

Appeal Decision

Site visit made on 22 February 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/J1535/W/16/3164034

65 Alderwood Drive, Abridge, Essex, RM4 1DD

- 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 David Green against the decision of Epping Forest District Council.
 - The application Ref EPF/1560/16, dated 6 June 2016, was refused by notice dated 29 July 2016.
 - The development proposed is described as "a 4 bedroom detached 1 ½ storey chalet bungalow, which will be aesthetically pleasing to the street scene and will encompass and address excessive overlooking".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved. The appeal is considered on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of existing dwellings, with particular regard to privacy; and
 - Whether the proposal would provide acceptable living conditions for the future occupiers of the dwelling, with particular regard to the provision of garden space.

Reasons

Character and appearance

4. The site would be tapered and sit between the existing dwelling No 65 Alderwood Drive and existing dwellings along Knights Walk. The frontage would be to Knights Walk. The proposal seeks to place a detached chalet bungalow style dwelling on the site.
 5. Knights Walk and Spur Close are laid out in pairs of dwellings. There are some gaps between dwellings and there is variation in the design and appearance. In particular there are one and a half storey 'chalet' style dwellings within the
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area and I note that the scale of the proposal would be commensurate with this and that any new dwelling could utilise a high standard of appropriate materials. However, the wider area, of which the appeal site is part, has a clear layout and spaciousness between buildings and groups of buildings. This is typified by generous set back from the road, space around groups and in some cases dwellings being grouped around open areas.

6. I appreciate that the site is currently part of the garden area for No 65. Nevertheless this and other gaps in the street contribute to the intrinsic spaciousness. Therefore the introduction of a detached dwelling into an area dominated by pairs and groups of dwellings would erode this established character. This would cause harm to the character and appearance of the area.
7. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It would therefore be in conflict with policies CP2, CP3, CP7 and DBE1 of the Local Plan and Alterations (LP) in so far as they require new development that is appropriate to its context and respect the character and environment of the locality.

Living conditions of existing occupiers

8. The adjacent dwelling is No 40 Knights Walk. This dwelling is two storey in height and has side facing windows. I understand that the layout of the new dwelling is a reserved matter. In addition I note that it may be possible to design a dwelling that did not contain side facing windows for main habitable rooms. However, the appellant is clear that the scheme would be a one and a half storey building. Examples of similar buildings are provided within the grounds of appeal. It is therefore clear that to create a four bed dwelling the new building would have accommodation within the roof space.
9. The appellant points out the existing back to back relationships between Pancroft, Knights Walk and Alderwood Close and within Spur Close. However, in general these dwellings benefit from more spacious plots than the one that the appeal proposal would create. As a result there is greater separation between these dwellings than the resultant relationship between the first floor accommodation for the appeal scheme and the garden areas of existing dwellings surrounding the appeal site.
10. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing dwellings, with particular regard to privacy. It would therefore be in conflict with LP policies DBE8 and DBE9 which amongst other things seek new development that would not lead to loss of privacy from overlooking for neighbouring properties. It would also be in conflict with the National Planning Policy Framework (the Framework) which seeks a high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Living conditions of future occupiers

11. I appreciate that the appellant has made the submission in outline form. Nevertheless I need to be satisfied that the site could accommodate a dwelling without harm. The appellant states that any new dwelling would '*maintain the building line*'. In doing so the Council are concerned about the amount of space that would remain for a garden area. I have not been provided with any

policy requirements for a minimum garden area. The appellant points out that essentially the existing garden area for No 65 would be subdivided. I note that once a dwelling was in place it is likely that the remaining area would be smaller than some of the gardens in the area. Nevertheless, there are also some dwellings that have smaller gardens. Overall it would be possible to provide a private area of a usable shape.

12. I therefore conclude that on the issue of garden area the provision of a single dwelling would provide appropriate living conditions for future occupiers. In this regard it would not be in conflict with LP policies DBE8 and DBE9 in so far as they require new development to provide private amenity space that would be of a size and nature that would enable reasonable use.

Other matters

13. The appellant has referred me to an appeal in another borough¹. I have considered the decision carefully and note it was for a subdivision of a garden to provide a dwelling. However, it is not clear from the information before me whether this site was within an area of similar character to the appeal before me. In addition the scheme was a full application. As such the inspector in that case had different information available to that before me. Taking all these matters into account I have therefore attached very limited weight to this case. I have in any event judged the scheme before on its individual merits.
14. I am mindful that the site is garden land and that the Framework is clear that the inappropriate development of gardens should be resisted. In this case whilst I note the appellant's submission that this is the re use of a previously developed site and that a single dwelling would assist in boosting the supply of housing in the borough I attach significant weight to the conflict with the development plan on matters of character and appearance and harm to the living conditions of existing occupiers which in turn would result in inappropriate development on garden land.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

¹ APP/D1590/W/15/3133851