

Appeal Decision

Site visit made on 12 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 10th January 2017

Appeal Ref: APP/J1535/W/16/3156316

Vailima, The Street, Sheering CM22 7LR

- 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 J Hudson against the decision of Epping Forest District Council.
 - The application Ref EPF/3255/15, dated 21 December 2015, was refused by notice dated 13 July 2016.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at Vailima, The Street, Sheering CM22 7LR in accordance with the terms of the application, Ref EPF/3255/15, dated 21 December 2015, subject to the following 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: 15-105 1N, FTP.001.A, FTP.004.A and FTP.005.A.
 - 3) No development shall commence until details of surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
 - 4) No above ground construction works shall take place until details of the materials to be used in the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are the effect of the development on (a) the character and appearance of the area and (b) the living conditions of occupiers of The Elms with particular regard to light and outlook.

Reasons

Character and appearance

3. The Street comprises a linear form of residential properties, which appear to have been built incrementally over time rather than as a single planned estate.
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A number of properties have steep pitched roofs and often incorporate front dormers, particularly on one and half storey properties. There are several examples of gable ends fronting onto the road. Building heights alter from property to property, while buildings are often sited close to side boundaries and each other. It is not uncommon for a larger or taller property to be sited next to a smaller or shorter one. The depths of properties are also not uniform reflecting the individual bespoke designs. The overall character and appearance of the area is thus quite varied in terms of design, scale and height.

4. The existing property at the appeal site known as Vailima is a modest single storey bungalow. To the east is The Elms, which is a taller bungalow with living space in the roof and a larger footprint. In terms of architectural design they are quite similar.
5. The proposed development would be noticeably taller than the existing property, but not significantly taller than The Elms or other properties along The Street. The new dwelling would project around a metre further forward of The Elms, but would share a similar rear building line and a similar overall depth. As such, it would not dwarf The Elms or appear overly dominant in the street scene. The overall design of the dwelling would be sympathetic to existing properties, and the use of a front gable feature would not look out of keeping given a number of similar features on The Street.
6. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policy DBE1 of the Epping Forest District Local Plan 1998 and Policy CP7 of the Local Plan Alterations 2006. Amongst other things, these policies require development to maintain and improve the environmental quality of existing urban areas, with new buildings that respect their setting in terms of matters such as scale, siting, height and detailing.

Living conditions

7. From the evidence before me, the proximity of the existing and proposed dwelling at Vailima to the shared boundary with The Elms appears to be little different. The existing property already has an effect on the amount of light to the windows of the study, bathroom and utility room on the side elevation of The Elms, and the outlook from each room is already dominated by built development.
8. The increased height of the proposed development would have some additional effect on light and outlook. However, the bathroom and utility rooms are not habitable rooms and have obscured glazing on the windows, which limits the extent of any adverse effects. There would be some harm to occupiers of the study, which could also function as a bedroom, but would not be significantly worse than the existing conditions.
9. The proposed development would be larger than the existing dwelling in terms of footprint and height, but the bulk of the first floor would be to the side of The Elms. The rearmost part of the first floor would step in significantly from the shared boundary. The depth of The Elms and the proposed development would be similar. As such, there would be little impact on light to the rear garden or rear elevation of The Elms. The outlook from the rear garden of The Elms would inevitably alter, but given the siting of the proposed development

in relation to the shared boundary and to the side of The Elms, it would not appear overly dominant.

10. The rear dormer window serving Bedroom 4 of the proposed development would have an angled view over the rearmost part of The Elms, while the bedroom window for the master bedroom would have a similar angled view into the rear garden of The Elms. Neither would have a direct view into the rear garden of The Elms and so there would be limited effect on privacy.
11. The additional forward projection of the proposed dwelling compared to the existing house would be modest and so would not have any noticeable effect on light to the front garden of The Elms. Moreover, while the proposed dwelling would be bigger than the existing property with extra rooms, it would remain a single family dwellinghouse and so a significant increase in noise and disturbance is not inevitable.
12. Concluding on this main issue, the proposed development would not result in unacceptable harm to the living conditions of occupiers of The Elms, with particular regard to light and outlook but also in terms of privacy, noise and disturbance. Therefore, it would accord with Policies DBE2 and DBE9 of the Epping Forest District Local Plan 1998 which seek to avoid detrimental effects on neighbouring properties and an excessive loss of amenity in terms of visual impact, overlooking, light, noise and disturbance.

Other Matters

13. I note the concerns of the occupiers of 1 Cherry Tree Cottages on the opposite side of The Street regarding a loss of view of the countryside behind Vailima from their first floor bedroom window as a consequence of the proposed development. However, the private view from a window is not regarded as a planning matter. The distance between 1 Cherry Tree Cottages and the proposed development is also sufficient to avoid any overbearing effects on outlook for occupiers of this property.
14. I also note the concerns of various interested parties regarding the effects of building works on the health and safety of occupiers and users of adjoining land, the disruption to the flow of traffic along The Street and the functioning of the car park and shop units immediately to the west of the appeal site. However, any effects would be short-term and could be addressed by careful construction management. Any access requirement onto third party land to build or maintain the property would be a private legal matter to be discussed between affected parties.
15. I have limited information on the potential effects of development on a main sewer drain that runs along the western side of the appeal site, but any material amendment to the proposed development to address the location of the drain would likely require a fresh planning application. I also have little detail on the effects of foundation works on the structural integrity of The Elms, but any damage could be covered under separate legal rights.

Conditions

16. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition concerning the materials to be used is

necessary and relevant to ensure that the appearance of the development is satisfactory.

17. The Council indicate that the site lies partially within a flood risk assessment zone where the geology of the area may not be suitable for the disposal of surface water by soakaway. Thus, a condition requiring details of surface water disposal before development commences is necessary to ensure that this element is considered at an early stage. I have not been provided with any evidence as to why details of foul water disposal are necessary. Similarly, there is no need to condition the surface materials of the vehicle access, as the application form indicates that block paving will be used as existing.

Conclusion

18. The proposed development would have an acceptable effect on the character and appearance of the area and would not result in unacceptable harm to the living conditions of occupiers of The Elms. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR