



Appeal Decision

Site visit made on 6 October 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/J1535/D/23/3317246

Ivy Cottage, Bournebridge Lane, Stapleford Abbots, Essex RM4 1LU

- 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 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr M Phillips against the decision of Epping Forest District Council.
 - The application Ref EPF/2214/22, dated 24 September 2022, was refused by notice dated 2 December 2022.
 - The development proposed is enlargement of the dwelling by construction of an additional storey.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the enlargement of the dwelling by construction of an additional storey at Ivy Cottage, Bournebridge Lane, Stapleford Abbots, Essex RM4 1LU, in accordance with the application ref EPF/2214/22 and plan numbers 08-022/01, 08-022/02, 08-022/03 and 08-022/04 submitted with it.

Application for Costs

2. An application for costs was made by Mr M Phillips against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction, subject to limitations and conditions. These include that the developer applies for prior approval.
4. The Council do not dispute that the proposal meets the criteria set out at paragraph AA.1 and as such it would constitute permitted development, subject to the conditions set out. Paragraph AA.2(3)(a) requires that, before beginning the development, the developer must apply to the local planning authority for prior approval as to the matters listed. This includes at point (ii), the external appearance of the dwellinghouse.

5. Paragraph AA.3(12) state that, when determining such an application for prior approval, the local planning authority must have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. There is no requirement to have regard to the development plan. Nonetheless, the policies of the development plan can be a material consideration.
6. During the course of the appeal the Council have adopted the Epping Forest District Local Plan 2011-2033 (the LP). The previous Local Plan 1998 and Alterations 2006 have now been revoked. As the Council's case refers to development plan policies I have invited comments on this change and have taken the responses received into account.
7. One of the supporting plans demonstrates other single storey extensions to the side and rear of the property. These are annotated as being subject to separate prior notification decisions¹. Work on these additions appeared not to have commenced and, in any event, my considerations are limited to the description of development above.

Main Issue

8. The main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons

9. This part of Bournebridge Lane is predominantly rural in character, comprising a number of sporadic properties which adjoin open countryside beyond. The houses are set within generous plots, at irregular intervals, and vary significantly in their age and character, giving very little consistency in the appearance of houses in the area. During my site visit I observed that a great number of properties to the north west of the appeal site comprised two storeys. The houses are generally set back from the edge of the road with front boundary treatments of mature hedgerows and trees.
10. The appeal site contains a detached bungalow, similarly set back from the road behind a hedgerow, trees and gates. Together with the curve in the road at this point, the existing property is not visually prominent when travelling along Bournebridge Lane. A public footpath runs along the eastern site boundary and there are no neighbouring properties immediately adjoining the appeal site.
11. The Council have considered that an aspect of the external appearance of the dwellinghouse includes the street context. Despite the distance from the nearest properties, I find no reason to disregard the site's context. Given the characteristics of other properties in the vicinity of the appeal site, and having regard to the set back of the property and verdant front boundary treatment, the proposal would have an acceptable effect on the locality. While it would notably increase the scale and bulk of the property itself, there is not substantive evidence that the effects would amount to harm.
12. For the reasons given, the effects of the proposal on the external appearance of the dwellinghouse would be acceptable. The proposal would comply with the objectives of the Framework and Policy DM9 of the LP insofar as they relate to

¹ Council references EPF/1678/14 and EPF/1678/14

good design and the need for development to be sympathetic to local character including the surrounding built environment.

Conditions

13. The GPDO prescribes conditions in relation to implementation at paragraph AA.2(3). This includes the need for a report for the management of construction to be provided to the local planning authority before beginning the development. It sets out that development must be completed within 3 years of the date of this decision and the local planning authority must be notified as soon as reasonably practicable after completion.
14. Paragraph AA.3(15) allows for conditions to be imposed where reasonably related to the subject matter of the prior approval. None have been suggested and I do not consider any further conditions, beyond those set out in the GPDO, to be necessary.

Conclusion

15. For the reasons given, prior approval is granted.

C Shearing

INSPECTOR