



Appeal Decision

Site visit made on 3 January 2025

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2025

Appeal Ref: APP/J1535/D/24/3349947

15 Drayton Avenue, Loughton, Essex IG10 3DF

- 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 Mrs Jackie Rogerson against the decision of Epping Forest District Council.
 - The application reference is EPF/1158/24.
 - The development proposed is the erection of a ground floor single storey rear and side extension and proposed rear dormer loft conversion.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant has requested that the appeal be determined with consideration given to a ground floor rear extension that is 2.5-metres in depth to more closely reflect a scheme that has previously been approved. This change would result in a shorter rear addition than is illustrated on the drawings that were refused planning permission. It also results in a scheme that is different in substance to that which was determined by the Council. The Council appears not to have considered this change as part of the proposal before me, nor has it formally consulted others on it. Consequently, interested parties could be prejudiced if I were to consider this suggested revision. Therefore, in the interests of fairness, I have not done so.
3. In the third reason for refusal, the Council states that there is insufficient information to fully assess the proposal. That stance appears to reflect the absence of a flood risk assessment (FRA) to support the proposal. According to the Council, a FRA is necessary because a part of the site falls within Flood Zone 2, which indicates a risk of flooding. While the Council states that a FRA is a validation requirement of development proposals within such areas, it clearly processed and determined the application in the absence of that information. I have proceeded on that basis.
4. The Council states that a corner of the site falls within the Green Belt. No objection is raised in relation to the effect of the proposal on the Green Belt. From the submitted evidence, I have no reason to reach a different conclusion on this issue. Therefore, I have not considered this matter further.
5. On 12 December 2024, a revised National Planning Policy Framework (the Framework 2024) was published. The Framework 2024 does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the host building and the local area;
- the effect of the proposal on the living conditions of the occupiers of 11 Drayton Avenue with regard to outlook and light; and
- whether the proposal provides sufficient information in relation to flood-risk.

Reasons

Character and appearance

7. The appeal property is a 2-storey end terrace dwelling of individual design within a predominantly residential area within which buildings vary in style and size, partly due to various alterations and extensions that have been carried out. The proposal is to enlarge No 15 with a single storey extension to both the side and rear. In addition, the hipped roof is to be altered to form a gable end with a flat roof dormer placed onto the extended rear roof slope and a roof light inserted at the front.
8. The Council has previously approved a dormer extension at the rear of No 15 together with hip to gable alterations and 3 front roof lights. It has also recently granted planning permission for a single storey extension to the rear of the appeal dwelling. The Council has, therefore, found each of these extensions, taken individually, acceptable. The proposal before me combines these extensions into a single scheme, with a ground floor rear extension that is longer than its approved counterpart. It also includes a single storey extension at the side of No 15.
9. The new ground floor rear addition would extend across the full width of the host dwelling. It would also project outwards from the main rear wall some way into the back garden of No 15. In doing so, the proposal would elongate the built form of the dwelling, enlarge its footprint and add to its scale and mass. Although set back from the edges of the host roof, the new dormer would also be a sizeable addition. With their flat roofs, these extensions would appear as overly large 'box like' extensions, the size and bulk of which would unduly compromise the form of the host building, giving it an ill proportioned, disjointed appearance.
10. While these extensions would not be readily visible from the road, they would be conspicuous from the rear garden of the attached property, which is 11 Drayton Avenue, and the public open space just beyond the site. From these locations, the proposed ground floor rear extension and dormer would draw the eye as obtrusive, overly dominant and therefore unwelcome additions to the local area.
11. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the host building and the local area. Accordingly, it conflicts with Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One (LP). This policy promotes high quality design and requires all development proposals to relate positively to their context and for extensions to residential buildings to respect the form of the original building.

Living conditions

12. The flank wall of the new ground floor rear extension would be up to and parallel with the shared boundary with No 11. By projecting beyond the rear elevation of this adjacent dwelling, the new rear addition would partly enclose the external patio of this neighbouring property. The proposal would be visible from this patio and through the ground floor window closest to the site, which appears to serve a habitable room and for brevity is hereafter referred to as the window.
13. From the patio and window, the lengthy upper section of the proposed ground floor extension would be evident, projecting above the fence that marks the boundary between No 11 and the site. Having carefully viewed the back of No 11 from the rear garden of the appeal dwelling, I consider that the depth and proximity of this new flank wall would cause it to dominate the outlook from the window.
14. There would also be some loss of sunlight to the patio and window of No 11 during the early to mid-part of the day, especially during the winter months when the sun is lower in the sky. That loss would be caused by the overshadowing effect of the new ground floor rear addition just to the south. The effect of overshadowing would exacerbate the visual impact of the proposal, causing it to feel oppressive to the occupiers of No 11 especially when seen from the window.
15. On the second main issue, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 11. As such, it is contrary to LP Policy DM9 insofar as it aims to safeguard residential amenity.

Flood Risk

16. The appellant does not appear to contest the Council's statement that part of the site falls within Flood Zone 2 and is therefore deemed to be at risk of flooding. On that basis, the flood risk policies of the Framework 2024 are relevant.
17. The Framework 2024 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that, where appropriate, applications should be supported by a site-specific flood-risk assessment. Footnote 63 of the Framework 2024 explains that "*a site-specific flood risk assessment should be provided for all development in flood zones 2 and 3*". Paragraph 176 of the Framework 2024 makes clear that even applications for minor development and changes of use should still meet the requirement for a FRA in footnote 63. These requirements remain unchanged from the previous version of the Framework that was before the Council when it determined the application.
18. Against that background, there is a clear requirement for site-specific FRA in this case. In the absence of a FRA, or alternatively an explanation as to why this information is unnecessary, I conclude that insufficient information has been provided in relation to flood-risk. The evidence before me fails to demonstrate that the proposal would not increase flood-risk elsewhere and that the development would be appropriately flood resistant, with any residual risk safely managed. As such, the proposal conflicts with the policies of the Framework 2024.

Other matters

19. The Council raises no objection in relation to the proposed side extension. From the submitted evidence, I see no reason to reach a different opinion on this element of the proposal. From my inspection of the plans, the new side addition is not

clearly severable to the ground floor rear extension, which is objectionable. Therefore, I have not issued a split decision that allows the appeal solely for this component of the development.

Conclusion

20. Overall, the development conflicts with the development plan, when read as a whole. There are no material considerations, including the policies of the Framework 2024, which indicate that the decision should be taken other than in accordance with the development plan.
21. For the reasons set out above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR