
Appeal Decision

Site visit made on 1 April 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021.

Appeal Ref: APP/J1535/W/20/3251947

Newstead, 19 Coopersale Common, Coopersale, Epping CM16 7QS

- 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 & Mrs Bernard & Julie Misell against the decision of Epping Forest District Council.
 - The application Ref EPF/3011/19, dated 29 November 2019, was refused by notice dated 11 February 2020.
 - The development proposed is the creation of two new detached single family dwellings on the land currently occupied by the front garden of the existing house with the retention of the existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the references to the Council's emerging Local Plan, which is at an advanced stage of examination. I am not aware of any unresolved objections to policies SP3, DM2, DM9 and DM22 cited in the decision notice. Significant weight can therefore be accorded to these policies in the emerging plan in the determination of this appeal.
3. My attention has been drawn to previous appeals (references APP/J1535/W/17/3177849 & 18/3203616). In the interests of clarity I have considered the proposal, the subject of this appeal, on its own merit.

Main Issues

4. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the living conditions of the occupiers of neighbouring properties and of future occupants of the houses with regard to outlook and overlooking; and (c) protected areas of environmental sensitivity.

Reasons

Character and appearance

5. The appeal site comprises a detached dwelling situated on a large corner plot with landscaped boundaries. Coopersale Common to the front consists of an assortment of traditional and modern detached and semi-detached dwellings of various sizes and designs. The modern terraced development within Parklands to the rear is more uniform and high density in character.
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6. The appeal dwellings would be two-storey in nature with accommodation in the roof. Although they would broadly continue the building line of the existing house immediately to the west, and have a similar ridge height, the cumulative mass and bulk of the units themselves would result in a cramped form of development. This would be exacerbated by the boxy design, deep-plan proportions, the expanse of crown roof to each building and the limited depth of the proposed rear gardens.
7. A driveway would be provided between the appeal dwellings to access the host property to the rear. Whilst the gap between the built form would reflect others in the area, there would be no opportunity for soft landscaping therein as it would need to be kept clear for vehicles. This would result in a harsh and urbanised setting, that would be aggravated by the expanse of parking and turning area to the front of the houses with limited areas for new planting.
8. In the wider area, amongst other things I note the relationships between the dwellings to the west of the site, however these properties are staggered, which creates a sense of spaciousness and articulation that would not be replicated at the appeal site. I also observed the three-storey block of flats on the corner of Coopersale Common and Parklands, which is set significantly further back from the roads than the appeal proposal. In any event, to my mind such matters would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
9. Overall, the scale and cramped appearance of the proposals would fail to reflect the existing, open development along Coopersale Common. The new arrangement would be unduly harmful to the spatial quality of the area, with small rear gardens and limited opportunity for landscaping to the frontage and along the internal access.
10. I conclude that the proposal would result in harm to the character and appearance of the area. Consequently it would not accord with the requirements of policies CP2, CP3, CP7, DBE1 and DBE9 of the Epping Forest District Local Plan January 1998 and Alterations 2006 (LP) and policies SP3 and DM9 of the Epping Forest District Local Plan Submission Version 2017 (LPSV). These policies seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. The appeal scheme would also be inconsistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Living conditions

11. The rear gardens would have limited separation between the dwellings and the boundaries of the site; they are the hallmarks of being an afterthought rather than carefully designed and well-integrated amenity areas. The need to provide boundary treatments for privacy would mean the internal and external spaces experience an adverse sense of enclosure. This would result in an oppressive environment and outlook for future occupants and have a significantly limiting effect on the usability and function of each of the gardens for family occupation.
12. The appellant has submitted revised plans showing obscure glazing within oriel windows to prevent overlooking from the new units towards existing properties. The Council has confirmed that such measures would address its concerns and I have no reason to disagree. This matter could be addressed by through the imposition of a condition.

13. I am aware that there is a degree of mutual overlooking between properties in the area, and indeed the rear gardens of the appeal dwellings would be overlooked by windows in the host property. Although this could be mitigated through intervening planting or boundary fencing, such provision would reinforce my concerns regarding enclosure and the creation of an oppressive environment for future residents.
14. Although there would be no adverse effect upon the living conditions of the occupiers of neighbouring properties and of future occupants of the houses with regard to overlooking, I conclude that the proposal would result in harm to the living conditions of future occupants of the houses in respect of outlook. The scheme would contravene policies DBE2 of the LP and SP3 and DM9 of the LPSV, which require new development to protect residential amenity. The proposal is also inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Special Protection Areas

15. The Council has published a Habitats Regulations Assessment to support the LPSV. This is to mitigate the impacts of increased pressures from new residential development on the Epping Forest Special Area of Conservation (EFSAC) under the Conservation of Habitats and Species Regulations 2017. These regulations require that I, as the competent authority, must ensure that there are no significant effects from the proposed development (either alone or in-combination with other projects) that would adversely affect the integrity of the EFSAC.
16. The Council has confirmed that to date, there is no mechanism in place to offset the potential impact of a development proposal from air pollution through contributions. There is no compelling evidence before me to indicate that the development would not contribute to at least some additional air pollution or to suggest alternative means of mitigation. Whilst the development would result in new dwellings that would contribute towards local housing supply, I would not regard this as a sufficiently imperative reason of public interest to override the harm to the designated site.
17. Taking account of the precautionary principle contained within the European Habitat Regulations, I can only conclude that the proposal would have a significant adverse effect on the EFSAC and would conflict with policies CP1 and CP6 of the LP and DM2 and DM22 of the LPSV.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR