



Appeal Decision

Site visit made on 11 November 2025

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/J1535/D/25/3373877

46 Orchard Drive, Theydon Bois, Epping, Essex, CM16 7DJ

- 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 Ms D Sampson against the decision of Epping Forest District Council.
 - The application Ref is EPF/1118/25.
 - The development proposed is roof extension to facilitate a loft conversion with dormer and rooflights.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above has been taken from the Council's decision notice and appellant's appeal statement as this is more concise than that on the planning application form. I have omitted reference to it being a revised application, as this wording does not describe the development itself.

Main Issue

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

Reasons

4. The appeal property is a semi-detached house prominently located on a corner plot at a road junction, and its side and rear elevations are highly visible in the street scene. A two-storey side extension projects slightly beyond the original rear wall of the house, creating a shallow rear wing with a hipped roof. Many dwellings in the area appear to have been extended, including some dormer windows.
5. Amongst other criteria, Policy DM9 of the Epping Forest District Local Plan¹ (LP) requires development proposals to relate positively to their locality, having regard to matters including the form, scale and massing around the site, and to respect and/or complement the form and detailing of the original buildings. Although this proposal is much modified from a scheme previously refused by the Council, it would nonetheless be a large addition that would occupy much of the rear roof slope of the dwelling.
6. As a result of its size and the limited undeveloped space that would surround the dormer window, it would appear unacceptably bulky and dominant on the dwelling.

¹ Epping Forest District Local Plan 2011 – 2033 Part One, adopted March 2023

- Its adverse visual impact would be exacerbated by its complex design, built awkwardly around the roof of the existing rear wing, and with a height projecting above the ridge of that wing. Whilst I acknowledge the efforts made to reduce the bulk of the proposal and to simplify the design compared to the previously refused scheme, its form, scale and massing would not relate positively to the locality, nor respect or complement the original dwelling, in conflict with LP Policy DM9.
7. The appellant advises that a smaller dormer window could be constructed as Permitted Development (PD). The design would involve building around the wing roof in the same manner as the appeal proposal. Whilst this is not the appellant's preferred option, she confirms that it would meet the need should the appeal fail. An elevation of the PD version has been included in the appeal statement, but no floor plan has been supplied.
 8. Although the appellant acknowledges that the PD option would restrict the overall size and useability of the additional bedroom, I consider that the constraints would be significant due to the restricted ceiling height for much of the room. It is not for me to formally determine if such development would be PD within the context of an appeal under section 78 of the Act, but on the basis of the information supplied, I am not persuaded that the reduced scheme would offer a realistic 'fallback position'. Moreover, the proposed PD addition would be materially smaller than the appeal proposal, and with significantly reduced scale and bulk relative to the host house. As such, I consider that, if implemented, a PD scheme is likely to be much less harmful to the character and appearance of the dwelling, and would not therefore justify acceptance of the appeal proposal.
 9. The appellant's appeal statement includes elevations of a dormer window built at 39 Forest Drive, an equally prominent corner site at the opposite end of Elizabeth Drive. No planning permission has been identified for it, and as such it is not known when it was constructed, nor the policies against which it was assessed. Viewed at the appeal site visit, it is clearly a large and highly noticeable feature in the street scene, but it does not project awkwardly around a rear wing in the manner of the appeal proposal.
 10. Attention has been drawn to extensions in Orchard Drive and the wider area, and these contribute to reasonably varied street scenes. However, most dormer windows cited are in less prominent positions, appear to be more modest in size than proposed in this case, and/or occupy less of the original roof plane. With a few exceptions, those visible in the area are of simple design, without a need to 'cut' around existing wings. A similar design to the appeal scheme exists on a house in Woodland Way, but no details have been provided to confirm if express planning permission was required, and if so, whether it was assessed against the Council's current policies. Moreover, as that property is not located on a corner plot, there are fewer points from which to view its impact on the host house. As such, these examples offer limited support to the proposal.
 11. I therefore conclude that the proposal would detract from the character and appearance of the appeal property and its setting, and would conflict with LP Policy DM9 and the design objectives of the National Planning Policy Framework. For the reasons given above the appeal should be dismissed.

H Lock INSPECTOR