



Appeal Decision

Site visit made on 4 May 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2023

Appeal Ref: APP/J1535/D/23/3318325

27 Stradbroke Drive, Chigwell, Essex IG7 5RB

- 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. Paresh Parmar against the decision of Epping Forest District Council.
 - The application Ref EPF/2615/22 dated 16 November 2022, was refused by notice dated 15 February 2023.
 - The development proposed is described as extension to the existing basement, single storey rear and part side extension, and erection of a first floor with loft conversion with front and rear dormers to convert the existing three bedroom bungalow into a four bed house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal the Council have adopted the Epping Forest District Local Plan 2011-2033 (2023) (the Local Plan), which replaces the Epping Forest District Local Plan (1998 and alterations 2006). In relation to this appeal Policy DM9 of the Local Plan is relevant and was referred in the reasons for refusal. Policy DM9 has not been modified between the Local Plan Submission Version (2017 as modified) and the recently adopted Local Plan. Therefore no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of the changes in policy.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the host property and area in general; and (ii) the living conditions of occupiers of No's. 25 and 29 Stradbroke Drive.

Reasons

Character and Appearance

4. The appeal site is a detached property with a generous rear garden within a predominantly residential area. Property designs vary within the immediate area, the prevailing character of the area are large detached properties.
5. The land slopes gently from Stradbroke Drive towards the appeal property, to the rear of the property the land levels fall considerably. There is a large open

terrace to the rear of the property with small basement area underneath. The proposed development would provide a basement extension under the terrace, ground floor extension extending the width of the existing property, along with a single storey side extension.

6. Whilst extensive alterations and extensions are proposed, the development would not be incongruous with the surrounding area. Many of which have been altered and extended.
7. I find that the proposed development would not harm the character and appearance of the host property and area in general.
8. There is no conflict with Policy DM9 of the Local Plan which amongst other things seeks to ensure development responds positively to the locality and respects the original building.
9. The proposed development would not be contrary to the National Planning Policy Framework (2021) (the Framework) which seeks to secure good design which adds to the overall quality of an area.

Living Conditions

10. The appeal site is at a higher ground level than the neighbouring properties No's. 25 and 29. From the terraced area there is opportunity to overlook the neighbouring properties. The proposed development would not exacerbate the current issue of overlooking.
11. Due to the difference in levels in the rear garden the proposed basement would have limited effect on the neighbouring properties.
12. The proposed ground floor extension given the size and raised height would be a bulky addition to the property which would be dominant and overbearing to the occupiers of the neighbouring properties when viewed from their properties and from their rear gardens.
13. The Appellant has provided a Daylight and Sunlight Assessment whilst this confirms that modelling has been carried out to demonstrate the existing and proposed scenarios, the modelling has not been provided. Given the difference in levels substantive evidence has not been provided to persuade me that there would not be an unacceptable loss of daylight of sunlight to the neighbouring properties.
14. I find that there would be harm to the living conditions of occupiers of No's. 25 and 29 Stradbroke Drive. There is conflict with Policy DM9 of the Local Plan which amongst other things seeks to protect the amenity of occupiers of neighbouring properties.
15. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

16. I have found that the proposed development would not harm the character and appearance of the host property and area in general, however this does not outweigh the harm I have identified in terms of the living conditions of occupiers of adjacent properties.

17. For the reasons set out above, I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR