

Appeal Decision

Site visit made on 19 July 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/J1535/D/23/3319600

43A Upper Park, Loughton, Essex IG10 4EQ

- 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 David Pace against the decision of Epping Forest District Council.
 - The application Ref EPF/2583/22, dated 12 November 2022, was refused by notice dated 16 January 2023.
 - The development proposed is first floor extension replacing dormer roof rooms plus a two storey front extension.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor extension replacing dormer roof rooms plus a two storey front extension at 43A Upper Park, Loughton, Essex IG10 4EQ. The permission is granted in accordance with the terms of the application Ref EPF/2583/22, dated 12 November 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The extensions hereby permitted shall be carried out in accordance with the following approved plans: DP/SK/01A (site and location plans), DP/SK/14 (floor plans), DP/SK/15 (roof plan), DP/SK/16 (elevations) and MF/43UP/01 Revision A (tree constraints and protection plan).
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building, unless shown otherwise on the approved plans.

Preliminary Matters

2. The Epping Forest District Local Plan 2011-2033 was adopted shortly after the decision in this case was made. As this plan replaces the previous Local Plan, I have had regard only to the policies referred to in the decision notice from the newly-adopted plan.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No 43 Upper Park, with regard to outlook.

Reasons

4. The appeal property is a two-storey detached dwelling located in a residential road of similar dwelling types of individual design and appearance. The surrounding area is residential in character.
5. The proposal seeks to respond to a recent unsuccessful appeal for a similar proposal to alter and extend the appeal property¹. The Council considers that the amended proposal does not overcome the Inspector's findings in the earlier appeal concerning the effect on the outlook from No 43 Upper Park. For this reason, I have had particular regard to the previous proposal, as well as considering the proposal before me on its own merits.
6. From the site inspection, I agree with the Inspector's findings in the earlier appeal about the layout and relationship between the two neighbouring dwellings. The appeal property is set back much further on its plot than No 43 and, consequently, No 43 has views of much of the side elevation of No 43A. This would be particularly apparent from the large rear-facing dormer windows and the garden of the neighbouring dwelling.
7. The previous proposal involved replacement of the gable to the side elevation facing No 43 with a solid wall extending over half the depth of the appeal property. The upper storey would be inset to a limited extent at the rear with the flat roof extending over the inset and a mono-pitched roof above the ground floor. The Inspector found that this would result in much greater mass and volume at first floor level compared to the existing gable and hipped roof form. The effects when seen from the rear of No 43 would be unduly overbearing, given the extent of development and the appeal property's siting on higher ground.
8. The current proposal would also involve infilling the front part of the side elevation, resulting in the loss of the front-facing roof slope of the gable. However, this part of the side elevation is less readily seen from No 43 as it is adjacent to the side of the neighbouring dwelling and, therefore, the principal effects relate to the rear two-thirds of No 43A's side elevation.
9. This most prominent part of the building would retain the rear-facing slope of the gable end and has a greater inset at first floor level than the previous proposal; it also involves removal of the flat roof over the inset to create a greater degree of openness above the side inset. In this regard, the current proposal is materially different to the previous proposal and the changes that have been made will substantively reduce the mass and volume of the appeal property seen from the neighbouring dwelling. As such, the proposal would overcome the earlier findings of harm and would not result in any material harm in its own right.

¹ APP/J1535/D/22/3294069 dated 21 September 2022.

10. Therefore, for these reasons, I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of No 43 Upper Park. Consequently, there is no conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023), which concerns design quality and includes the requirement that development proposals must take account of the privacy and amenity of neighbouring occupiers.

Other Matters

11. I have had regard to the representation made by Loughton Town Council, which raises matters addressed under the main issue. In addition, concerns are raised about the effect of the design and materials on the character and appearance of the area. This matter was considered by the Inspector in the previous appeal with regard to a proposal that is similar to the current one, particularly the design and appearance to the street frontage. Based on the site inspection, I agree with the conclusion in the earlier appeal that due to the variety of dwelling styles in the street, its contemporary design would not be harmful.
12. There is no basis to conclude that the proposal involves excessive glazing or would result in harmful amounts of artificial light in this suburban residential setting. Concerns about the current proposal setting a precedent for further development in the area cannot have a direct bearing on the outcome of this appeal. Any future development proposals would need to be considered on their merits against policies and circumstances pertaining at the time.

Conclusion and Conditions

13. For the reasons given above it is concluded that the appeal should be allowed. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development, one requiring development to be carried out in accordance with the approved plans. The Council also suggests a condition to require the external materials to match those of the existing building, in the interests of the appearance of the host dwelling and wider area. I accept this, but also note that the details of some external finishes are shown on the approved drawings. Therefore, I have amended the condition to acknowledge this.

J Bell-Williamson

INSPECTOR