



Appeal Decision

Site visit made on 1 September 2024

by Alison Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/J1535/D/24/3345540

45 Walnut Way, Buckhurst Hill, Essex IG9 6HU

- 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 B Mehta against the decision of the Council of the London Borough of Epping Forest.
 - The application Ref is EPF/0299/24
 - The proposed development is for a loft conversion with rear dormer, front roof lights and hip to gable conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion with rear dormer, front roof light and hip to gable conversion subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans referenced 01 – 12 dated 26/1/23 and received by the LPA on 13/2/24
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host dwelling and the surrounding area and the living conditions of the occupiers of No. 47 Walnut Way particularly in relation to light to ground floor habitable rooms and outlook.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling in a residential area characterised by similar semi-detached properties. Although it appears that most of the semi-detached properties originally had hipped roofs, a number of

properties including the property opposite the appeal site have been extended and include alterations to create roofs with a gable end and rear dormers. The appeal site is situated at a curve in Walnut Way. Towards the Station Way junction some of the extended semi-detached properties now have a terraced effect leading up to the parade of shops at the head of the road junction.

4. The appeal proposal would alter the original hipped roof style. This is a dominant feature within the street scene along Walnut Way towards the Buckhurst Way junction. However, due to the position of the appeal property at the curve in Walnut Way, the vista within which the alteration would be seen relates to the higher end of Walnut Way towards Station Way described above. As a result, I find that the proposed alteration to the roof of the property would not appear incongruous within the street scene or cause harm to the character or appearance of the host dwelling.
5. A rear dormer is also proposed. There are already rear dormers along Walnut Way. Due to the topography these are visible from public vantage points along Station Way. I therefore do not find that the introduction of the appeal proposal would cause harm to the character or appearance of the area having regard to this context.
6. My attention has been drawn to two previous planning consents Council references EPF/1006/23 and EPF/0287/23. I have attached some weight to these decisions in that the principle of a roof alteration from hipped to gable end, front elevation roof lights and a rear dormer has been accepted. I have no reason to find that the appellant would not seek to implement one of these proposals and have considered them as genuine fall-back positions. The appeal proposal would result in a larger rear dormer than that already approved. However, as the ridge height would be no higher, and in the context of the other dormers within the public vantage points from Station Way, I find the proposal to be acceptable.
7. Overall, I find that the appeal proposal would not cause harm to the character or appearance of the host dwelling or the surrounding area.
8. Consequently, I find that the proposal complies with Policy DM9 of the Epping Forest District Local Plan (2023) (LP) which seeks to ensure development relates positively to its context and respects and/or complements the form, setting, period and detailing of the original building.

Living Conditions

9. The proposed change to the roof contour would bring the elevation of the appeal property at first floor level closer to No. 47. However, due to the orientation of the two properties and the obscure glazed windows in the flank elevation to No.47, this would not result in an unacceptable increased level of overshadowing, sense of overbearing or loss of light or privacy to the occupiers of No. 47.
10. I have had regard to planning permission EPF/0287/23 and note that the Council assessed the change in roof contour as being acceptable in terms of its impact on living conditions at No. 47.
11. The appeal proposal would increase the size of the rear dormer from that already approved. Notwithstanding the increase in width bringing the elevation of the dormer closer to No.47, due to the orientation of the dwellings at the

curve in Walnut Way, and the topography in the area, this would not give rise to an unacceptable effect on the living conditions of the occupiers of No. 47.

12. Overall, I find that the appeal proposal would not have an unacceptable effect on the living conditions of the occupiers of No. 47.

13. Consequently, I find that the appeal proposal complies with policy DM9 of the LP, which seeks to protect the amenity of neighbouring residents.

Conditions

14. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. In the interests of the visual amenity of the area I have imposed a condition regarding materials.

Conclusion

15. Having taken into account all representations made, for the reasons given above, I conclude that the appeal should be allowed.

A Hartley

INSPECTOR