

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/23/3316221
33 Lechmere Avenue, Chigwell IG7 5HA

- 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 H Gharial against the decision of Epping Forest District Council.
 - The application ref. EPF/1868/22, dated 15 August 2022, was refused by notice dated 9 December 2022.
 - The development proposed is loft conversion with front and rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion with front and rear dormer at 33 Lechmere Avenue, Chigwell IG7 5HA in accordance with the terms of the application ref. EPF/1868/22, dated 15 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans titled/numbered: Location Plan and Block Plan (33 OS 01); Existing Floor Plans and Elevations (33HH 01); Proposed Floor Plans (33HH 02); and Proposed Elevations (33HH 03).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

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.

Main issue

3. I consider the main issue to be the effect of the proposal upon the character and appearance of the street scene along Lechmere Avenue.

Reasons

4. The appeal property is situated on a pleasant suburban avenue characterised by a mix of detached and semi-detached houses. Nos 33 and 35 form a semi-detached pair of 2-storey houses. There are flat-roofed dormers in the front and rear roof slopes of no. 35. Whilst there is no clarity about the history of those dormers, equally there is no suggestion that they have been or are the subject of any enforcement action. No. 33 retains an unaltered and original hipped roof which is covered by plain red tiles.
5. The Council's decision notice states that the proposed development, due to its size, scale and position, will result in a prominent and incongruous addition harmful to the visual amenity of the street scene. Reading further into the case in the officer's report, it is evident that the concerns raised by the Council stem from the proposed introduction of a front dormer. Reference is also made (in the report but not in the decision notice) to the Essex Design Guide 2018 (EDG). I assume the EDG has been endorsed by the Council as a material consideration that may be taken into account when determining planning applications in the District. I have had regard to it, but it is guidance only and it should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site.
6. As shown on the submitted plans, the proposed hip-to-gable roof extension and the flat-roofed rear dormer were the subject of a successful application for a certificate of lawful development in April 2022 under ref. EPF/0927/22. These elements are included in the appeal scheme. There is a reasonable likelihood that they would be constructed were this appeal to fail. I attach weight to this fallback. In any event, the Council has no specific objections to those elements of the appeal proposal or to the roof light in the front roof slope. Moreover, I saw some other semi-detached pairs along the avenue where one half has a gable side, and the other half remains hipped. The original hipped roof at no. 35 has, in fact, been partly turned into a gabled side to accommodate the front and rear dormers. Large flat-roofed dormers occupy the rear roof slopes of many properties on the same side of the street as no. 33, as viewed from close to the junction of the avenue with Broadhurst Gardens.
7. Whilst I would accept that normally dormers are often better suited to rear elevations, each case should be judged on its merits. On Lechmere Avenue, there are dormers on the front roof slopes of nos 35, 49, 51, 76, 78, 88 and 90 and on the side roof slopes of nos 25 and 53. Apart from the one at no. 35, the front dormers appear in balanced pairs across semi-detached properties.
8. The appellant is baffled that permission was granted for a similar loft conversion involving a front dormer at no. 51 very shortly before the Council refused permission at no. 33. As I noted above, no. 51 now includes the approved front dormer and loft conversion. Regardless of how the front dormer at no. 49 came to be where it is, I saw that the box dormer at no. 51 mirrors the one at no. 49 and helps to restore the symmetry across the semi-detached pair. As a result, it makes a successful contribution to the street scene.

9. A similar approach is justified in this appeal. The Council is too dismissive of the front dormer at no. 35. Whilst it may be hard to justify sizeable flat-roofed front dormers on the otherwise unaltered original front roof slopes of detached dwellings and semi-detached pairs of properties hereabouts, the neighbouring front dormer is an important material consideration in the appellant's favour as it has a physical impact on the street and this semi-detached pair of dwellings that needs to be taken into account, just as the front dormer at no. 49 must have been, when the scheme at no. 51 received planning permission.
10. The EDG discourages roof lights on front elevations but not dormers as such. The proposed front dormer might not be a minor incident in the roof plane as preferred by the EDG but in design terms it is understandable that the appellant wishes to build the dormer to a width which matches the companion front dormer at no. 35. Still, it would set well away from the verge, ridge and eaves of the roof as enlarged. Of greater importance, in my view, is how the proposed front dormer would go some way towards restoring the uniformity and symmetry across the front of the whole building at nos 33 and 35. The flat-roofed profile and fenestration details would also match those of the front dormer at no. 35. It would be finished in tiles to match the existing roof.
11. I am satisfied that the proposed front dormer would not appear oversized or out of scale or too dominant in the context of its immediate surroundings. The resulting dwelling would be perceived in public views from the avenue as a 2-storey property with rooms in the roof space rather than as a bulky 3-storey development. Moreover, in some views when approaching from the north the front dormer would be partly hidden by the dormer at no. 35. Viewing from the south, the proposed dormer would partially obscure the dormer at no. 35.
12. I consider that the proposed front dormer and the development overall would offer a visually appropriate solution, achieve a high quality of design, be sufficiently respectful of and complementary to the form, setting, period and detailing of the original semi-detached host building and relate positively to the site's context, local character and street scene. I find on the main issue that the proposal would not result in harm to the character and appearance of the street scene along Lechmere Avenue. There would be respect for the aims of LP Policy DM9 and the National Planning Policy Framework insofar as it relates to achieving well-designed places. For the avoidance of doubt, I find no conflict with the policies from the Local Plan (1998) and the Local Plan Alterations (2006) that are listed in the decision notice.
13. The Council's decision notice, correctly in my view, did not identify an excessive loss of amenity for neighbouring properties for any reason. The officer's report appears to conflate an alleged detrimental impact on the visual amenity of the street scene with harm to neighbouring amenities. I found no such detrimental impact on the street scene but, in any event, it is unusual to see these issues linked in this way when the proposal would plainly not have sufficient bulk to give rise to an overwhelming loss of outlook for any neighbouring property or lead to any other harms to the living conditions of neighbours.
14. I have had regard to the 3 conditions suggested by the Council in its questionnaire. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is

carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed the Council's suggested condition on matching materials to ensure that the development would preserve the character and appearance of the locality.

15. For the reasons given above and having regard to all other matters raised and the absence of objections from any local residents or organisations, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR