



The Planning
Inspectorate

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Your Ref: PL/EPF/1589/11
Our Ref: APP/J1535/A/11/2166690/NWF
Date: 12 June 2012

Dear Ms Parker

**Town and Country Planning Act 1990
Appeal by Everglade Construction Ltd
Site at Land Adj To 38 Onslow Gardens, Chipping Ongar, CM5 9BQ**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Jackie Whitworth

Jackie Whitworth

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You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button.



Appeal Decision

Site visit made on 10 May 2012

by **Gary Deane BSc(Hons) DipTP MRTPI**

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

Decision date: 12 June 2012

Appeal Ref: **APP/J1535/A/11/216690**

Land Adjacent to 38 Onslow Gardens, Chipping Ongar, Essex CM5 9BQ

- 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 Dave Evans against Epping Forest District Council.
 - The application Ref PL/EPF/1589/11, dated 1 August 2011, was refused by notice dated 9 November 2011.
 - The development proposed is the erection of a new 3-bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new 3-bedroom dwelling on land adjacent to 38 Onslow Gardens, Chipping Ongar, Essex CM5 9BQ in accordance with the terms of the application Ref PL/EPF/1589/11, dated 1 August 2011, subject to the conditions in the schedule to this decision.

Procedural matters

2. The proposed development appears to be complete. It has been constructed broadly in accordance with the plans.
3. On 27 March 2012, the Government issued the National Planning Policy Framework (the Framework), which sets out planning policies for England and how these are to be applied. At the heart of the Framework is a presumption in favour of sustainable development. As the Framework is a material consideration and was issued after the submission of evidence, both main parties were invited to submit further representations in the light of its publication.

Main issue

4. The main issue is the effect of the development on the character and appearance of the local area.

Reasons

5. On 20 July 2011, the Council granted planning permission for the erection of a 2-bedroom dwelling on the site¹. The development sought differs from the approved scheme in that a dormer extension is included in the rear roof slope

¹ Reference PL/EPF/0951/11

of the appeal building to facilitate the use of the roof space as a third bedroom. As the Council has recently found the development to be acceptable except for the rear dormer it is that element of the appeal scheme that I shall primarily concern myself.

6. The dormer extension extends across the width of the most of the rear roof slope and lies just below the ridgeline of the appeal building. Its scale and bulk visually dominates the rear of the dwelling. Nevertheless, the dormer extension is set in from the sides of the rear roof and is set back, by some margin, from the rear building line of the dwelling. Although a large addition, it sits comfortably on the roof slope and its 'box like' appearance reflects the broad shape of the built form at the rear of the dwelling.
7. Glimpse views of part of the dormer extension are possible from a limited number of public vantage points along Onslow Gardens. These views are primarily through a narrow gap between the appeal property and 36 Onslow Gardens, which is situated on the opposite side of a public footpath that runs between these properties. From the adjacent highway, only a small part of the dormer is visible at some distance. It does not draw the eye or look out of place because the amount of built form visible in the local street scene is modest and it appears to be in proportion to the host building. For these reasons, the dormer extension is not obtrusive in the local street scene.
8. The dormer extension is evident when viewed from the footpath that runs adjacent to the side and rear of the site. That view is in the context of the adjacent property, No 38, to which the appeal dwelling is attached. The general scale, design and appearance of the development reflects that of No 38, which has a similar rear dormer extension. Because these dwellings are viewed together, this element of the appeal scheme does not look out of place because it is perceived to be broadly consistent in design, scale and proportion with the adjacent dwelling. Although the dormer extension stands out when viewed from the adjacent footpath, it is not so out of keeping that it detracts from the estate style housing which generally characterises the local area.
9. The remainder of the development is similar to the approved scheme and I find no obvious reason to withhold planning permission given that it is, in my opinion, appropriate in design, scale and appearance. While the development has created a terrace of three units, the new dwelling and No 38 are visually separate entities and, as such, the development relates well to existing development and blends into the local street scene. For all of these reasons, the appeal scheme does not amount to overdevelopment nor does it prejudice the amenities of the area.
10. Overall, I conclude that the development is in keeping with the character and appearance of the local area. It complies with Policies DBE1 and CP7 of the Epping Forest District Local Plan and its Alterations. These policies, to which I attach significant weight, seek to ensure that development maintains the environmental quality of the urban area and that new buildings respect their setting.
11. I acknowledge the concerns mainly from interested parties that the development has already been carried out. However, that is insufficient reason to dismiss the appeal because each case should be considered on its individual

merits, which I have done in this instance. For the same reason, the development, if allowed, would not set an undesirable precedent.

Conditions

12. In attaching conditions, I have had regard to Circular 11/95: *The Use of Planning Conditions in Planning Permissions*, and the advice within the Framework. As the development has already started a commencement condition is unnecessary. It was not possible to conclude from my unaccompanied site visit that the development is fully complete. Therefore, I have attached a condition requiring that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. To ensure the satisfactory appearance of the development, a condition is imposed which requires full details of landscaping.
13. Circular 11/95 advises that conditions should not be imposed which remove permitted development rights except in exceptional cases. While I have found the rear dormer to be acceptable in this case, it does not necessarily follow that other alterations and extensions that would normally be regarded as permitted development would be acceptable in terms of the appearance of the development and its relationship with nearby residential properties. Therefore, a condition is imposed that removes permitted development rights for any further extensions and alterations to the building. In the interests of highway safety, conditions are imposed to require that the car parking arrangements are in place and retained as such, and that the lighting column at the front of the site is relocated so that it does not obstruct access to the parking area.
14. I have amended the Council's suggested conditions to reflect the advanced stage of construction and to more closely reflect national guidance.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 938/9A, 938/10C and 938/11.
- 2) Prior to the occupation of the development hereby permitted landscaping works shall be completed in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. These details shall include pedestrian access and circulation areas; hard landscaping and surfacing materials; finished levels or contours; means of enclosure; minor artifacts and structures (eg furniture, refuse or other storage units); and soft landscape works including planting plans; written specifications; schedules of plants, and an implementation programme. These works shall be carried out as approved in the first planting season following the occupation of the development or in accordance with a

programme agreed with the local planning authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no building, structure or alteration permitted by Class A and B of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage of the building hereby permitted other than those expressly authorised by this permission.
- 4) The development hereby permitted shall not be occupied until the lighting column at the front of the dwelling hereby permitted has been relocated to a position that does not obstruct vehicular access to the parking spaces shown on drawing No 938/10C.
- 5) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing No 938/10C for two cars to be parked. The car spaces to be provided shall be kept available for the parking of motor vehicles at all times and permanently retained as such thereafter.
- 6) No fence or wall over one metre in height shall be erected along the western boundary of the site between the rear building line of the dwelling hereby permitted and the highway.