
Appeal Decision

Site visit made on 2 December 2019

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2019

Appeal Ref: APP/J1535/W/19/3234558

Land adjoining 33 Maypole Drive, Chigwell, IG7 6DE

- 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 Colin Stone against the decision of Epping Forest District Council.
 - The application Ref EPF/2797/18, dated 16 October 2018, was refused by notice dated 17 April 2019.
 - The development proposed is a four bedroomed detached dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) The effect on the living conditions of neighbouring occupants, with particular regard to any overbearing impact at 22-26 Gravel Lane or perceived overlooking of 24-26 Gravel Lane;
 - (b) The effect on the character and appearance of the area;
 - (c) Whether acceptable living conditions would be maintained by the occupants of 33 Maypole Drive, with particular regard to garden area.

Reasons

Neighbours' living conditions

3. The proposed dwelling would have a wide two-storey frontage with a single storey rear extension. It would be set back within the site so that the two-storey element would be around 5.32m from the rear boundary according to the submitted drawings. Residential properties in Gravel Lane back onto the appeal site with small rear gardens at a slightly lower ground level.
4. Although it is proposed to lower the ground level within the site such that the proposed building would have a lower roof height than the properties in Gravel Lane, the two-storey part of the building would stand in close proximity and the single storey element closer still. The close proximity, combined with the width and scale of the proposed building, would make it a visually intrusive and overbearing feature when viewed from the rear windows or garden areas of the neighbouring properties.

5. Three first floor windows are proposed within the eastern elevation of the building, facing towards the neighbours at 24-26 Gravel Lane. Whilst there may be some potential for a perception of being overlooked by these neighbours, the windows are high level and would serve a landing and two bathrooms such that there would be no actual overlooking. I do not consider that the presence of these windows would themselves harm living conditions.
6. Overall, the development would unacceptably harm the living conditions of the neighbouring occupants, particularly at 22-24 Gravel Lane, through a detrimental overbearing impact. This would be in conflict with policy DBE9 of the Epping Forest District Local Plan and Alterations (1998 and 2006) (LP); draft policy DM9 of the Epping Forest District Local Plan (Submission Version 2017) (emerging LP); and the objectives of the National Planning Policy Framework (the Framework); all of which seek to protect neighbours' living conditions.

Character and appearance

7. Maypole Drive predominantly comprises regularly spaced semi-detached and terraced dwellings which wrap around the cul-de-sac. The appeal site is an unusual gap in the street frontage, albeit that it is bounded by a tall fence. Removal of the large stretch of fence to create a more open front garden arrangement would be consistent with the street and some attempts have been made to reflect the surrounding buildings in proposals to incorporate vertical brick pillars within the design.
8. However, the appearance of the proposed building would otherwise be somewhat different. The introduction of a detached dwelling would itself be unusual in the cul-de-sac, notwithstanding that a relatively modern detached dwelling is located at the southern end. This difference in form would be emphasised by the width and scale of the building which would appear much larger than other dwellings in the street, despite the fact that some have been extended. The choice of a hipped roof would be in contrast to the predominantly gable ended dwellings in the street and the absence of design features such as hanging tiles, which add a degree of visual interest to the existing properties, would be conspicuous in the bland exterior proposed.
9. The Framework requires good design that is appropriate to context and takes opportunities to improve the appearance of an area. The proposed development would fall short in these regards and would detract from the character and appearance of the area. This would be in conflict with Policy CP2 of the LP; and draft policies DM9 and DM10 of the emerging LP; which require high quality design. The Council has also referred to policy DBE10 of the LP but this relates to residential extensions and is not relevant to the appeal proposal.

Living conditions for occupants at 33 Maypole Drive

10. The appeal site has been registered with the Land Registry as a separate piece of land from No.33 according to the appellant but clearly formed part of the garden to No.33 previously. It still appears to be a garden and is not separated from No.33 in any way. Land ownership has little relevance to land use planning considerations and the practical implications of the appeal would be to permit a new dwelling on land which currently exists as garden. There is no evidence before me to suggest otherwise.

11. That said, No.33 would retain a small area of garden for use by its occupants and I am satisfied that this would be sufficient for practical use, allowing residents to sit outside or dry washing. As such, I find no conflict in these respects with policies CP2, DBE8 or DBE9 of the LP; draft policies DM9 and DM10 of the emerging LP; or the Framework.

Other Matters

12. The site is located close to the Epping Forest Special Area of Conservation and has the potential to harm its integrity. If I were minded to allow the appeal, it would have been necessary to undertake an 'appropriate assessment' under the Habitat Regulations.
13. I have had regard to the benefits that would arise from the development identified by the appellant, including the efficient use of land. However, the benefits do not outweigh the significant harm that I have identified in relation to the main issues.

Conclusion

14. The development would unacceptably harm the living conditions of neighbouring occupants and would be detrimental to the character and appearance of the area. This would be in conflict with important policies of the development plan that seek to avoid such harm. There are no material considerations in this case that indicate a decision other than in accordance with the development plan.
15. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR