
Appeal Decision

Site visit made on 15 September 2014

by C A Newmarch BA (Hons) MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 September 2014

Appeal Ref: APP/J1535/D/14/2220944

49 Southern Drive, Loughton, Essex, IG10 3BX

- 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 Nicholas Rust against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0219/14 was refused by notice dated 7 May 2014.
 - The development proposed is single storey side and rear extension with part second storey to side and rear.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposed development would effectively fill the space between the existing house at No 49 Southern Drive and its common boundary with the non-attached house at No 51. Although a garage/shed previously existed on part of this land, the submissions indicate that it was a modest single storey, pitched roof, structure, which was set further from the common boundary than the proposed extension.
4. The first floor element of the extension would be set back some 3.6m from the main front wall of the host property, and there would also be a modest set back at ground floor level. Nonetheless, the minimal separation of around 0.2m between the flank wall of the extension and the neighbouring property along the common boundary would have a terracing effect.
5. Policy DBE10 of the Epping Forest District Local Plan (1998) and Alterations (2006) (LP) provides, among other things, that a residential extension will be required to complement, and where appropriate enhance, the appearance of the street scene and the existing building. LP policy DBE10 requires close attention to be given to the separation of an extension from any neighbouring buildings. This policy does not stifle innovation, but seek to reinforce local distinctiveness. Notwithstanding the age of the LP policy, it is broadly consistent with the principle of taking account of the character of different areas in the National Planning Policy Framework (NPPF). Accordingly, I give it significant weight.

6. The predominantly residential street scene is characterised by short terraces, typically of six or four houses, facing the street. Notwithstanding its first floor set back, the almost complete closure of the gap between Nos 49 and 51 would give the visual impression of an uninterrupted terrace of 12 dwellings.
7. The appellant refers to the Council's decision to grant planning permission for a two storey side extension at No 51, which occupies the full width of its site. While it is a material consideration, in the absence of the full details and circumstances of that decision, it does not justify the proposal before me, and I give the matter limited weight.
8. The appellant also refers to the existence of similar extensions at many of the properties along Southern Drive, but, other than the reference to the extension at No 51, no specific details are before me. However, the gaps which I saw at the time of my visit all contribute positively to the general rhythm and suburban character of the street scene.
9. By contrast, the negligible separation between the flank wall of the proposed extension and the dwelling at No 51, would give rise to a cramped appearance and a terracing effect. This would be significantly out of keeping with the prevailing character and appearance of the area, where the gaps between the terraces give some sense of spaciousness. As such, the proposal conflicts with LP policy DBE10 and the core principles of the NPPF.
10. The proposal would not protect or enhance the built environment, and would, therefore, fail to meet the economic, social and environmental dimensions of sustainable development set out in the NPPF. Consequently, the presumption in favour of sustainable development does not apply.

Other matters

11. The appellant contends that the proposal reflects guidance derived from the Council officer's report on an earlier application for the extension of the dwelling, Ref EPF/2439/13. The Council does not, however, object on the basis of the design of the extension. Given the proportions of the proposed hipped roof, the pattern of fenestration and suggested materials, I have no reason to disagree, but this does not outweigh the harm identified.
12. The Council has not objected to the 2 storey rear element of the extension, but as the access to it at first floor level would be taken through the side extension, I consider that it is neither physically nor functionally separate from the remainder of the proposal. A split decision would not, therefore, be possible.
13. The Council has not objected on the basis of the effect on the living conditions of the occupiers of No 51 Southern Drive. Nevertheless, some disagreement exists regarding the accuracy of the plans, particularly regarding the positions of the rear access doors at No 51 and its nearest first floor rear window in relation to the corner of the proposed rear extension. While these matters would be pertinent to the living conditions of the occupiers of No 51, I have decided to dismiss the appeal for the reasons explained above, and so this is not a determinative matter in this instance.
14. The Council indicates that its objection to the extension of the appeal premises would be overcome by setting the entire flank wall 1m from the common boundary with No 51. This matter is not before me, and has formed no part of my consideration of the appeal.

15. I have also taken account of the officer-level recommendation that conditional planning permission be granted for this proposal. While this is a material consideration, the appellant acknowledges that the Council is entitled to reach a different view.

Conclusion

16. I have considered all other matters raised, but they do not outweigh the identified harm or the conflict with the development plan and the NPPF.

CA Newmarch

INSPECTOR