



Appeal Decision

Site visit made on 22 October 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/J1535/W/24/3338972

2 Brickfield Road, Coopersale, Essex CM16 7QX

- 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 Nick Tsindides against the decision of Epping Forest District Council.
 - The application Ref is EPF/1556/23.
 - The development proposed is new rear dormer to loft, with reduced size dormer to first floor roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission (Ref EPF/0248/22) was granted for development including 2-storey rear infill extension. The permission has been implemented and the rear has been extended. At the time of my visit, the rear first floor dormers were both substantially similar, flat roofed and set above the eaves, which does not reflect the existing plans and elevations (drawing ref. CPAD/20/04/001). However, the development has not been completed and I have determined the appeal on the basis of the submitted plans.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal property and the area.

Reasons

4. No 2 is a 2-storey semi-detached dwelling. It is part of a row of originally modest semi-detached dwellings, including several similar properties finished in brick and render, with clay tile roofs and pitched roof first floor dormers. Properties are set back from the street with rear gardens backing onto the playing fields of the primary school. Brickfield Road terminates beyond the neighbouring Boundary Cottages at the edge of the cricket ground.
5. The 2-storey extension to the rear of the appeal property finishes roughly in line with the single storey extension to the rear of the attached property, No 4. Consequently, the rear elevation of No 2, including roof slope with first floor dormers, protrudes out beyond the 2-storey rear elevation of No 4. Nevertheless, the adjoining rears continue to relate to one another by virtue of their roof slopes and existing pitched roof dormers.

6. In order to accommodate the loft extension, the pitched roof dormer to the rear of No 2 would be replaced with a smaller flat roof dormer to match the existing. The loft dormer would extend from just above these to finish at the level of the 2-storey ridge line and it would span much of the width of the extended roof. Consequently, it would be a large and bulky feature that would dominate the roof of its host.
7. The loft dormer would be finished in materials sympathetic to its host. Even so, it would be poorly related to the first floor dormers and, in combination with the previous extensions, it would overwhelm the rear of No 2. The stacked dormers, with irregular fenestration including full height doors and Juliet balcony, would be discordant and incongruous in the context of the surrounding roofscapes. The proposal would not respect its host and the pair of semi-detached dwellings would be significantly unbalanced by the extent of alterations to the rear and to the roof.
8. The proposal would not be prominent in the street scene. However, it would be visible from neighbouring properties, from the cricket grounds, the school field and from public rights of way. The loft dormer would be an overly large and visually obtrusive feature in views, rendered more conspicuous by the extent of glazing at the height of the roof. It would be markedly out of keeping with the neighbouring properties and it would not make a positive contribution to local distinctiveness or sense of place.
9. There are properties elsewhere on Brickfield Road with rear roof dormers. In the cases of Nos 27 and 37, the dormers dominate the roofs of their hosts. However, those properties have simple pitched roofs and the dormers are the only roof extensions. They are not directly comparable to the proposal, where the host property has been extended to the rear and it has first floor roof dormers. Schemes elsewhere that are not directly comparable to the proposal do not provide a justification for it.
10. In his final comments, the appellant points out that dormer extensions benefit from permitted development (PD) rights, such that a dormer could possibly be constructed, albeit with minor adjustments, without planning permission in future. I am not aware this issue was raised previously. However, PD rights can be a fallback position, and a material consideration, in the making of decisions. No dimensions of a loft dormer that could be constructed using PD rights have been provided, but the aerial photographs suggest that the previous 2-storey rear infill and extension has already resulted in a significant increase in the volume of the roof. Also, the existing pitched roof rear dormer, illustrated on the plans, would constrain the size and siting of a PD dormer. Even accepting there is a real prospect that the appellant would seek to use his PD rights if the appeal should fail, the fallback position would not be more harmful than the proposal and it carries limited weight in favour of the appeal.
11. Therefore, I conclude that the proposal would harm the character and appearance of the appeal property and the area. It would conflict with policy DM9 of Epping Forest District Local Plan 2011-2033 Part One Adopted March 2023 which requires, among other things, that development contributes to the distinctive character of the area, relating positively to its context and making a positive contribution to place. It would conflict with the National Planning Policy Framework in relation to development adding to the overall quality of the area, being sympathetic to local character and maintaining a strong sense of place.

Other Matters

12. The appellant is frustrated with the delay in the processing of the planning application, and with the lack of communication from the Council. He considers that the refusal was prompted by his complaint to the Council in this regard. However, I understand that a similar scheme (ref EPF/1176/21) was refused previously on similar grounds and the Council's concerns in relation to an additional rear dormer had been previously set out in pre-application advice. There is little compelling evidence that the Council would have reached a different decision at an earlier date or if the appellant had not complained.
13. The permission being implemented provides a family home with 3 bedrooms at first floor level and an ensuite bedroom in the loft. I understand that the ridge of the property is slightly lower than expected and the additional head height in the loft dormer is required to provide a habitable room and make efficient use of space. However, the loft bedroom dimensions, including floor space, head height and reduced head room, have not been provided to demonstrate that the loft room would not be habitable in the absence of the proposal. Moreover, there is little evidence that there are no alternative solutions that would deliver similar benefits without the harm that I have found.

Conclusion

14. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
15. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR