
Appeal Decision

Site visit made on 16 January 2015

by **David Fitzsimon MRTPI**

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

Decision date: 9 February 2015

Appeal Ref: APP/J1535/A/14/2219238
20 Ollards Grove, Loughton, Essex IG10 4DW

- 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 L & C Design against the decision of Epping Forest District Council.
 - The application Ref EPF/2009/13, dated 20 September 2013, was refused by notice dated 27 November 2013.
 - The development proposed is a 4 bedroom semi-detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a 4 bedroom semi-detached house at 20 Ollards Grove, Loughton, Essex IG10 4DW in accordance with the terms of the application, Ref EPF/2009/13, dated 20 September 2013, subject to the conditions contained within the attached Schedule.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the street scene.

Reasons

Character and appearance

3. The appeal relates to part of the side and rear garden of a large, detached dwelling which sits in a road that is home to a range of semi-detached and detached dwellings of a variety of styles.
 4. The proposal seeks to build a house physically attached to the host dwelling, effectively resulting in a pair of semi-detached houses. The proposed house would be large, but its overall scale and proportions would be in keeping with those of the host dwelling. Whilst the introduction of the proposed house would inevitably reduce the sense of space between Nos. 20 and 16 Ollards Grove, it would be comfortably accommodated within the plot, with a reasonable distance separating it from the flank wall of this neighbouring dwelling.
 5. As my colleague Inspector noted when considering an earlier appeal at this site for a semi-detached dwelling (Ref. APP/J1535/A/13/2207443), the proposal would not result in a pair of symmetrical semi-detached houses. The new
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dwelling would, however, adopt the same architectural style, and several other pairs of semi-detached dwellings within the locality are asymmetrical in form. There would also be a difference in roof levels between the existing and the proposed detached dwelling. But as my colleague observed, this difference is a function of the sloping nature of the site. In the context of the varied roof heights and roof forms of nearby dwellings, I am satisfied that the roof configuration proposed would not appear incongruous.

6. In light of the above factors, I am satisfied that the proposed dwelling would sit comfortably within the street scene and would respond to its overall character and appearance. In such terms, there would be no conflict with saved policies DBE1, DBE2 and CP2 of the adopted Epping Forest District Local Plan.

Other considerations

7. In reaching my decision, I have considered the additional concerns raised by the occupiers of the neighbouring dwelling, No. 16 Ollards Grove. The proposed dwelling would be set almost a metre further from the flank elevation of No. 16 than the earlier scheme considered by my colleague, and it would be about 2.4 metres off the common boundary. My colleague explained that the windows in the 'affected' side elevation of No. 16 serve non-habitable rooms at first floor level and at ground floor level, one of the two windows was the principal window serving a habitable room. My colleague went on to reason that the proposed dwelling, because of its overall height, depth and proximity to the common boundary, would be overbearing for the occupiers of this neighbouring dwelling.
8. I entered No. 16 and noted that the ground floor windows on its flank elevation actually serve one large family room, which is also served by a principal double window to the front elevation. On this basis, although the ground floor windows on the flank elevation serve a habitable room, they are secondary windows. The proposal would result in two storey development much closer to these windows, and it would undoubtedly affect the outlook from them. Nevertheless, a reasonable outlook would be retained from this room through the large front window. This type of relationship, with side windows looking onto flank walls, is not uncommon in suburban areas such as this.
9. Given the reasonable distance between No. 16 and the proposed dwelling, the window arrangement I have described, along with the fact that the roof of the proposed dwelling would rise away from the boundary, I am satisfied that the development would not unacceptably reduce the levels of natural light available to the occupiers of this neighbouring house. Equally, as the flank elevation of the proposed dwelling would contain only ground floor windows serving non-habitable rooms, I consider that any impact on privacy levels would be within acceptable parameters. I therefore conclude that the proposed dwelling would not have an unacceptable effect on the living conditions of the occupiers of No. 16 Ollards Grove in any way.
10. Both the existing and proposed dwellings would be served by adequately sized private amenity spaces and off-street parking, whilst satisfactory levels of privacy and a reasonable outlook would be retained for occupiers of the host dwelling. It has been suggested that the existing dwelling is currently occupied as a House of Multiple Occupation, but no evidence is before me to confirm this

as its lawful use. In any event, I have made my assessment on the basis of the proposal before me, which is for a single dwelling. It has also been suggested that the development could cause structural issues for adjacent property owners, but this matter is more appropriately addressed by other legislation. Concern has also been raised about the impact of the development on existing trees, but I am satisfied that any specimens which are worthy of retention could be protected during the construction period by an appropriately worded planning condition.

11. Finally, it has been suggested that the proposal amounts to garden grabbing and approval would set an undesirable precedent for similar proposals. The National Planning Policy Framework does not preclude residential development on garden land which is appropriate to its context, and one of the fundamental principles underpinning the planning system is that each and every planning application should be considered on its individual merits.

Conditions

12. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested several conditions in the event the appeal succeeds. The external finish of the proposed dwelling should be controlled to ensure a visually acceptable development. Details of landscaping and maintenance are not required because firstly, an appropriate landscaping plan has been submitted for the scale and type of development proposed and secondly, it is in the appellant's interest to ensure that this domestic landscaping is actually maintained. The Council has suggested that permitted development rights should be removed, but no exceptional reasons have been given to justify this position. I do, however, agree that tree protection measures are required for reasons that are obvious. In addition, a Construction Management Plan and restricted construction hours are required to safeguard appropriate living conditions for nearby residents during the build.
13. In allowing the appeal, I shall impose conditions accordingly.

David Fitzsimon

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 approved plans referenced H.8.A Rev 'B', the 'Proposed Block Plan' dated stamped by the LPA dated 24 September 2013 and the 'Proposed Landscaping Plan'.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development, including works relating to demolition or site clearance, shall take place until a Tree Protection and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in Relation to Construction) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details unless the local planning authority first gives written consent to any variation.
- 5) All demolition and construction works and ancillary operations shall take place only between the hours of 08.00 and 18.30 Monday to Friday and 08.00 to 13.00 on Saturdays and at no time on Sundays and Bank Holidays.
- 6) No development, including works relating to demolition or site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Construction Method Statement should be adhered to throughout the construction period and should provide for the following:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The unloading and loading of plant and materials;
 - c) Storage of plant and materials;
 - d) The erection and maintenance of security hoarding;
 - e) Measures to control the emission of dust and dirt during construction; and
 - f) A scheme for recycling/disposing of waste resulting from demolition and construction works.