



Appeal Decision

Site visit made on 16 May 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/J1535/W/22/3306822

1-6 River View, The Mead, Nazeing New Road, Waltham Abbey EN10 6SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Domenico Padalino of DPA (London) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1344/22, dated 10 June 2022, was refused by notice dated 5 August 2022.
 - The development proposed is for an additional storey on an existing block of flats and internal alterations to create three additional flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Domenico Padalino of DPA (London) Ltd against Epping Forest District Council. This application is the subject of a separate decision.

Procedural Matters

3. The site address differs on the application form, the decision notice and the appeal form. For clarity, I have used the address provided on the appeal form as this appears to be a more accurate reflection of the site's location.
4. I have adopted the description of development set out in the Council's formal decision notice, and cited by the appellant in their appeal submission, as this is a more accurate reflection of what is proposed and omits superfluous wording.
5. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), permits development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building, which is a purpose-built, detached block of flats, together with certain associated works. This is subject to the proposal satisfying the limitations and conditions set out in paragraphs A.1 and A.2.
6. As detailed in the GPDO, development under Class A is permitted subject to the condition that the developer must first apply to the local planning authority for the prior approval of a limited number of specific considerations. These include, amongst other things, the external appearance of the building and the

provision of adequate natural light in all habitable rooms of the new dwellinghouses.

7. The principle of development is established by the GPDO and the prior approval provisions do not require that regard be had to the development plan. However, regard should be had to the National Planning Policy Framework (the Framework) insofar as it relates to the relevant prior approval matters. My decision has been made on that basis.

Main Issue

8. A daylight assessment was submitted with the appeal, which the Council has confirmed addresses its concerns regarding light to the dining areas of the proposed new flats numbered 1 and 3. Consequently, there is no need for me to consider this matter further.
9. The main issue is therefore whether prior approval should be granted having regard to the effect of the proposal on the external appearance of the building.

Reasons

10. The appeal building sits on the end of a short row of dwellings that front onto Nazeing New Road, at its junction with an unnamed access road, which serves a number of commercial units to the north and east of the site. The surrounding dwellings and commercial buildings are all of similar height to the appeal property. The area immediately surrounding this group of dwellings and commercial units is primarily undeveloped parks and woodlands.
11. The appeal site is viewed in context with the row of adjacent residential dwellings, with the commercial buildings clearly forming part of different street scenes on different roads.
12. The existing building comprises six flats located across three floors, one of which is contained within the roof space and is served by roof lights and two small dormer windows. There are two gable projections to the front of the building. The windows and eaves height of these gable projections sit below the main roof, and as a result gives the appearance of a two-storey building with a loft conversion.
13. The proposed scheme would extend the front gable projections upwards, above the increased eaves height of the main building. This together with the enlarged new central dormer, that would be level with the eaves rather than set back into the roof slope, would give the building frontage a four-storey appearance. The height increase of the main roof and gable projections, would give the building a tall, narrow, vertical emphasis, which would harmfully detract from the proportions and general appearance of the original building.
14. Due to the close proximity of the neighbouring dwelling to the appeal site, and its prominent corner position, the increase in height created by the additional storey would also result in the building appearing overly dominant and incongruous within its immediate setting.
15. I therefore conclude that although the design and materials of the proposal would reflect those of the existing building, and the other criteria and conditions set out in the GPDO would be met, the significant increase in height would harmfully detract from the external appearance of the building and its

immediate surroundings. This would be contrary to paragraphs 126 and 130 of the Framework, which seek to achieve high quality buildings that are visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting.

Other Matters

16. My attention has been drawn to another scheme on this site, which has already been granted prior approval by the Council for an upward extension to form two additional flats¹. I note that the approved scheme would be of similar external appearance. However, due to its overall lower ridgeline, lower gable projections and the smaller central dormer, the approved scheme better retains the proportions and appearance of the original building. As this fallback position would be less harmful than the proposal before me, I afford it limited weight.
17. As the only matter for my consideration in this prior approval appeal is the effect of the development on the external appearance of the building, the absence of a five-year housing land supply is not relevant to my determination.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR

¹ Council Reference EPF/2274/21