
Appeal Decision

Site visit made on 13 December 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/J1535/W/16/3158716

171 High Road, North Weald Bassett, Epping CM16 6EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Chris Trussell against the decision of Epping Forest District Council.
 - The application Ref EPF/1247/16, dated 3 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is demolition of existing house and construction of 4 x detached houses, each with 4 bedrooms.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline form and the application form makes it clear that all matters are reserved for future consideration apart from 'Access' and 'Layout'. Although the plan is not marked as 'indicative' because of this I have dealt with the appeal on the basis that the plan is indicative.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of 36 Princes Close, with particular regard to light and outlook.

Reasons

Background

4. The proposal before me follows a refused application for a similar residential development in March 2016 and the subsequent dismissal of a related appeal¹. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Character and appearance

5. The appeal site is formed by a large residential bungalow and its associated curtilage, set back from the highway and separated from it by an open frontage with some soft landscaping. The property has a street frontage of approximately 39 metres in width and is by far the widest plot in this part of

¹ APP/J1535/W/16/3151176

High Road, providing a sense of openness and spaciousness that positively contributes to the character and appearance of the area.

6. I agree with the findings of the previous Inspector that High Road is a residential area with a wide variety of sizes and styles of dwellings, including a mixture of terraced, semi-detached and detached properties. Furthermore, that there is a large variety in the plot widths of surrounding properties, with wider more spacious plots on the same side of the road as the appeal site, with the opposite side being more densely developed and less spacious. Adjoining the site to the side and rear are the gardens of properties within Princes Close, some of which back onto High Road.
7. I acknowledge that revisions have been made to the scheme so that the proposal would now divide the site into four plots with four detached two storey dwellings that would be staggered in terms of their set back from the highway. Despite these changes, the width of the plots would still be narrower than any of the existing properties that front onto High Road and on the same side as the appeal site.
8. Furthermore, although the scale of the dwellings would fall to be assessed in greater detail at a later stage, in trying to achieve an appropriate scheme at the reserved matters stage for four, four bed detached dwellings there are a limited number of ways in which the appeal site could be developed. Because of the layout of the plots such dwellings are highly likely to end up being two storeys in height and built uncharacteristically close together with limited space in between. This would result in the perception of an almost continuous frontage and a cramped and unduly dominant form of development that would be at odds with the spacious and open quality of the appeal site and unsympathetic to the prevailing character and appearance of development on this side of High Road and the immediate locality.
9. I noted that on the opposite side of High Road there was a more densely developed and varied character, with two groups of terraced dwellings further along High Road and detached and semi-detached dwellings directly opposite. However, to my mind the less spacious character of development on the opposite side of High Road to the appeal site does not justify or outweigh the harm that the proposal would cause to the character and appearance of the area.
10. For these reasons, the proposal would cause significant harm to the character and appearance of the area and I do not consider that this harm could be mitigated by additional landscaping in the form of additional landscaping and tree planting. Accordingly, the proposal would conflict with Policy DBE6 of the Epping Forest District Local Plan 1998 and Policy CP7 of the Epping Forest District Local Plan Alterations ('LP'). Amongst other things, these require that new developments respect their setting, safeguards and enhances the character and townscape of the urban environment and do not result in unsympathetic change.

Living conditions

11. Plot 4 of the proposal would be the closest to No. 36 Princes Close, a two storey semi-detached dwelling which is sited so that the rear elevation faces partly across the front corner of the appeal site. Although the presence of development would be conspicuous from No. 36, views from the rear elevation

would be predominantly across the front garden with only the corner of the dwelling within the line of sight from the ground floor conservatory and first floor rear window. Consequently, the eye would not be unacceptably drawn to that dwelling and the proposal would not result in such an overbearing or visually intrusive effect that it would cause material harm to the outlook from No. 36.

12. In terms of daylight and sunlight, the Council has not provided any substantive evidence to refute the appellant's assessment that the level of daylight into No. 36 would not materially exceed the relevant British Standard². Having visited the site, I have no reason to disagree with this assessment and furthermore, although there would be some effect on the level of sunlight to the rear of No. 36, given its orientation this would be restricted to the late afternoon and the majority of the rear elevation and garden would be unaffected.
13. For these reasons and on the evidence before me, the proposal would not cause material harm to the living conditions of the occupiers of No. 36 Princes Close in terms of light or outlook. Accordingly, it would not conflict with Policies DBE2 and DBE9 of the LP which require new buildings to not have a detrimental effect upon existing neighbouring properties in terms of amenity.

Other Matters

14. The appellant contends that the proposal would make better use of an existing site with a higher density development but the development plan also requires that such development must be compatible with the character of the area. I am also mindful that the National Planning Policy Framework is clear that the definition of previously developed land excludes land in built up areas such as residential gardens. Whilst the proposal may widen the opportunities for home ownership and provide additional homes, the limited social benefits from four dwellings does not outweigh the significant harm that I have identified to the character and appearance of the area.
15. I also note that the application was recommended to the Planning Committee for approval following discussions with officers. However, the Council's administration and determination of the application is not a matter for me to address as part of this appeal and does not alter my findings in respect of the first main issue.

Conclusion

16. Although I have found no material harm in terms of living conditions, the proposal would cause significant harm to the character and appearance of the area. In my view, that is the prevailing consideration and although there would be no conflict with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole. Material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

² BS 8206 2008 'Code of Practice for Daylighting'