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## Appeal Decision

Site visit made on 9 March 2020 by Elizabeth Davies BSc (Hons) PIEMA

**Decision by Andrew Owen BA (Hons) BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 April 2020**

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**Appeal Ref: APP/J1535/D/19/3241433**

**6 Ashley Grove, Staples Road, Loughton IG10 1HS**

- 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 Ms Andrea Lopez de Pablo Hernando against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0517/19, dated 25 February 2019, was refused by notice dated 28 August 2019.
  - The development proposed is a roof extension.
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### Decision

1. The appeal is allowed and planning permission is granted for the proposed roof extension at 6 Ashley Grove, Staples Road, Loughton IG10 1HS in accordance with the application, Ref PL/EPF/0517/19, dated 25 February 2019 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan (Scale 1:1250), 1830-02, 1830-04c, 1830-05, 1830-06a, 1830-07, 1830-08, 1830-09b, 1830-11 and 1830-13.
  - 4) Construction works shall take place only between 07.30 to 18.30 Monday to Friday and between 08.00 to 13.00 on Saturday and shall not take place at any time on Sundays or on Bank or Public Holidays.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues in the appeal are
  - The effect of the development on the setting of the nearby Staples Road Conservation Area (CA) and York Hill CA; and

- The effect of the development on the living conditions of the occupiers of neighbouring properties with regard to outlook and privacy.

## **Reasons for the Recommendation**

### *Character and Appearance*

4. The appeal property, No 6, is an end of terrace, two storey dwelling. It is located on Ashley Grove, a small group of dwellings located between Staples Road and Forest Way, accessed by a footpath from Staples Road. The ground rises steeply from Staples Road to Forest Way, which means that the appeal site is elevated above Staples Road and downhill from Forest Way.
5. The dwellings on Ashley Grove feature a mix of pitched and flat roofs. Nos, 9, 6 and the neighbouring property, No 5, currently feature flat roofs, but I understand from the evidence before me that No 5 has recently received planning permission for a similar development to that proposed in this appeal. Though I acknowledge the concerns relating to the consultation exercise in respect of the application for the extension at No5, I have no reason to consider the planning permission is not valid.
6. The appeal property is located in between the Staples Road CA to the south west and the York Hill CA to the north. Although I note the comments that the appeal site should be included within either conservation area, it currently is not, though its effect on the setting of both conservation areas needs to be considered. The Staples Road CA contains the Staples Road Primary school and a number of attractive Victorian era terraced dwellings to the west of the school. The York Hill CA incorporates Forest Way and is also notable for its attractive historic residential dwellings.
7. The group of dwellings on Ashley Grove, including the appeal property, are set back from Staples Road and are well screened from views by mature trees and landscaping. There would therefore be no significant views of the proposal from beyond the appeal site to the south and therefore no effect on the setting of the Staples Road CA.
8. The proposal would not be visible from public positions on Forest Way as views of Ashley Grove are screened by residential buildings, however there would be views of the proposal from a number of dwellings and rear gardens along Forest Way. Although the extension would be large and would visually appear to add an extra storey to the dwelling, when seen from the houses on Forest Way, I find the changes to the roof and the addition of the rear dormer would not overly dominate or unbalance the rear of the dwelling. In addition, the height of the proposed roof would match the attached neighbouring dwelling, No 7, and there are a number of other houses in Ashley Grove which have accommodation at roof level, notwithstanding whether or not such works constituted permitted development. The development would therefore be in keeping with the appearance of the host and adjacent terraces. Furthermore, whilst I do not have a copy of the plans for the planning approval to alter the roof at No 5, I understand it is similar to the current proposal and therefore the extension, in combination with the development at No 5, would create a degree of cohesiveness at this part of Ashley Grove. Overall, I do not consider the alterations would be harmful to the setting of the York Hill CA.

9. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the setting of both CAs. It would not be contrary to Policy HC6 of the Epping Forest District Local Plan (adopted January 1998) (the 'Adopted Local Plan') which states that within or adjacent to a Conservation Area, the Council will not grant planning permission for any development which could be detrimental to the character, appearance or setting of the Conservation Area. It would also accord with Policy DM7 of the Epping Forest District Local Plan (Submission Version 2017) (the 'Local Plan Submission Version') which seeks to ensure development proposals conserve and enhance the historic environment.

*Living Conditions*

10. The rear dormer windows of the proposal will be at a height where a degree of overlooking of some properties on Forest Way would be possible. However, it was apparent at my site visit that mutual overlooking of back gardens is common in this built up residential area and the proposal is not incompatible with this characteristic. The angle of No 6 in relation to the dwellings on Forest Way would mean the windows in the proposed dormer would not directly face the majority of the properties, hence limiting the potential for overlooking. Whilst the gardens of No 12 and No 20 Forest Way back onto the garden of the appeal property and would be directly in front of the proposed new dormer, given their distance from the proposed dormer and presence of vegetation on the common boundaries, I am satisfied that the privacy of the occupiers of these properties would not be significantly affected by the proposal.
11. With regard to the effect of the proposed development on the outlook of the occupiers of Forest Way. I acknowledge that the elevated position of the properties on Forest Way and the current flat roof of No 6 provides a small gap at roof level that allows glimpsed views from some of the properties of buildings and trees beyond No 6. However, the majority of the view from the rear of the properties on Forest Way is already dominated by the gardens and dwellings on Ashley Grove. The proposal would result in a minor alteration to this view and would not change it significantly. The roof alteration would be of a height that views beyond the appeal property above the roofline would still be available. The effect of the loss of the gap on outlook would be minimal and coupled with the distance of No 6 from the properties on Forest Way I do not consider the proposal will have an overbearing or an enclosing effect.
12. With regard to the potential effects on the occupiers of No 7 Ashley Grove, my attention has been drawn to the staggered nature of the dwellings on Ashley Grove, which I noted on my site visit. I do not consider that because there has been a previous extension at the appeal property and that the proposed roof extension would not align with neighbouring properties, that it would result in an unacceptable effect on the occupiers of No 7. The staggering is minimal and so No 7 would still receive adequate daylight. With regard to privacy, there are existing windows to the rear of both properties where some mutual overlooking of rear gardens already occurs. I therefore do not consider that the proposal would cause unacceptable overshadowing or a materially greater loss of privacy to the rear garden of No 7.
13. On this basis, the proposed development would not have an unacceptable effect on the living conditions of the occupiers of neighbouring and nearby properties and would accord with Policy DBE1 and DBE2 of the Adopted Local

Plan. Policy DBE1 seeks to ensure buildings respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing. Policy DBE2 seeks to protect the amenity of existing neighbouring and surrounding properties from detrimental effects of development. It would also accord with Policy DM9 of the Local Plan Submission Version which seeks, amongst other things, to ensure development proposals protect the privacy and amenity of neighbours, including avoiding overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and not resulting in an over-bearing or enclosed form of development which materially impacts on outlook.

### **Other Matters**

14. I have considered the argument that this proposal could set a precedent for other properties to enlarge. However, each application and appeal must be determined on its individual merits, and the generalised concerns of this nature does not justify withholding permission in this case.

### **Conditions**

15. I have considered the conditions suggested by the Council. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to better reflect the advice in the National Planning Policy Framework and the Planning Practice Guidance.
16. I have imposed the standard conditions relating to the commencement of development and specifying the relevant plans in order to provide certainty. I have included a condition requiring the external materials to match the existing building to protect the character and appearance of the area. Given the proximity of the appeal property to other many other residential properties I have included the suggested condition restricting the timing of construction activities to ensure unacceptable disturbance does not occur.
17. The Council have suggested a condition requiring wheel washing or cleaning for construction vehicles leaving the site to minimise depositing mud on nearby roads. I have not included this suggested condition as the appeal property has no vehicle access and therefore no construction vehicles would enter the site.

### **Conclusion and Recommendation**

18. For the above reasons, and having had regard to all other matters raised, I recommend that the appeal is allowed.

*Elizabeth Davies*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

*Andrew Owen*

INSPECTOR