
Appeal Decision

Site visit made on 20 September 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/J1535/W/16/3150777

26 Piercing Hill, Theydon Bois, Essex CM16 7JW

- 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 Ari Demetriou against the decision of Epping Forest District Council.
 - The application Ref EPF/2687/15, dated 17 October 2015, was refused by notice dated 21 March 2016.
 - The development proposed is replacement dwelling and detached garage pitched roof to existing garage front wall/railings and gates with altered access point/crossover.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 25 Piercing Hill with particular regard to outlook.

Reasons

3. The appeal site is a large detached single storey dwelling with accommodation in its roof space. The neighbouring property to the south is No 25 Piercing Hill (No 25) a large detached two storey dwelling. The land rises gently from the south to the north, thus No 25 sits slightly lower in level than the appeal site.
 4. The proposed dwelling would be taller than the dwelling it would replace. Although having a lesser footprint than the existing dwelling the proposed dwelling would be positioned with the front elevation of the proposed dwelling roughly in line with the rear elevation of No 25.
 5. I acknowledge that the proposed south facing elevation would be set in from the shared boundary with No 25 by some 3.5 metres. However, the two storey element of the proposed dwelling would be some 13 metres deep. Whilst part of this section of the building would incorporate a hipped roof, the part of the proposed dwelling closest to No 25 would have an imposing gable end which would be some 9.4 metres high to the ridge.
 6. Even though the proposed dwelling would incorporate features of visual interest it would result in the introduction of a building of a significant mass which would extend for a considerable length of the shared boundary with No 25, the
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effects of which would be exacerbated by the change in level between the appeal site and No 25.

7. I acknowledge the appellant is willing to accept the imposition of a planning condition which requires landscaping to be put in place along the shared boundary. However, such landscaping would take some time to become effective, and could also have harmful effects.
8. Overall, I find that the proposed south facing elevation through its height and length would generate a sense of enclosure, which would be overbearing when viewed from the rear elevation and rear garden of No 25 which would be harmful to the living conditions of the occupants of No 25 with particular regard to outlook.
9. In reaching these conclusions I have had regard to appeal reference APP/V5570/A/14/2227656. However, I have assessed the appeal on its merits with regard to bespoke site specific circumstances and have found harm to nearby residents living conditions with regard to outlook.
10. Therefore, the proposed development is in conflict with the development plan and the good design and amenity protection aims of the National Planning Policy Framework. It specifically conflicts with saved Policy DBE9 of the Epping Forest District Local Plan (1998) which seeks to ensure good design and that new development does not harm the amenities of the occupiers of neighbouring properties.

Conclusion

11. For the reasons set out above and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR