



Appeal Decision

Site visit made on 11 December 2023

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/J1535/D/23/3330481
12 Tycehurst Hill, Loughton IG10 1BU

- 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 Atanas Dimov against the decision of Epping Forest District Council.
 - The application Ref EPF/1477/23, dated 29 June 2023, was refused by notice dated 21 September 2023.
 - The proposed development is new pitched roof and gable with rear facing dormer window replacing existing side flat roof; space created to be used as small study.
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Procedural Matters

1. At the time of my site visit the dwelling on the appeal site was undergoing substantial renovation and extension; this included a hip to gable roof extension and large dormer across the rear roofslope. The Appellant has clarified that the works have been undertaken under permitted development rights and provided plans for information but confirmed that they are not seeking to amend the appeal application. In these circumstances, I have determined the appeal on basis of the originally submitted plans (showing the original hipped roof) as determined by the Council.
2. In addition, I also noted that the adjoining dwelling, No. 14 Tycehurst Hill, had been almost completely demolished, including that part nearest to the common boundary with the appeal site, and was in the process of being rebuilt. Details of the approved scheme¹, which was granted on appeal on 12 September 2023, were provided in order to fully assess the impacts.

Decision

3. The appeal is allowed and planning permission is granted for new pitched roof and gable with rear facing dormer window replacing existing side flat roof; space created to be used as small study, in accordance with the terms of application ref: EPF/1477/23 dated 29 June 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) This permission shall relate to the following approved plans: drawing no: 19821-13-B-G (existing ground floor), 19821-13-B-GA (existing first floor and roof plan), 19821-13-E-GA (existing elevations), AGD/SK/210 (existing first floor, loft and roof plans, ground floor unaltered), AGD/SK/211

¹ Appeal ref: APP/J1535/D/23/3324103

(proposed first floor, loft and roof plans, ground floor unaltered), AGD/SK/212 (existing and proposed street view elevations), AGD/SK/213 (proposed elevations), and AGD/SK/222 (site and location plans).

- 3) The materials to be used on the external surfaces of the development hereby permitted shall match those used on the existing dwelling.

Main Issues

4. The main issues are the impact on (a) the character and appearance of the street scene and (b) the living conditions of the occupiers of the adjoining property, 14 Tycehurst Hill.

Reasons

5. The appeal site comprises a large detached two-storey dwelling of traditional appearance with bay windows and front projecting gable which, as noted above, is currently undergoing significant refurbishment. Tycehurst Hill is within a residential area, and is predominantly characterised by two-storey, detached dwellings of fairly substantial size. Those on the northern side of the street, such as the appeal site, lie at an elevated position relative to the road.
6. The western (side) boundary of the appeal site is not parallel with the dwelling such that it angles towards it, being very close to it at the front corner. There is an existing first floor, flat roofed side addition, set back from the front elevation of the dwelling and the proposal would involve a new pitched roof over this element with rear facing dormer.

Character and appearance

7. The approved plans for No. 14, indicate a substantial two and a half storey dwelling which would occupy almost the whole width of the plot. Whilst the nearest element to the common boundary with the appeal site is single storey, it is only very narrow and due to the forward siting of the 'new' dwelling relative to the dwelling on the appeal site, the two-storey element would visually appear to extend almost right up to the common boundary.
8. The small gap that would remain between the two properties would only be viewed from a limited number of positions in the street scene. From the viewpoint where the gap between the front corners of the two dwellings would appear the greatest, it would be partly 'filled' by a further two storey side element located towards the rear of the 'new' dwelling.
9. Given the above, whilst the proposed new gable end roof would appear to 'fill' part of the gap that would remain at roof level, it would nevertheless be set away from the boundary. In any event, as noted above, the remaining gap would only be viewed from a limited number of viewpoints and given the relationship that would be created as a result of the siting of the 'new' dwelling at No. 14, would have little additional impact. In addition, the set back of the proposal from the main front elevation of the dwelling and the angled boundary would mean that views of it would be further limited.
10. Overall, I find that the proposal would not be harmful to the character and appearance of the wider street scene. It would thereby accord with Policy DM9 of the Epping Forest District Local Plan (2023) (EFDLP) which seeks development of high-quality design that contributes to the distinctive character

and amenity of the local area, relates positively to its context and respects and complements the form and detailing of the original building.

Living conditions

11. The rear elevation of the 'new' dwelling at No. 14 would extend further back into the plot relative to the dwelling on the appeal site and notwithstanding the angled boundary, it is unlikely that the proposal could be viewed other than from the rear part of the garden. From this position given the distances involved, it would be unlikely to have any significant impact. There are no habitable windows in the flank elevation facing the proposed extension that would be affected.
12. Therefore, I find that there would be no harmful effect on the living conditions of the occupiers of this adjoining property and, in this respect, it would accord with EFDLP Policy DM9 which seeks to ensure that proposals do not materially impact on outlook.

Conclusions

13. I also find that the proposal would accord with the policies of the National Planning Policy Framework that seek well designed development that is sympathetic to local character including the surrounding built environment.
14. Conditions to relate to the approved plans and to ensure that the materials match the host dwelling are necessary in the interests of clarity and visual amenity.
15. I therefore conclude that this appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR