development would not represent a visually attractive solution that would add to the overall quality of the area. It would not be sufficiently respectful of or complementary to the form, setting, period and detailing of the original building, the local character and street scene and the setting of the site. The proposed development would not achieve a high quality of design. Nor would it contribute to the distinctive character and amenity of the local area.
13. I find on the main issue that the proposed development would harm the character and appearance of the area. This would conflict with the aims of LP Policy DM9. For the avoidance of doubt, I also find conflict with the policies from the Local Plan (1998) and the Local Plan Alterations (2006) that are listed in the decision notice. There would not be respect for the key design themes in the Framework insofar as they relate to achieving well-designed places.
14. An adverse impact on the amenity of the neighbouring property at no. 35 was alleged in the officer's report. This was not listed in the reason for refusal on the decision notice which must be taken to represent the settled view of the Council. Whilst I have found that the additional 2-storey bulk at the common boundary with no. 35 would exacerbate the harm to general visual amenity, the first-floor windows in the opposing flank wall of no. 35 do not appear to serve habitable rooms and are set in from the common boundary beyond a single-storey wing. The outlook from and the light received at that property would not be seriously compromised. To protect the privacy of those neighbours, a condition could be imposed to control the glazing and opening of the 2 first floor en suite windows in the northern flank wall of the 2-storey side extension. The lack of harm to the amenity of the neighbouring property at no. 35 does not outweigh the harm I have found under the main issue.
15. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions, and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised and the discrepancy between the plans, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR