



J & L PLANNING SERVICES

Town & Country Planning Acts

Appeal by CWR Capital Ltd against the decision by Epping Forest District Council to refuse planning permission for a single storey rear extension, a gable and a dormer, together with the widening of a crossover at 14 Victoria Road, Buckhurst Hill, Essex IG9 5ES

Local Planning Authority Reference: PL/EPF/2556/21

Appellants Reference: JL1122

J & L Planning Services
First Floor
1 Hythe Street
Dartford
Kent
DA1 1BE

Tel: 01322 281444
Email: jandlplanningservices@gmail.com

CONTENTS

1. INTRODUCTION
2. THE APPEAL
3. SITE AND SURROUNDINGS
4. PLANNING CONSIDERATIONS
5. CONCLUSIONS

APPENDICES

- A. PERSONAL STATEMENT

1. INTRODUCTION

- 1.1 This statement has been prepared in support of an appeal against a refusal of planning permission.

2. THE APPEAL

- 2.1 The appeal concerns a refusal of planning permission for a single storey rear extension, a gable and a dormer, together with the widening of an access. The Council's reasons for refusal are as follows:

The proposal would result in an overbearing and overly enclosed form of development which has a detrimental visual impact, and which impacts upon the outlook of the occupiers of the neighbouring property at 12 Victoria Road. Therefore, the proposal does not comply with policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), nor with policy DM9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 130 of the National Planning Policy Framework (2021).

The development proposal does not relate positively to the locality, and it does not achieve a high specification of design. It is unsympathetic and non-complementary to the distinctive style, detailing and appearance of the existing property. As a result, the proposal is contrary to policy DBE10 of the adopted Local Plan and Alterations (1998 & 2006) and contrary to policies DM9 and DM10 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 124 of the National Planning Policy Framework (2019).

3. SITE AND SURROUNDINGS

- 3.1 The appeal site comprises a semi-detached dwelling located on the west side of Victoria Road, some 40 metres north of the junction with Back Lane. The immediate surroundings are predominantly residential, in terms of both built form and land use.

4 **PLANNING CONSIDERATIONS**

- 4.1 The National Planning Policy Framework (NPPF) which came into force in July 2021, outlines the Government's requirements for the planning system and established how these will be addressed. The most relevant paragraphs are stated below:

Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

4.2 These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher, social, and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social, and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

4.3 Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural, and historic environment, as well as people’s quality of life, including (but not limited to):

1. Making it easier for jobs to be created in cities, towns, and villages.
2. Moving from a net loss of biodiversity to achieving net gains for nature.
3. Replacing poor design with better design.
4. Improving the conditions in which people live, work, travel and take leisure; and
5. Widening the choice of high-quality homes.

4.4 The National Planning Policy Framework advocates that the statutory status of the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts would be refused unless other

material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

- 4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All these policies should apply unless the adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
- 4.6 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are particularly important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural built and historic environment. Furthermore, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 4.7 Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

4.8 The Borough Council have provided two reasons for refusal which, in turn, raises two primary issues, these are:

- (i) the residential amenities of the occupiers of 12 Victoria Road; and
- (ii) character and appearance.

4.9 In support of these concerns, the Council have referred to provisions within the Local Plan and Alterations (1998 and 2006), together with the Local Plan submission Version (2017). Within this context, the merits of the appeal will be assessed.

Residential amenities of the occupiers of 12 Victoria Road

DBE9

4.10 The following factors collectively ensure that the requirements of the policy are satisfied:

- (i) The single storey profile of the proposed rear extension.
- (ii) The existing boundary treatment between the respective properties would ensure that the proposed rear extension does not represent a visually dominant feature.
- (iii) The position and elevated nature of the proposed gable would not represent an overbearing feature.

- (iv) The siting and position of the proposed dormer with the roof slope, set above the eaves, would not represent a visual intrusion.
- (v) The orientation of window openings, together with the boundary treatment, would ensure that the proposed rear extension would not result in overlooking.
- (vi) The elevated recessed siting of the proposed dormer, together with the existing sense of mutual overlooking, ensures that the proposed roof alterations, would not result in a loss of amenity.
- (vii) The siting and position of no. 12 Victoria Road, due south of the appeal site, safeguards the passage of daylight and sunlight.

DM9

- 4.11 This policy and its criteria does not make direct reference to residential amenity.

Character and appearance

DBE10

- 4.12 The requirements of the policy are satisfied for the following reasons:

- (i) The street scene, its distinctiveness is defined by dwellings which exhibit a variety of architectural form and detail. Common elements of distinction are the overall two storey form, the spatial arrangements,

the alignment of front elevations. These prevailing characteristics would remain preserved and safeguarded.

- (ii) The creation of a gable, together with the rear dormer, are features which are commonplace, within the locality. These elements of the appeal proposal would not represent stand-alone features.
- (iii) The design of the appeal proposal in terms of scale and form, would be consistent with the host dwelling and neighbouring built forms.
- (iv) The architectural details of the proposal would be consistent with the host dwelling and surrounding built forms.
- (v) The treatment of the elevations, together with external materials would complement the existing dwelling and be akin with the urban grain of the locality.
- (vi) The roof treatment would not increase the overall height of the host dwelling and, as previously stated, the creation of a gable and rear dormer would not be isolated features within the roofscape of the locality.
- (vii) The fenestration detail of the host dwelling, together with chimney stack features, would continue to feature as part of the fabric of the host dwelling; and

- (viii) The appeal proposal would not alter the spatial arrangement of the locality.

DM9

4.13 The requirements of this policy are satisfied for the following reasons:

- (i) The local context of the area is defined by the variety of architectural and built forms, with common alignments in relation to the street frontage. These key contextual elements, would not change; and
- (ii) The appeal proposal forms an integral element to the complete refurbishment of the host dwelling. These works would make a positive contribution to the wider public realm.

DM10

4.14 Criterion E of the policy is relevant and material. The following factors collectively demonstrate that the requirements of the policy are satisfied:

- (i) The overall form of the proposal, which would not exceed the existing roof height, would be consistent with the roofscape of the locality.
- (ii) The setting of the host dwelling, its semi-detached built form, together with the preservation of the existing spatial arrangement would be consistent with the locational characteristics of the area;

- (iii) The appeal proposal would retain period detailing of the host dwelling, such as chimney stacks, the fenestration details, together with the joinery details, and
- (iv) The external materials, including joinery details, are intended to match the host dwelling.

5. **CONCLUSIONS**

- 5.1 The appeal proposal, by virtue of the reasons stated above, would not harm the residential amenities of the occupiers of no. 12 Victoria Road. Neither would the proposal conflict with the character and appearance of the host dwelling or wider area.
- 5.2 In conclusion, the appellant respectfully requests that the Inspector upholds the appeal.