



Appeal Decision

Site visit made on 12 February 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

Appeal Ref: APP/J1535/W/18/3212340

14 Ely Place, Chigwell IG8 8AG

- 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 Nick Kelly against the decision of Epping Forest District Council.
 - The application Ref EPF/0612/18, dated 28 February 2018, was refused by notice dated 22 August 2018.
 - The development proposed is a two-storey side extension, part single and part two storey rear extension and division into 2 no. 3-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refers to policies in its draft Local Plan. While this may be at an advanced stage, I cannot be sure there have been no significant objections to those policies, and the Plan has not yet completed examination. Accordingly, I give these policies only limited weight. At the time of my visit, the proposed development appeared to be well underway.

Main Issue

3. Considering the statement of the Council and the representations of interested parties, the main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Because of the higher ground level of the site compared to that of the adjacent plot, the side extension would be noticeably higher, around 1m, than the neighbouring house, No 14A. However, given the separation of the extension from No 14A of around 2m, and the similarity of their ground to ridge heights, the height of the extended house would not, in relation to No 14A, appear over-dominant. Nor, having regard to similar changes in level between adjoining or closely neighbouring houses in the same street, would the difference in height between the extended building and No 14A appear out of character with the pattern of development in the area. In appearance terms, I find no harm from the height of the proposal in relation to No 14A.
 5. Notwithstanding this, the loose, informal arrangement of the houses and the gaps between them gives a distinctive sense of spaciousness to the area.
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Where the flanks of houses stand close together, or where they form a semi-detached pair, they tend to be balanced on their opposite flanks by set-back or linked garages, or gardens. This relieves the street scene from built form and gives views through to trees or space behind the houses.

6. The proposed house would be semi-detached on one side, but as close as around 2m to the house on its free side. This would close the existing undeveloped space which contributes to the distinctive spacious character of the estate. It is this siting element of the side of the proposal which would have a poor relationship to No 14A and which would be at odds with the spatial character of the area and the pattern of development of the housing which underpins it.
7. I have taken into account that No 14A is a new house and that many houses in the area have been extended. However, this does not change to any significant degree the spacious character of the area which this proposal would undermine. I note the consents for development referred to by the appellant. However, I do not have the details of these cases or the circumstances which led to their approval to draw any parallels to this case. In any event, I have made my assessment based on the specific circumstances of this proposal, and the character of the area surrounding it.
8. I have noted the proximity of the existing garage to the side boundary, however it is a single storey structure whereas the proposal would extend up to the ridge of the existing house, with greater impact on the space between the houses. The proposal would remove a flank window overlooking No 14A, but this does not outweigh the harm to the character of the area.
9. I conclude that the proposed development would harm the spacious character of the area. It would conflict with policies CP2 and DBE1 of the Epping Forest District Local Plan Alterations adopted July 2006 which seek to safeguard and to enhance the character of the urban environment and require that new buildings respect their setting in terms which include siting. It would also be at odds with paragraph 127 of the National Planning Policy Framework, which indicates that developments should be sympathetic to local character including the surrounding built environment.

Other Matters

10. The Council considers that because of its proximity to the Epping Forest Special Area of Conservation (SAC), and the resulting increased visitor pressure and the air quality alongside the roads which cross it, the proposal would have an adverse impact on the integrity of the SAC. It seeks a planning obligation in respect of mitigation measures. Whilst I note the appellant's comments in this respect, as I am dismissing the appeal on the main issue, it is not necessary for me to consider this matter any further as it could not alter my decision.
11. I have considered the representations of neighbouring occupiers, however the points they raise do not outweigh the harm I have found to the character of the area.

Conclusion

12. The proposed development would make efficient use of a site within an established residential area, providing a modest, social benefit of 1 additional

house to local housing supply. It would bring economic benefits too, both during its construction and from the spending in the local economy of the future occupiers. Energy performance of the house would exceed the requirements of the Building Regulations.

13. However, these benefits of the development would be outweighed by its harm to the character of the area, and its conflict with the development plan as a whole. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR