

Appeal Decision

Site visit made on 23 October 2023

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/J1535/D/23/3325665

The Birches, 5 Brook Road, Buckhurst Hill, Essex IG9 5TL

- 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 D Hilton against the decision of Epping Forest District Council.
 - The application Ref EPF/0242/23, dated 4 February 2023, was refused by notice dated 19 April 2023.
 - The development proposed is for a first floor side extension (over existing side extension) and new boundary garden wall and fencing.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal upon the character and appearance of the area; and upon the living conditions of the occupants of 4b Brook Road, with specific reference to sunlight and outlook.

Reasons

3. The appeal site is situated at a junction of Brook Road with an off-shoot cul-de-sac of the same name. It comprises a semi-detached house that has already been extended at both two storey and single storey level and is currently quite well screened by trees and other vegetation to its frontage.
4. I note that the proposal seeks planning permission for the erection of a new brick wall with piers and railings across the frontage and it is not clear from the submissions how any of the existing vegetation would be retained. Notwithstanding this, the proposed front boundary treatment would appear as a harsh addition compared with what currently exists and it would most certainly be a retrograde step within the immediate street scene.
5. Turning to the proposed first floor extension, this would be over an existing flat roof utility room which has a truncated side/rear elevation due to the tapered (approximately 45°) boundary shared with 4b Brook Road to the east.
6. The first floor extension would mirror the footprint of the flat roof extension and would be clearly visible from the public highway adjacent and to the west of no4b and would appear highly incongruous within the street scene by virtue of its contrived design.

7. The scheme as identified on drawing 5BR-002 Rev A demonstrates the design philosophy of the first floor side extension with a small pitched roof that would sit in harmony next to the host building. However, what this drawing fails to take into account is the fact that it is one half of a pair of semi-detached dwellings and would further accentuate the existing imbalance between the two. Furthermore, as I have explained above, the extension would be seen from other angles and overall would appear contrived in its appearance. I note the appellant's concerns that the Council failed to adequately balance the planning benefits of the proposal against the harm that would be caused; however I consider that the proposal would not improve the townscape within the area within which it is located and improvements to the natural environment have not been substantiated.
8. In addition, no4b is in close proximity to the appeal dwelling and at right angles to it, with only a gap of approximately 1.7m existing between the two, the immediate rear sitting out area of the former would experience a greater overbearing effect from the appeal property than existing; it would also be due-west of the extension and therefore some degree of overshadowing would occur at certain times of the year towards the end of a typical sunny day. Comments have been made by the appellant with regard to the amenity impact upon the occupants of no4b, although no evidence has been advanced to counter those concerns. Reference has also been made to planning permission granted at 25 Brook Road, however ultimately each case must be assessed on its own merits.
9. Therefore I consider that the proposed development would have a harmful effect upon the character and appearance of the area and upon the living conditions of 4b Brook Road in terms of loss of outlook and overshadowing. The scheme is contrary to Policy DM9 of the Epping Forest District Local Plan 2011 – 2033 which requires all new development to achieve a high quality of design and contribute to the distinctive character and amenity of the local area, requiring proposals to relate positively to their context and making a positive contribution to a place. I also find it contrary to the National Planning Policy Framework and specifically its paragraph 130 which, amongst other things, requires planning decisions to ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, as well as ensuring a high standard of amenity for existing and future users.

Conclusion

10. Having regard to the above and all other matters raised by the appellant, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR