
Appeal Decision

Site visit made on 6 June 2018

by H Lock BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2018

Appeal Ref: APP/J1535/D/18/3198110

121 Theydon Grove, Epping, Essex, CM16 4QB

- 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 Mr Kevin Dowsett against the decision of Epping Forest District Council.
 - The application Ref. PL/EPF/3259/17, dated 28 November 2017, was refused by notice dated 7 February 2018.
 - The development proposed is described as '121 Theydon Grove is a large five bedroom detached house with minimal private open space. The majority of the garden is completely open on the outside of the house, bordered by the road on two sides and the only existing enclosed part is a yard leading off the Breakfast Room. The present owners have a young family and it is essential to have an enclosed and safe garden. It is therefore proposed to demolish the existing garden wall and to extend the private garden on the east side of the house to close to the back of the pavement line, enclosed with a brick wall with details matching the existing garden wall (there are clear precedents for this type of private garden enclosure in the immediate area – see drawing 04). At the same time it is proposed to add a single storey extension to the existing kitchen, looking down the enclosed south facing garden'.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side extension and garden wall at 121 Theydon Grove, Epping, Essex, CM16 4QB in accordance with the terms of the application, Ref. PL/EPF/3259/17, dated 28 November 2017, 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: TJK512 - 03; 04; 05A; and 06A.
 - 3) 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.
 - 4) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping adjacent to the southern face of the approved wall, in the area identified on drawing no. 05A. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the use of the garden extension or the completion of the development, whichever is the sooner; and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

diseased shall be replaced in the next planting season with others of similar size and species.

Procedural Matters

2. The description of development in the heading is taken from the application and appeal forms. However, for the sake of clarity and brevity I have condensed the text for the description in the decision itself, and used that given on the Council's decision notice.
3. Revised plans were submitted during the course of the planning application, which set the proposed wall further back from the boundary with the footway: the original submission showed a distance of 900mm, and the revised plans 1.7m – 1.8m. The Council's Committee report confirms that re-consultation with neighbours and the Town Council was not undertaken as it was felt that objections to the original scheme were still relevant to the revised scheme, and I have made the same assumption. For the avoidance of doubt, it is the revised plans determined by the Council on which this decision is based.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the street scene and the wider area.

Reasons

5. The appeal property is a detached house on the 'Theydon Grove' estate, a 1960s development of neo-Georgian buildings that appear cohesive as a result of repeated designs, detailing and materials. The majority of the dwellings on the estate are terraced townhouses, interspersed with occasional detached houses.
6. 121 Theydon Grove (No.121) is located on a corner plot and is a single detached dwelling in an immediate context of terraced housing. The front gardens of the townhouses are generally hard surfaced for vehicle parking, albeit with some additional planting alongside. In contrast, the appeal property has its own garage and driveway and a separate landscaped garden in front of the house itself, although its private amenity space is a modest paved courtyard to the side of the building. The effect of driveways to the townhouses and the garden of the appeal property result in a sense of space and openness in the street scene.
7. The Council's reason for refusal focuses on the proposed garden wall, and its officer report confirms that the proposed side extension would be modest, discreet, subordinate to the dwelling and would not detract from either the character or appearance of the host dwelling or the surrounding area. I share this assessment, but if the extension were to be built it is evident that, without the proposed garden extension, the existing courtyard would be inadequate to meet the needs of occupants of the dwelling.
8. Whilst I have taken into account the Council's formal decision and the representations submitted in response to consultation on the planning application, I find that the proposed garden wall would be of a design in keeping with the aesthetics of the property and the wider estate. The proposed set-back from the pavement of approximately 1.7 – 1.8 metres would enable planting to the roadside face of the wall to soften its visual impact. Notwithstanding its height, at the proposed distance from the pavement the

wall would not be an unduly dominant or intrusive addition to the street scene. Moreover, the majority of the front garden would remain open and this would ensure that the existing sense of space would not be eroded.

9. It is evident that some detached properties on the estate have enclosed gardens forward of the 'building line', but these have not undermined the general character and appearance of the street scene. Representations refer to a nearby fence being constructed without planning permission, but I have placed limited weight on this feature as its design and siting is materially different to this proposal. Given that the majority of frontages in the vicinity provide car parking, there are few opportunities for garden enclosures as proposed in this case, and as such a well-designed wall to a property that is already distinct from the neighbouring houses would not be unsympathetic or visually intrusive. Whilst the proposal may bring about change to this part of the street scene and estate, this would not equate to material harm.
10. I therefore conclude that the proposed extension and wall would be acceptable in relation to the character and appearance of the street scene and wider area, and would accord with the aims of Policy DBE1 of the Epping Forest District Local Plan 1998 and Alterations 2006 (LP), in that they would respect their setting in terms including scale, siting and height, and would be of a significance in the streetscene which is appropriate to their use or function; and with the aims of LP Policy CP7 to maintain and improve the environmental quality of existing urban areas, and to prevent unsympathetic change. Insofar as it is only emerging policy, I have had regard to the design aims of Policy DM9 of the Epping Forest District Local Plan Submission Version 2017.

Other Matters

11. Representations to the application advise that the construction of the proposed wall would be in breach of covenants attached to properties on the Theydon Grove estate. However, the grant of planning permission would not override civil rights. Estate covenants are a private legal matter between interested parties, and are beyond the scope of this appeal.

Conditions

12. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area. Although not requested by the Council, I have added a condition to secure the planting shown on the submitted plans, as I agree with the assessment in the Council's Committee report of the benefits of this to the proposal and the street scene.

Conclusion

13. The National Planning Policy Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design, and for the reasons given above the proposal would comply with this principle and would be sustainable development supported through the Framework. As a consequence, I conclude that this appeal should be allowed.

H Lock INSPECTOR