
Appeal Decision

Site visit made on 4 December 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 22nd December 2017

Appeal Ref: APP/J1535/W/17/3182457

16 Kendal Avenue, Epping CM16 4PW

- 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 and Mrs Hunter against the decision of Epping Forest District Council.
 - The application Ref EPF/0309/17, dated 25 January 2017, was refused by notice dated 24 May 2017.
 - The development proposed is the demolition of existing 3 bedroom house and construction of new 5 bedroom house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing 3 bedroom house and construction of new 5 bedroom house at 16 Kendal Avenue, Epping CM16 4PW in accordance with the terms of the application, Ref EPF/0309/17, dated 25 January 2017, subject to the conditions contained within the Schedule attached to this decision.

Main Issue

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

Reasons

3. The appeal site comprises a two-storey, detached dwelling with a detached garage set within a large plot. It is located within a predominantly residential area that consists of large detached properties set within large plots. There is a wide range of building styles, sizes and materials used which provides a high degree of visual interest. The mature gardens with trees and hedges are prominent features in the street scene. The wide road, the set-back position of the buildings and the generous spacing between them create a sense of spaciousness. Overall, the area has a pleasant, leafy suburban character.
4. A proposal for a building comprising 4no. flats on the appeal site was refused planning permission and subsequently dismissed on appeal in 2016¹. The Inspector found that as a result of its two-storey height along its entire width and with a limited gap to the side boundaries, its scale, mass and plot coverage would be at odds with the established pattern of development and prominent in the street scene. Whilst I am not bound by the Inspector's decision, it is a significant material consideration.

¹ Appeal Ref APP/J1535/W/16/3142789

5. The appeal proposal differs from the previously dismissed scheme as it is for a single dwelling and not flatbed accommodation. Nevertheless, it seeks to address the concerns of the previous Inspector. The proposed dwelling would have a total width of approximately 19.2m. The two-storey element would be 15.4m of this width with the remainder being the attached single-storey garage. Therefore, whilst the dwelling would have a similar, if not greater, width than the previous flatbed accommodation, the single-storey garage would retain a sufficient gap at first floor level with No.18A Kendal Avenue. The two-storey element of the dwelling would in fact be slightly set back from the boundary with No.18A than the existing dwelling. Whilst the gap with No.14 Kendal Avenue would be significantly reduced, overall the spacing between the neighbouring properties as a whole would be reflective of other properties in the vicinity and would respect the spacious character of the area.
6. This stretch of Kendal Road has an incline rising from south to north. As a result, dwellings are on different ground levels. The appeal site is slightly higher than No.18A and slightly lower than No.14. Nevertheless, I noted during my site visit that whilst the height of the ridge line of the existing dwelling is below that of No.14, it is also below that of No.18A and therefore, does not reflect the difference in ground levels and the general stepped roofscape on this stretch of the street. Although roofs generally do step down from one another along the street, given the difference in property designs and roof styles this is not particularly discernible when viewed from the street and I do not consider that it is a predominant feature of the street scene.
7. There appears to be some inconsistency regarding the Council's consideration of the height of the dwelling. In their Delegated Report it states that the dismissed building had a height which was the same as that proposed in this application. However, in their appeal statement they state that the proposed dwelling would be higher than the dismissed building. There is no explanation for this change of view. The application includes a drawing of the proposed dwelling with the existing dwelling and the dismissed flatbed accommodation overlaid². The drawing indicates that the roof height of the proposal and the previous scheme are very similar. In the absence of any substantive evidence to the contrary I have considered the appeal on this basis.
8. The proposed dwelling would be higher than the existing dwelling. The ridge line would be higher than that of No.18A and lower than No.14, albeit only marginally so. Nevertheless, it would result in the roofs being stepped, which presently they are not, and therefore would not appear out of character. I note the Council's argument that as a result of the gable frontage of No.14 and the difference in ground levels the dwelling would appear higher than No.14. However, it is not clear how the gable frontage of No.14 would have any effect. Moreover, the difference in ground levels would likely result in the appeal property appearing lower than it actually is. Therefore, I do not share the Council's view on this matter.
9. The dwelling would have a large expanse of flat roof in the centre of the roof. The Council raise concern that this could be seen from long views due to the topography of the site and does not reflect the prevailing pitched roofs in the vicinity. Whilst the flat roof could possibly be seen from limited vantage

² Dwg no. 1835/14B

points along Kendal Avenue to the north of the site, this would be glimpsed views through trees lining the road. I accept that it would also be visible from neighbouring properties to the rear. However, any harm as a result of the flat roof failing to reflect the surrounding pitched roofs would be negligible as the visually prominent elements of the roof would be pitched.

10. The depth of the dwelling would be approximately 14m with an additional 1.4m including the bay windows. This would be a greater depth than the previously dismissed scheme. The front elevation of the dwelling would follow the building line of that of No.14 and No.18A, albeit the bay windows would project slightly beyond it. Views of the flank elevations would be possible from the road. However, these would only be possible from acute angles. Although the dwelling would extend beyond the rear building line of Nos.14 and 18A, I do not consider that it would be excessively so to such an extent that it would be harmful to the character or appearance of the area.
11. I acknowledge that as a result of its height, depth and width, the proposed building would be substantial in size. However, there are many other properties in the vicinity that are also of a substantial size. The dwelling would fit comfortably within its large plot and its design, with gable projections, dormer windows and hipped roof, would sufficiently break-up its visual bulk. Overall, it would assimilate well into the street scene, reflecting the existing pattern of development and retaining the spaciousness of the area and would not appear unduly prominent.
12. I have had regard to the proposed exterior materials and the use of a light grey render with stone quoins. There is a wide ranging palette of materials and colours in the vicinity of the site. Whilst light grey render and stone quoins are not common place, I do not consider that the use of them would have a detrimental effect on the area.
13. I find therefore that the proposal would not significantly harm the character and appearance of the area. As such, it would comply with saved Policies CP7 and DBE1 of the Epping Forest District Local Plan and Alterations 2006, which, amongst other things, seek to ensure that development is of a high quality and respects its setting. In addition, it would accord with the design objectives of the National Planning Policy Framework (the Framework).

Other Matters

14. There are a number of trees on the site. An Arboricultural Report and Arboricultural Implications Assessment accompanied the application submission. The Council raise no objection to the proposal with regard to the effect on trees. Based on the evidence before me, the observations I made on site, and in the absence of any substantive evidence to the contrary, I find no reason to disagree with this view.
15. Concerns have been raised by neighbouring residents regarding overlooking, loss of light and outlook. However, I am satisfied that there would be sufficient distance between the properties to ensure that there is no adverse overlooking of neighbouring properties or loss of light. Furthermore, the two-storey element of the dwelling would be set back from the boundary with No.18A sufficiently so that I do not consider that it would unduly harm the outlook from No.18A's rear garden.

16. I note the concern raised regarding the uncertainty over the size of the overall floor space of the dwelling. However, regardless of the different figures referred to, I have determined the appeal on the basis of the drawings submitted, which have measurements on them, and are the same as those considered by the Council in their determination of the appeal.
17. I have also had regard to the concerns raised regarding flooding. However, in the absence of any substantive evidence regarding this matter I can only attribute it very limited weight.
18. With regard to parking, the proposal includes a large driveway and a garage. I am satisfied that these could adequately accommodate the car parking needs of the future occupants of the dwelling without adversely affecting on-street parking provision.

Conditions

19. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. I have revised some of the wording in the interests of clarity and enforceability. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area conditions regarding materials, the removal of permitted development rights, the protection of trees, landscaping, and site levels are necessary. A condition is necessary regarding surface water drainage in the interests of flood prevention. To protect public health, a condition is necessary regarding land contamination. A condition is necessary requiring wheel washing facilities in the interests of highway safety. Finally, in the interests of protecting residential amenity, a condition is necessary restricting hours of all works on site.
20. It is essential that the requirements of conditions 4, 7, 8, 9 and 10 are agreed prior to the development commencing to ensure an acceptable form of development in respect of flood prevention, preserving the character and appearance of the area and highway safety.

Conclusion

21. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

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 following approved plans: 1835/01/D, 1835/02, 1835/03, 1835/04, 1835/05O, 1835/06C, 1835/07C, 1835/08C, 1835/09B, 1835/11, 1835/12B and 1835/14B.

- 3) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the agreed details.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken other than that expressly authorised by this permission.
- 6) Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to and agreed in writing by the local planning authority prior to the recommencement of development.

Following the completion of the development and prior to its first occupation, sufficient information must be submitted to the local planning authority to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 7) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved details.
- 8) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the local planning authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes

seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

- 9) No development shall take place until details of levels have been submitted to and approved by the local planning authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with the approved details.
- 10) No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the local planning authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site during the duration of the construction of the approved development.
- 11) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank holidays.