
Appeal Decision

Site visit made on 31 January 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 17th February 2017

Appeal Ref: APP/J1535/W/16/3160195

40 Princes Road, Buckhurst Hill, Essex IG9 5EE

- 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 Mrs S Boyle against the decision of Epping Forest District Council.
 - The application Ref EPF/1718/16, dated 22 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is erection of single storey dwellinghouse and formation of parking area to existing dwellinghouse.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the proposal would provide acceptable living conditions for future occupiers with regard to useable amenity space.
 - The effect of the proposal on the living conditions of the occupiers of Nos. 1 Forest Edge and 42 Princes Road, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site is a detached one and a half storey residential dwelling on the corner of Princes Road and Forest Edge. To the side of the appeal site is an area of garden land¹ that is enclosed by a small timber fence along the boundary with the highway and by a substantially larger fence and trellis along the side boundary of the rear garden. The land to the side contains a mature, protected Lime tree and in combination with its relatively undeveloped appearance positively contributes to the character and appearance of the area. The immediate area is predominantly residential in use and although there is some variety in the size and type of dwellings within Princes Road, Forest Edge is characterised by two storey dwellings of a more uniform and traditional character and appearance.

¹ Certificate of lawful use granted pursuant to EPF.1944/14

4. The proposal would have a contemporary design with a low duo-pitched roof and a simple, minimalist form using traditional materials with modern detailing. Although single storey in height, it would occupy a substantial part of the rear garden and side amenity area and would protrude beyond the existing side elevation of No. 40 and the semi-detached pair of Nos. 1 and 2 Forest Edge to the rear.
5. When combined with the close proximity of the proposal to its boundaries and its conspicuous corner location, the siting, form and scale of the proposal would result in a dwelling that would appear cramped on the site and unduly dominant within the streetscene. It would not be comparable to the scale and form of the existing outbuilding and overall, it would be an incongruous development that would be at odds with the character and appearance of the area. In its context it would not represent a high quality of design.
6. For these reasons, the proposal would cause significant harm to the character and appearance of the area and would conflict with Policies CP2, CP7 and DBE1 of the Epping Forest District Local Plan and Alterations ('LP') which, amongst other things, require that new developments respect their setting, safeguards and enhances the character and townscape of the urban environment, do not result in unsympathetic change and to prevent any intensification of use that would detract from the character of the surrounding area.
7. The appellant refers to support from paragraph 65 of the National Planning Policy Framework ('the Framework') which relates to support for buildings in sustainable areas where concerns about incompatibility with existing townscape have been mitigated by good design. However, I have found that the proposal would not represent good design and little support can therefore be given in such terms. It would conflict with the design objectives of the Framework.

Amenity space

8. The amenity space to serve the proposal would be on part of the existing garden land to the side of the appeal property. It would not be to the rear of the proposal and would be enclosed by a 1.8m close boarded fence. In my view, although the combination of this space and the proposed atrium would appear to meet the Council's standards in quantitative terms, it would be an irregular shape, sandwiched in between car parking spaces and the side elevation of No. 40 and partly overshadowed by the Lime tree. As such it would not be entirely private and would be of a size and shape which would not enable reasonable use. Although I note the appellant states this could be used for small social gatherings, the proposal would be suitable for occupation by a family and consequently, such space would not be useable.
9. For these reasons, the proposal would not result in acceptable living conditions for future occupiers in terms of useable amenity space. In this regard, it would conflict with Policy DBE8 of the LP which requires such space to usually be at the rear and be of a size, shape and nature which enables reasonable use. The proposal would also conflict with the Framework's objective of securing a good standard of amenity for future occupants of land and buildings.

Living conditions of adjoining occupiers

10. Given the siting of the proposal it would be clearly conspicuous from the windows in the front elevation of No. 1 Forest Edge and from rear facing

windows in No. 42 Princes Road. The combination of its scale and mass would present a long and unrelieved expanse of flank wall to No. 1 and in combination with the existing blank side wall of that dwelling, it would result in an overbearing amount of built form when viewed from No. 42, in particular from its first floor rear facing windows.

11. For these reasons, it would cause harm to the living conditions of the occupiers of these properties in terms of outlook. It would conflict with Policy DBE9 of the LP which requires new development to not result in an excessive loss of amenity in terms of visual impact. In this respect, the proposal would also conflict with Framework's objective of securing a good standard of amenity for future occupants of land and buildings.

Other Matters

12. The appellant's reference to sustainable development as set out in the Framework is noted and I acknowledge that the site would be a more efficient use of land in a relatively sustainable location. However, in this particular case and on the evidence before me, the development plan is not absent, nor is it silent, the relevant policies are not out of date and the proposal would not accord with the development plan. Accordingly, it would not be the sustainable development for which the Framework indicates a presumption in favour.
13. In the unweighted balancing exercise required the limited economic and social benefits from the provision of one additional dwelling does not outweigh the significant harm to the character and appearance of the area, harm to the living conditions of future occupiers in terms of amenity space and living conditions of neighbouring occupiers, that I have identified.
14. The Council's third reason for refusal relates to the effect of additional fencing and the shed on the setting of the preserved Lime tree. Nonetheless, there is little before me from the Council to demonstrate the health of the tree would be affected and I note that the Council's Tree and Landscape Officer raises no objection. On the evidence before me, I have no reason to disagree with this assessment and this matter has not been a reason for dismissing this appeal.
15. I note that pre-application advice was given by the Council, however matters relating to the administration and determination of the application are not for me to address as part of this appeal and each case must be determined on its own planning merits.

Conclusion

16. For the reasons set out above the proposal would conflict with the development plan, when read as a whole and the Framework. 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