

Appeal Decision

Site visit made on 2 February 2016

by Daniel Hartley BA (Hons) MTP MBA MRTPI

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

Decision date: 11 February 2016

Appeal Ref: APP/J1535/W/15/3133522

13 Queens Road, Buckhurst Hill, Essex IG9 5BZ

- 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 Howard Winston against the decision of Epping Forest District Council.
 - The application Ref EPF/1309/15, dated 2 June 2015, was refused by notice dated 29 July 2015.
 - The development proposed is a third floor extension to form a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a third floor extension to form a new dwelling at 13 Queens Road, Buckhurst Hill, Essex IG9 5BZ, in accordance with the terms of the application Ref EPF/1309/15, dated 2 June 2015, subject to the conditions set out in the attached schedule.

Main Issue

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

Reasons

3. The appeal property is a three storey and mid terraced building and comprises a shop on the ground floor and residential units on the upper floors. It falls within Buckhurst Hill District Centre, is approximately 200 metres from Buckhurst Hill Underground Station and is surrounded by flats to the north (Pegasus Court), bungalows to the south (Queens Road) and a Waitrose Supermarket to the west. Queens Street is a cul-de-sac, but leads to a large pay and display car park. The appeal property falls within a terrace of seven buildings which are all three storeys, apart from the Railway Bar and Grill which is two storeys.
4. It is proposed to extend the third floor of the building by means of the erection of a mansard roof to create a one bedroom flat. The mansard roof would have sloping sides and a flat top. It would have two dormer windows, both in the front and rear elevations, and would be finished in slate. The mansard would be contained within proposed brickwork parapet walls.
5. The mansard would be set back from the rear of the existing parapet and would project approximately 1.6 metres above it. The dormer windows would

align with existing windows in the front and rear elevations and would be smaller in size. Taking all of these factors into account, I am satisfied that the extension would appear subservient in scale to the host building and would be appropriately designed.

6. Whilst I acknowledge that this would be the first mansard roof extension within the terrace, there are a variety of roof additions and extensions in the immediate locality, and in this sense, the proposal would not appear out of place. I note the concerns raised by the Council about the effect of the proposal on the symmetry of the terrace, but the terrace is not currently symmetrical given the scale and roof designs of the two ends of terrace properties (numbers 5 and 17 Queens Road). Consequently, I do not consider that the proposal would have a detrimental impact on the appearance of the terrace, nor appear incongruous when viewed from the wider area.
7. For the above reasons, I conclude that the proposal would not have an adverse impact on the character and appearance of the area. Therefore, it would accord with the design aims of saved Policies CP2(iv) and DBE1 of the Epping Forest District Adopted Local Plan 1998 and the National Planning Policy Framework.

Other Matters

8. The nearest property at Pegasus Court is approximately 24 metres from the development. I do not consider that the proposal would lead to unacceptable overlooking or loss of light issues. The proposal is for one flat and this would not lead to a material change to existing levels of noise in the locality. The proposal includes an area to store refuse, and I have no evidence to substantiate the claim that the proposal would lead to litter and rubbish being left for long periods of time. Whilst there is no on-site car parking proposed, the site is nonetheless within a District Centre, close to good public transport services and there are a number of car parks close by.
9. I give little weight to the concern that the proposed development would have a detrimental effect on the value of neighbouring properties. The basic question is not whether owners or occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings, which ought to be protected in the public interest. I have found that the proposal would be acceptable in all respects.
10. Reference has been made to the need for a secondary means of fire escape, but this is a matter to be determined as part of a separate Building Regulations application. I have considered the Council's argument that the current proposal would set a precedent for similar development in the terrace. Given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful development in the area. In any event, each application and appeal must be determined on its individual merits.
11. None of the other matters raised, including comments made by interested parties, outweigh my conclusion on the main issue.

Conditions

12. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of

the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.

13. Planning permission is granted subject to the standard three year time limit condition.
14. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have therefore imposed a condition to this effect.
15. In the interests of the character and appearance of the area, it is necessary to impose a condition relating to materials. In the interests of the living conditions of the occupiers of neighbouring properties, it is necessary to impose planning conditions relating to hours of construction and the storage of refuse.

Conclusion

16. The proposal would not have an adverse effect on the character and appearance of the area. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Daniel Hartley

INSPECTOR

Schedule of 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: Location Plan, DRG:QR-P-1001, DRG:QR-P-1002, DRG:QR-P-1003 and 14019_P_003 Rev B.
3. No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
4. The refuse storage facility shown on the approved plan 14019_P_003 Rev B shall be completed prior to the first occupation of the development, and shall thereafter be retained free of obstruction and used for the storage of refuse and recycling only.
5. All construction/demolition works and ancillary operations, including vehicle movement on site, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays.