



Appeal Decision

Site visit made on 2 December 2024

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2025

Appeal Ref: APP/J1535/W/24/3342813

11 Hainault Road, Chigwell, Essex IG7 6QU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Jhumat against the decision of Epping Forest District Council.
 - The application Ref is EPF/1855/23.
 - The application sought planning permission for the erection of three 3 bed terraced houses (Revised scheme to EPF/0652/20 with the addition of a basement) without complying with a condition attached to planning permission Ref EPF/2342/21, dated 13 June 2022.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 20203-P-01, 20203-P-08 Rev A, 20203-P-09 Rev D, 20203-P-10 Rev D, 20203-P-11 Rev B, and 20203-P-12.*
 - The reason given for the condition is: *For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is underway, and appeared to be substantially complete, however for clarity I have determined the appeal on the basis of the plans. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

Background and Main Issue

3. Planning permission for the erection of three terraced dwellings included a condition that the development should be carried out in accordance with the approved plans. The appellant seeks to vary it by amending the approved plans including alterations to the external finishes, roof form and balconies. The Council refused the variation of the plans on the basis that it would harm the character and appearance of the area. Taking the above into account, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Hainault Road is a residential street comprising a mix of house types bounded by an area of public open space to the rear. The rear elevations of these properties have a varied design and appearance, nevertheless, the similarity in the general

scale of the built form creates a sense of balance and a harmonious character and appearance.

5. The amended balcony design at roof level introduces a horizontal emphasis and boxy appearance to the appeal properties. The balconies sit prominently in the roofscape, drawing the eye and detracting from the balanced scale of the built form in the surrounding area. I have no reason to doubt the high quality of craftsmanship and despite the use of high-quality materials to match, the balconies have a poor degree of integration with the main properties by disrupting the gable features. The marked visual change detracts from the character of the local area and does not therefore make a positive contribution to place.
6. While trees and vegetation filter views of the development to some extent, clear views remain from sections of Station Road and the open space from which the jarring addition is readily apparent. Furthermore, the landscaping provided limited screening at the time of my site visit when the trees were not in leaf. Balconies are a feature in the area but are generally glazed without a horizontal emphasis and so do not draw the eye in the same way the appeal scheme does.
7. The amended balcony design is said to be necessary to protect the privacy of the occupiers of the properties, however, it has not been shown that there are not alternative solutions that may more closely reflect the character and appearance of the area. Even though there have been no objections to the appearance of the scheme, this is not a reason, in itself, to allow harmful development.
8. For the reasons given, the variation of the condition would harm the character and appearance of the area and would conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One (2023). Amongst other things, this policy requires development to achieve a high quality of design and relate positively to their context having regard to the form and scale around the site.

Other Matters

9. The appeal site is located within the zone of influence of the Epping Forest Special Area of Conservation, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of its ecological features. Notwithstanding the submitted Section 106 agreement, the Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. As the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected site. While the appellant has expressed frustrations with the Council's handling of the case this does not affect my consideration of the scheme's planning merits.

Conclusion

10. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR