
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: 25 September 2014

Appeal Ref: APP/J1535/A/14/2221785

'Queens Rooms, 69 Queens Road, Buckhurst Hill, Essex IG9 5BW'

- 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 Mrs Sevi Stamboliyski against the decision of Epping Forest District Council.
 - The application Ref EPF/0942/14, dated 22 April 2014, was refused by notice dated 11 June 2014.
 - The development proposed is a 'rear ground floor extension – repeat applic for previously approved applic Ref 1487/13. (Copy to James Rogers – Planning Enf Officer).'
-

Decision

1. The appeal is allowed and planning permission is granted for a rear ground floor extension at Queens Rooms, 69 Queens Road, Buckhurst Hill, Essex IG9 5BW in accordance with the terms of the application, Ref EPF/0942/14, dated 22 April 2014, and the plans submitted with it.

Procedural matters

2. There is an error in the address given on the application form. It is clear from the appeal form, other documentation, and my visit that the address is No 69 Queens Road.
3. There is no dispute that the development has been carried out, and I saw that work broadly in accordance with the submitted plans was in place at the time of my visit. I have, therefore, considered the appeal as being against the refusal of retrospective planning permission for a rear ground floor extension.
4. A copy of the previously approved application referred to in the description of development has not been provided. However, the Council officer's report explains that the depth of the extension granted by planning permission Ref EPF/1487/13 was 4m, whereas the appeal proposal is for an extension some 5m in depth. Since there is no objection to the permitted scheme, my consideration relates to the effect of the additional depth of around 1m of the built scheme.
5. The appellant explains that the 'over extending of the rear extension' was entirely due to a misunderstanding with the builders.' She further contends that it was too late to demolish it when the error was discovered. However, I have not taken this submission into consideration, since I am concerned with the effects of the additional depth of the rear extension, as explained above.

Main Issues

6. The main issues are whether it is necessary to provide for the storage of refuse within the site, and the effect of the extension on the living conditions of neighbouring residential occupiers, in relation to odours.

Reasons

Refuse storage

7. The extension has reduced to the rear yard to a minimal area with a depth of around 1.5m. It fails to leave adequate space for on-site refuse storage, which the Council considers to be necessary for the lawful use of the premises within Use Class A3.
8. There is no dispute that the refuse storage bin for the premises is located some distance away within a parking bay in Back Lane. However, there is no evidence before me to demonstrate that the permitted scheme required the on-site storage of refuse. Furthermore, I have not been referred to any policy requiring the provision of an on-site refuse store. Accordingly, while the existing arrangements are unusual and possibly inconvenient, it has not been demonstrated that they give rise to material harm.
9. The Council further submits that the extent of the built form has a cramped appearance, which fails to maintain or enhance the quality of the urban area. This does not, however, form part of the Council's refusal reason, and no submissions have been made in support of the contention. Local objectors refer to the appearance of the extension, but it is not highly visible from the public domain, other than glimpses through an archway from Kings Avenue.
10. Policy CP7 of the Epping Forest District Local Plan, 1998, and Alterations (2006) (LP), provides for the fullest use of existing urban areas while seeking to prevent over-development, unsympathetic change or loss of amenity. LP policy CP7 generally accords with the need to take account of the different roles and character of different areas identified in the core planning principles of the National Planning Policy Framework (NPPF), and I give it due weight.
11. However, while the extension has changed the appearance of the building and removed the possibility of on-site refuse storage, I do not consider that it is necessary to provide for the storage of refuse within the site, or that it has been demonstrated that it amounts to an over-development of the site. It does not, therefore, conflict with LP policy CP7 or the NPPF.

Living conditions

12. The rear wall of the extension includes a single extract vent from the WC into the rear yard. The Council and local objectors are concerned that this gives rise to unpleasant odours adjacent to the common shared boundary with Nos 2 and 2A Kings Avenue. Although the extract from the WC is at a high level, it is lower than the top of the tall close boarded fence along the common boundary, and is not immediately adjacent to the neighbouring dwellings. I have not been referred to any relevant standards, but, to my mind, the proximity of the WC vent to the common boundary is not unusual in an urban setting. Moreover, I did not discern any unpleasant odours in the yard.

13. LP policy DBE9(iv) requires that an intensification of use or an extension does not result in an excessive loss of amenity, including noise and smell, for neighbouring properties. The policy accords with the principle of promoting healthy communities in the NPPF, and I give it significant weight. However, in this instance, it has not, therefore, been demonstrated that the extension is materially harmful to the living conditions of the neighbouring residential occupiers, in relation to odours. As such, it does not conflict with LP policy DBE9(iv) or the NPPF.

Other matters

14. The Council further contends that the toilet could give rise to excessive noise disturbance to neighbouring residents, although this does not form part of its refusal reason. In any event, no evidence has been submitted regarding the sound rating of the WC extractor, or how this relates to relevant standards or policies. No conditions relating to the use of the yard have been suggested by the Council, and, in any event, the Council has other powers to control noise.
15. Concerns have been raised concerning the use of the yard by staff and customers for smoking, but the restricted space would limit the number of smokers using the space at any time, and the fire risk to the wooden fence is limited. Accordingly, I give these matters limited weight.
16. It is submitted that the extension results in a loss of privacy for local residents, but given the relative heights of the yard and the boundary fence, neither the yard, nor the rear-facing folding glass doors at the rear of the Queens Rooms, give rise to inter-visibility with the neighbouring properties.
17. Local objectors further refer to various matters including the insertion of a roof lantern into the extended building, the erection of an external metal flu, and the installation of a new grill within the premises. While these may be matters for the Council, they do not form part of the scheme before me, and have not formed part of my consideration of the appeal.
18. The neighbouring occupier at No 2 Kings Avenue refers to an alleged encroachment over the common boundary. This, however, is a private matter, which cannot form part of my determination of the planning appeal.
19. The appellant comments on the representations made by local people, but I have not considered these comments, but have determined the appeal on its merits.
20. The Council has not suggested that any planning conditions are necessary in the event of the appeal being allowed. Since the development has already taken place, and the decision refers to the submitted drawings, I agree.

Conclusion

21. I have considered all other matters raised, but it has not been demonstrated that the extension gives rise to significant harm, and does not conflict with the development plan policies or the NPPF.

CA Newmarch

INSPECTOR