



Appeal Decision

Site visit made on 19 June 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/J1535/W/23/3333132

89 Forest Road, Loughton, Essex IG10 1EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hellen against the decision of Epping Forest District Council.
 - The application Ref is EPF/0320/23.
 - The development proposed is retention of 1st floor windows to front elevation as built: Amendment to permission for extensions and alterations to convert one dwelling to two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for fenestration changes to the front elevation of 89 Forest Road as extended to form a new dwelling at 89 Forest Road, Loughton, Essex IG10 1EF in accordance with the terms of the application, Ref EPF/0320/23, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing no 1913-09a and the location plan.

Preliminary Matters

2. The parties provided an amended description of development as 'Retrospective planning application for fenestration changes to the front elevation of 89 Forest Road as extended to form a new dwelling'. Retention is not a form of development and so I have amended the description of development in my decision to reflect this.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. Forest Road is an attractive residential street which leads from Epping Forest into the settlement of Loughton. The built form is made up of range of dwelling types, detailing and materials, although brick finished terraces make up a substantial proportion of the dwellings. There are a range of types and patterns of fenestration apparent along Forest Road. This includes windows of varying height and/or position, sometimes on dwellings within the same terrace or pair. The variation in the appearance of the properties adds to the charm and character of Forest Road.
5. The appeal proposes the retention of windows at first floor level in a recently completed end terrace dwelling. These windows, and the contrast brick lintel

detailing, are not level with the matching windows and detailing on the attached property. The appeal property is wider than its attached neighbour allowed through the original permission¹, meaning there is not an inherent symmetry or balance to the two properties. The third dwelling in the terrace (91 Forest Road) does not have the same lintel detailing, pattern of fenestration, roof height and has a different porch type. Uniformity and symmetry are therefore not defining characteristics of this terrace, and the off-set position of the windows does not result in the terrace appearing unbalanced.

6. The dwellings immediately adjacent and opposite the terrace in which the appeal property lies are markedly different in appearance, form, materials and fenestration. The range of window types and patterns in the surrounding area means that uniformity in the pattern of fenestration is not a defining characteristic of Forest Road. Consequently, the windows as installed are not visually incongruous but rather integrate into the existing, varied appearance of the area.
7. It does not alter my assessment of the merits of the proposal which of the two dwellings granted by the original permission existed first, or that this issue could have been addressed through an earlier application². As I have found the development is acceptable in planning terms, matters regarding building regulation requirements would not alter my decision. The increase in the height from the original dwelling is not part of the appeal before me.
8. The proposal therefore has an acceptable effect on the character and appearance of the area. It is therefore in accordance with Epping Forest District Local Plan 2011-2033 Part One (2023) (LP) Policy DM9 which requires development to relate positively to its context and for extensions and alterations to respect the detailing of the original building. Nor would it be contrary to the advice in paragraphs 131 and 135 of the National Planning Policy Framework (the Framework) which requires development to be of a high quality and be sympathetic to local character.

Other Matters

9. The fact the works have been carried out, the length of time it would take for any replacement scheme to be installed and the disruption this would cause to neighbours would not alter my assessment of the planning merits of this appeal. The effect of the development on the value of neighbouring properties would be a private matter.

Conditions

10. The Council has suggested a number of conditions in the event the appeal is to be allowed. I have considered these in light of the advice contained in Paragraph 56 of the Framework. As the development has been carried out, there is no need to impose a time limit condition or to require materials to match the existing. It remains reasonable and necessary to impose an approved plans condition to define the terms of the planning permission.

¹ EPF/1864/19

² EPF/0740/20

Conclusion

11. For the reasons given above, the proposed development complies with the development plan when read as a whole and there are no material considerations which lead me to a decision otherwise. The appeal should therefore be allowed.

J Downs

INSPECTOR