
Appeal Decision

Site visit made on 15 June 2023

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4th July 2023

Appeal Ref: APP/J1535/D/23/3315504
155 Forest Road Loughton IG10 1EF

- 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 Daniel Woodford against the decision of Epping Forest District Council.
 - The application Ref. EPF/1851/22, dated 8 August 2022, was refused by notice dated 3 November 2022.
 - The development proposed is the demolition of an existing rear extension. New side infill extension and part 2 storey part 1 storey rear extension. New dormer extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's reasons for refusal include reference to Policies CP2, CP7, DBE9 and DBE10 of the Adopted Local Plan and Alterations 1998 and 2006. Following the decision on the application and since submission of the appeal, the Council has adopted the Epping Forest District Local Plan 2011-2033 (2023) (the Local Plan). Nonetheless policies of the Local Plan, then emerging, were considered in the determination of the application EPF/1851/22 and the appellant has had the opportunity to address the changing policy context within the appeal documentation. As such it has not been necessary for me to seek further comments in this appeal. I must determine the appeal in accordance with the Development Plan in place at the present time. Accordingly I have not considered the proposal against the policies set out in the Adopted Local Plan 1998 and Alterations 1998 and 2006.
3. The Council's reasons for refusal refer to the effect of the development on Forest Court Road but it is clear within the appeal documentation that the correct address of the apartment block situate next to the appeal property is Forest Court, Forest Road. I have consequently referred to the apartment block within my decision below as Forest Court.
4. The development, the subject of the appeal, consists of a number of elements. The Council indicate that it has no objection to the rear dormer but raises concerns as to the side, ground floor and first floor extension elements of the proposal. I shall accordingly address those parts of the proposal in my determination below.

Main Issues

5. The main issues in the appeal are the effect of the proposed development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions of the occupiers of the neighbouring dwellings, at Forest Court.

Reasons

Character and Appearance

6. The appeal property, No 155 Forest Road (No 155) is an end of terrace Victorian property arranged in a row of 8 terraced properties, situate at the northern end of Forest Road. Adjacent to No 155 separated by a small gap, and set back from Forest Road is a large apartment block of six flats, Forest Court, constructed in the 1970s/80s. To the rear of Forest Court is an outdoor amenity space and garage court which at its eastern boundary adjoins the rear garden of No 155. Forest Road has a variety of residential development along its length consisting of detached, semi detached and terraced development. However at this end of Forest Road, and notwithstanding that the design and style of Forest Court is at odds with the prevailing style of development, there is a pleasing sense of harmony and suburban environment to which the dwellings at both sides of the road make a positive contribution.
7. The proposal would consist of a number of extensions at the side and rear at ground, first and roof level of the appeal property with a variety of roof styles. The side extension would have subservient features and would be set back from both the front elevation of No 155 and Forest Court. There would be limited views of it when approaching along Forest Road in both directions. Nonetheless it would infill part of the existing visual gap and would be seen when directly facing No 155. I accept that due to the differing styles and design of No 155 and Forest Court this would not read as a continuation of the terrace of properties. However, the clear component parts of the row of terraced dwellings and the apartment block would be lost and as such it would appear as a discordant feature in the context of the immediate location. Therefore, it would cause unacceptable harm to the character of the host dwelling, the row of terraces in which it is sited and to the wider area.
8. The bulk of the proposed development would be to the rear of No 155 and would not be visible from views obtained from Forest Road. However to the rear it would be visible, albeit in parts limited, to the occupiers of neighbouring properties from the amenity space and garage court. In particular, the "box like" development of the different elements would appear bulky and would introduce a domineering effect on what is a relatively modest rear elevation. I acknowledge that there is already an element of built development within the area and that No 155 is not listed nor within a conservation area. However the scale of the development and variety of roof forms would be incompatible with the simple design of the rear elevations of this terrace of dwellings and to that extent the proposal would harm the character and appearance of the host dwelling and the area.
9. Accordingly the proposal would cause unacceptable harm to the character and appearance of the host dwelling and the area. As such it would conflict with Policy DM9 of the Local Plan which requires development amongst other things to relate positively to its locality and for extensions to respect the form and setting of the original building. It would also be in conflict with the National

Planning Policy Framework (the Framework) which seeks to promote development sympathetic to local character.

Living Conditions

10. The overall impact of the style and design of the proposed extensions would result in a development which would increase the mass of No 155. The outlook from the proposed new windows in No 155 would not significantly impact on the privacy currently enjoyed by the occupiers of Forest Court. However, those parts of the proposed extension closer to and adjacent to the boundary with Forest Court would appear oppressive and overbearing when viewed from the rear windows of Nos 2 and 4 Forest Court, and the outside amenity area of Forest Court. Accordingly, the proposal would fail to protect the amenity of the living conditions of the occupiers of neighbouring dwellings.
11. On this basis, the development would fail to comply with Policy DM9 of the Local Plan which seeks to secure development with high standards of amenity and to not result in an overbearing form of development which materially impacts on the outlook of occupiers of neighbouring properties. It would also fail to comply with the Framework which seeks to protect the amenity of the occupiers of adjacent properties.

Other Matters

12. In reaching my decision, I have had regard to references in the Framework which support the development, including the need to achieve sustainable development, the proposed reuse of materials, the net biodiversity gain and the effective use of land. I acknowledge that the proposal would be of benefit to the appellant in providing improved living accommodation. However these matters do not outweigh the harm I have identified in relation to the effect of the proposed development on the character and appearance of No 155 and the area and the amenities of the occupiers of adjacent properties. The appellant highlights that the property would be constructed in matching materials however aspects of good design are fundamental to all development and would not represent a notable benefit.
13. Whilst the Council has not objected to the rear dormer in itself, this element is not physically or functionally severable hence a split decision in respect of this element is not appropriate.
14. Matters relating to construction and maintenance of the scheme, and party wall considerations have also been raised. However these are civil matters and not for me to consider as part of this appeal.

Conclusion

15. For the reasons given and having regard to all other matters raised, I hereby dismiss the appeal.

K Winnard

INSPECTOR