

Appeal Decision

Site visit made on 17 November 2015

by **M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

Decision date: 18th December 2015

Appeal Ref: APP/J1535/W/15/3129031

61 Deepdene Road, Loughton, Essex, IG10 3PH

- 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 H S Sanghera against the decision of Epping Forest District Council.
 - The application Ref: EPF/0163/15, dated 20 January 2015, was refused by notice dated 1 April 2015.
 - The development is described as "proposed demolition of existing detached garage and erection of two bedroom dwelling, proposed new crossover for existing house".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the area; (ii) the effect on living conditions at neighbouring properties, particularly No 22 Cherston Road; and (iii) whether the amenity space for the new dwelling would be satisfactory.

Reasons

Character and Appearance

3. The appeal property is a semi-detached dwelling set on a tapered plot close to the junction of Deepdene Road and Cherston Road. Immediately adjacent is an open grassed area, dominated by a mature tree, which extends across the corner of the two roads. Similar open grassed areas exist on the other three corners of this road junction. The surrounding area is characterised by low rise, post-war, two-storey semi-detached and terraced dwellings, of varying designs, some of which have been extended. The area has a spacious and open character by virtue of the grassed areas that have been incorporated into the estate layout.
4. The new dwelling would be attached to the existing property, and built on an area currently occupied by a single garage. I acknowledge that an attempt has been made to design a dwelling to fit with the locality and blend with the host dwelling. The design seeks to overcome the concerns raised in a previously refused scheme. It would have a pitched roof reflecting the profile of the existing dwelling. The windows and doors, and proposed palette of materials,

would also echo those of the host building. The rear bedroom window has also been repositioned to prevent overlooking.

5. All that said, I consider that the scheme would appear as an unduly bulky and dominant addition to the existing dwelling. The harmful effect would be exacerbated by the fall in ground levels towards the south. The existing pairs of semi-detached houses on this side of the road each 'step down' reflecting the falling ground levels. However, the ridge height of the new dwelling would be set at the same uniform level as the host dwelling, rather than reflecting the changing ground levels. This means the dwelling would appear more imposing, obtrusive and conspicuous in the street scene. The dwelling's impact would be accentuated by the prominent, highly visible position of the plot, close to the road junction. Notwithstanding the gap retained to the side, the new dwelling would occupy a significant portion of this diminutive severed plot and appear cramped and shoe-horned on to the site.
6. My attention has been drawn to other examples of additions in the locality, including on corner plots. I examined these carefully at my site visit. However, none of these comprise new dwellings, but are extensions to existing houses. As a result, although they vary in design and size, some appearing more subservient to the host property than others, none create the impression of an additional dwelling, as would be the case here. Therefore, these examples do not provide a justification for this proposal.

Living Conditions

7. The appellant has submitted detailed evidence to show that any loss of direct sunlight to the rear garden of No 22 Cherston Road would be minimal, and only occur very early in the morning during the summer. On this basis, the appellant submits that no materially harmful effect would occur. However, from my site visit, it was clear that the property at No 22 extends significantly closer to the common boundary with the appeal site than is indicated on the block plan. This proposal would, because of its close proximity, size, height and position at right angles to No 22, create a significantly increased sense of enclosure at that property, as well as a more 'hemmed in' feeling. This would make living conditions much less pleasant at No 22.

Amenity Space

8. The Essex Design Guide ('the Guide') does not prescribe a garden area for houses of this size, and notes that different Councils have varying standards, 50m² being the most common. The Guide advises that applicants should consult the relevant Council planning department. The Council has referred to Policy DBE8 of the Epping Forest District Local Plan ('the Local Plan'), and its supporting text at Paragraph 15.52. This expects an amenity area of 20m² for each habitable room. In this instance, the Council says a garden area of 60m² would be required rather than the 45m² proposed.
9. The appellant has questioned the weight to be given to Policy DBE8 and its supporting text, given that the Local Plan was originally adopted in 1998. The appellant also argues that the Guide should be accorded very limited weight. Reference is made to a 2007 'Direction' letter from the Secretary of State in respect of the policies of the Local Plan. This says where policies were adopted some time ago, it is likely that material considerations, in particular the

emergence of new national and regional policy, will be afforded considerable weight in decisions. The appellant raises doubts over the consistency of the Council's approach with the National Planning Policy Framework ('the Framework'). The Framework does not change the statutory status of the development plan as a starting point for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

10. I acknowledge that the Framework at Paragraph 59 advises against unnecessary prescription or detail in design policies. Nonetheless, it seems to me that whatever criteria are used, this rear garden would, in essence, comprise a relatively meagre, oddly shaped, tapering strip of land, largely reflecting the space left over after severing the plot and accommodating a new dwelling on this site. I do not consider it would provide a particularly high quality or usable amenity space for future residents of the dwelling.
11. In reaching my overall decision, I have carefully weighed in the balance the benefits of the scheme, including the contribution the new dwelling would make to the supply of much needed housing. I am aware that the officer recommendation was that permission should be granted. I acknowledge the scheme would make efficient use of a site within an established residential area. However, I find the harm caused would not outweigh the benefits.
12. I have considered the proposal in the context of the presumption in favour of sustainable development set out in the Framework. I acknowledge that the Framework states that planning decisions should not attempt to impose architectural styles or particular tastes. However, the Framework seeks to promote or reinforce local distinctiveness as well as the achievement of a good standard of amenity for all existing and future occupiers. This proposal would fail to achieve those objectives.

Conclusion

13. Overall, I conclude that the proposal would harm the character and appearance of the area. It would harm the living conditions at the neighbouring property, No 22, and fail to provide satisfactory amenity space. As such, the scheme would conflict with Policies DBE1, DBE2, DBE8 and DBE9 of the Local Plan. Together, these require new buildings to respect their settings; not have a detrimental effect upon existing neighbouring or surrounding properties in amenity terms; and provide amenity space which is of a size, shape and nature that enables reasonable use. For the reasons above, the appeal is dismissed.

Matthew C J Nunn

INSPECTOR