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## Appeal Decision

Site visit made on 23 May 2017

**by R A Exton Dip URP MRTPI**

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

**Decision date: 16<sup>th</sup> June 2017**

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**Appeal Ref: APP/J1535/W/17/3166818**

**2 Gladstone Road, Buckhurst Hill, Essex IG9 5SW**

- 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 C and G Developments against the decision of Epping Forest District Council.
  - The application Ref EPF/2907/16, dated 2 November 2016, was refused by notice dated 22 December 2016.
  - The development proposed is described as a two bedroom detached house to be built on land/garden adjacent to No. 2 Gladstone Road.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of occupiers of No 63 and No 65 Russell Road and future occupiers of the proposed dwelling with regard to outlook and (ii) the character and appearance of the surrounding area.

### Reasons

#### *Living conditions*

3. No 63 and 65 Russell Road are set at a much lower level than the appeal site and their rear gardens rise upwards towards it. The proposed dwelling would be sited very close to the shared boundary with these dwellings and due to its height would be visible over the two flat roofed garages associated with No 63 and No 65. Despite intervening vegetation obscuring the lower part of the proposed dwelling, it would appear as a towering and dominating feature when viewed from the rear gardens of Nos 63 and 65. I note the appellant's comments on the raised floor levels of dwellings on Russell road and their relative difference to those in the appeal dwelling. However, the concern here is the effect of the proposal on the closer outlook from rear gardens and not back to back relationships. I do not find that the rear elevation would be incongruously designed, but this does not diminish my finding on this issue.
  4. Consequently, the proposal would be contrary to Policy DBE9 of the Epping Forest Local Plan (the local plan) which seeks to prevent excessive loss of amenity as a result of new development and is consistent with the aims of the
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National Planning Policy Framework (the Framework) insofar as they relate to seeking a good standard of amenity for all existing occupants.

5. Two first floor windows on the rear elevation of the proposed dwelling are shown with their cill levels set at 1.7m above internal floor level. I understand this is primarily to avoid the issue of overlooking and loss of privacy to the rear gardens of dwellings on Russell Road. Whilst this aim would be achieved, it would also have an effect on the living conditions of future occupiers of the proposed house. Taking account of their likely use, I consider that a high level window in the dressing room and a roof light in what I take as a bath/shower room would be acceptable.
6. However, I consider that for the rear bedroom to be served only by a high level window would not be acceptable. Bedrooms are not always used exclusively at night just for sleeping. Moreover, as there are only two bedrooms in what is a relatively small dwelling they should both have a reasonable outlook. The provision of only a high level window in the rear bedroom would not achieve this. There are only very limited details pertaining to other second and third floor windows in the area and so I cannot draw any meaningful comparisons between them and this scheme. As such they do not influence my findings.
7. Overall, the proposal would not satisfy the aim of Policy CP7 of the local plan which seeks to provide attractive places in which to live.

#### *Character and appearance*

8. In terms of character and appearance, the appeal proposal would relate most closely to Gladstone Road. This is characterised by terraced or semi-detached dwellings sited close to the road along well defined building lines. There is a stepping down of roof and floor levels that reflects the downwards slope towards Russell Road. Within these parameters there is some variation in the appearance of dwellings arising from differences in design and materials reflecting their period of construction.
9. The siting of the proposed dwelling would follow the established building line and its spacing to No 2 Gladstone Road would be similar to that between No 2 and No 4. The elevation to Gladstone Road would present a similar appearance to No 4. Subject to the use of appropriate materials I consider that the character and appearance of the street scene would be preserved.
10. Dwellings on the south side of Gladstone Road typically have long narrow rear gardens. The appeal site would differ from this arrangement due to its proximity to the rear gardens of dwellings on Russell Road. This would result in a triangular shaped plot of lesser depth than other dwellings on Gladstone Road. However, this difference occurs at the junction of two areas of character, where a degree of variation in the street scene might be expected. Also, the smaller plot size would not be readily visible from public viewpoints. Consequently, it would not be obvious that the house was on a smaller plot than others in the area. As such the house would not appear squeezed in. The character and appearance would not be harmed as a result. The proposal would therefore accord with Policies CP2(iv), CP7 and DBE1 of the local plan and its alterations. These policies seek to ensure new development respects its setting and the character and urban form of the surrounding area and are consistent with the aims of the Framework.

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**Other Matters**

11. I note the appellant's comments relating to the officer recommendation for approval on the previous application on the site, and the changes that have been made to the proposal since that time. However, I have determined the appeal on its own merits based on the evidence before me and consequently these matters carry limited weight.

**Conclusion**

12. I note the general suitability of the site for further residential development and the proposal's compliance with other policy objectives. I am also aware of national aims to boost the supply of housing in suitable locations. However, these matters do not outweigh the harm to living conditions I have identified and the consequent conflict with the development plan. In light of this and taking all other matters raised into account I conclude that the appeal should be dismissed.

*Richard Exton*

INSPECTOR