



Appeal Decision

Site visit made on 13 April 2022

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6TH May 2022

Appeal Ref: APP/J1535/D/22/3293534

4 Ely Place, Chigwell, Essex, IG8 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Mohhmad Islam against the decision of the Epping Forest District Council.
 - The application Ref EPF/1972/21, dated 6 May 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as a 'first floor side extension, repositioning of front entrance door, downlighting to front elevation, first floor landing window'.
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Decision

1. The appeal is allowed insofar as it relates to the repositioning of the front entrance door, front porch and canopy and first floor landing window only and planning permission is granted for the repositioning of the front entrance door, front porch and canopy and first floor landing window at 4 Ely Place, Chigwell, IG8 8AG in accordance with the terms of the application Ref EPF/1972/21, dated 6 May 2021, subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the porch/canopy and first floor landing window only: Drawing No. 1 Rev A - Proposed Floor Plans and Sections; Drawing No. 2 Rev A - Existing Floor Plans and Existing and Proposed Side and Rear Elevations; Drawing No. 3 Rev A - Existing and Proposed Front Elevations.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
2. The appeal is dismissed insofar as it relates to the first floor side extension.

Preliminary matters

3. The Council's decision describes the proposal as a 'first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window.' It is clear from the plans that this describes the proposal more accurately and I have therefore considered the appeal on this basis.

4. The Council's decision refers to policy DM9 in the Epping Forest District Local Plan Submission Version 2017 (LPSV) which concerns design quality and residential amenity. I have noted that the LPSV has been submitted for examination, that the hearings have taken place and that the Inspector has issued interim advice on the necessary actions to enable soundness to be addressed. I have also noted that at 24 March 2022 the Inspector's report on the main modifications consultation had not been published. I have not been told of any significant changes that would affect policy DM9 insofar as it relates to this appeal. As such, it can be given substantial weight for the purposes of this appeal in accordance with the National Planning Policy Framework.

Main issues

5. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the street scene;
 - the living conditions of the neighbouring occupiers at no 3 Ely Place with regard to outlook.

Reasons

Character and appearance

6. The development plan includes policy DBE10 in the Epping Forest District Local Plan (1998) (LP) which seeks to ensure, amongst other things, that extensions complement the street scene. LPSV policy DM9 seeks to ensure that proposals have regard to design quality. Those policies are consistent in those respects with national policy in the Framework which has a similar objective. The appeal site comprises a modern detached house on a small, leafy estate of properties of varying sizes built in a cottage style and set on a winding road with varying building lines and different ground levels, giving it an informal character. It is clear that some dwellings have been extended. In contrast to the wider fronted dwellings to either side, the appeal dwelling has a boxy appearance with a main gabled roof, a main entrance in a side elevation and a single storey side addition.
7. The proposed side extension would extend over the existing, side addition close to the boundary with the neighbouring dwelling at no 3, resulting in a two storey side projection. It would have a hipped roof and would be set back behind a double garage block which serves the dwelling and its neighbour. As it would be set back slightly from the main front wall of the dwelling and the new ridge would be set down from the main ridge, it would be sufficiently subordinate to the original dwelling. When seen from the street, it would widen the front elevation resulting in a less boxy appearance which would be a visual improvement. It would be similar in width to the adjacent dwelling at no 5 and would not be significantly greater than that of the dwelling at no 3. Although it would reduce the open gap with no 3, a generous gap would remain and it would not appear at all cramped in this informal street scene.
8. The proposed development also includes a small porch with a hipped roof canopy across most of the width of the main part of the dwelling and the formation of a new landing window in the side elevation facing no 5. The Council has not raised any objection to those elements and as the design of the porch/canopy would reflect a similar front projection at no 5 and the new

window would be in a similar style to the existing windows, these would also be acceptable.

9. In terms of character and appearance then, I agree with the Council's officer's report that the proposal would not represent overdevelopment. It would be of an acceptable siting, size, scale and design that would complement the character and appearance of the street scene. It would therefore accord with development plan policy DBE10 and with LPSV policy DM9.

Living conditions

10. LP policy DBE9 seeks to ensure, amongst other things, that extensions do not result in an excessive loss of residential amenity for neighbouring occupiers in terms of visual impact. LPSV policy DM9 also seeks to ensure that proposals take account of neighbours' amenity. Those policies are consistent in those respects with national policy in the Framework which requires that proposals do not undermine the quality of life.
11. The Council's officer's report raised no objection in this regard to the proposal and noted that there is a good separation distance between the proposed side extension and the flank elevation of no 3 (6m according to the appellant). However, I noted at my visit that no 3 and its garden are sited at a significantly lower ground level than the appeal site. I also saw that it has a raised sitting out area adjacent to the shared boundary which was not referred to the report.
12. The existing single storey side extension at the appeal site is less than 0.5m from the side boundary and extends along the length of that sitting out area and beyond. As a result of its single storey height, it is not overly dominant when seen from the sitting out area. However, the proposed first floor extension would introduce a large expanse of brickwork in very close proximity to this sitting out area which, given its height and siting, would be oppressive and unduly overbearing in the outlook of the neighbouring occupiers when using that area despite the partial screening afforded by a large oak tree and planting along the boundary. As this is the main sitting out area for the property, it would result in significant harm to the living conditions of the neighbouring occupiers and it would therefore be contrary to development plan policy DBE9 and to LPSV policy DM9 in this respect.

Conclusion and conditions

13. As the porch/canopy and new landing window are clearly separate elements from the side extension, I shall issue a split decision. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans (insofar as it relates to those elements only), in order to provide certainty. A condition requiring matching external materials is necessary in the interests of the character and appearance of the street scene.
14. For the reasons given above, I conclude that the appeal should be allowed, insofar as it relates to the porch/canopy and new landing window only. Insofar as it relates to the side extension, given the significant harm that would arise in terms of living conditions, the appeal should be dismissed.

Sarah Colebourne

Inspector