



Appeal Decision

Site visit made on 30 November 2021

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2021

Appeal Ref: APP/J1535/W/21/3271721

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/0114/21, dated 14 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is construction of 2 Number 2 Bedroom Units.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - the living conditions of existing and future occupiers of nearby properties, particularly with regard to any overbearing impact at 22-26 Gravel Lane, and those of future occupiers of the proposed development, particularly those of Unit 1 with regard to layout and overshadowing;
 - the character and appearance of the area; and,
 - the effect of the proposed development on the integrity of the Epping Forest SAC.

Reasons

Living Conditions

3. The development proposal is for the construction of two two-storey residential units in a vacant plot of land immediately adjacent to 33 Maypole Drive. 22-26 Gravel Lane also backs directly on to the appeal site.
4. At its narrowest point, as set in drawing LA33MD/1/21/9/RevB, the proposed development would be set back approximately 3.6 metres from the rear boundary of properties in Gravel Lane.
5. Policy DBE2 of the Epping Forest District Local Plan (1998) states that planning permission will not be granted for new buildings which have a detrimental effect upon existing neighbouring amenity. Policy DBE9 requires that a new development does not result in an excessive loss of amenity, including visual impact. Consequently, it is necessary to look at, not only to what degree the proposal may or may not cause excessive visual impact, but also take into

consideration the level of visual outlook currently enjoyed by neighbouring properties. Furthermore, Paragraph 15.45 of the Epping Forest District Local Plan (1998) states that visual impact involves an assessment of the effects of scale, proportion, siting, massing, height, orientation and roofline, as well as proximity of a new development to existing residential areas.

6. In order to minimise the impact of the proposal on 22-26 Gravel Lane, the Appellant proposes to lower the ground level by nearly half a metre within the appeal site as to create a roof line approximately at the same level as that of the properties in Gravel Lane. Also, the proposed "cat slide design" roof, to the rear elevation of the proposed development, aims to address the overbearing effect of the proposal by creating a 15.5 metre gap between the rear 2 storey elevations of numbers 22 and 24 Gravel Lane and the roof ridge of the new dwellings.
7. Although I accept that these changes would minimise the impact of the proposal on the rear elevation of 22-26 Gravel Lane, the resulting building would still stand in close proximity to the rear boundary of those properties which, in my view, would still lead to a visual overbearing impact, particularly when viewed from the rear windows or garden areas of the neighbouring properties.
8. The Council has also raised concerns regarding the living conditions of future residents of Unit 1, particularly in relation to layout and overshadowing of the garden area. Although, as a result of the proposal, the rear garden area to Unit 1 would have an unusual layout, the resulting space would still allow for activities, such as clothes drying and enjoying fresh air, to be carried out therefore not compromising its usability.
9. In relation to overshadowing, the back garden of Unit 1 would, due to its size layout and orientation, be shadowed for significant periods of the day, but there would still be opportunities for residents to enjoy direct sunlight due to the position and length of the garden.
10. Overall, the development would unacceptably harm the living conditions of the neighbouring occupants, particularly those at 22-26 Gravel Lane, in relation to an overbearing impact only. This would be, in that regard only, in conflict with Policy CP2 of the Epping Forest District Local Plan Alterations (2006), Policies DBE2 and DBE9 of the Epping Forest District Local Plan (1998); draft Policies DM9 and DM10 of the Epping Forest District Local Plan (Submission Version 2017) and the Framework; all of which seek to protect neighbours' living conditions and promote high quality design.

Character and Appearance

11. The character and appearance of Maypole Drive is defined by regularly spaced semi-detached and terraced dwellings, slightly set back from the main road and wrapped around the cul-de-sac, which provide coherence and symmetry. The majority of dwellings share similar-sized shallow plots and some architectural features when viewed from Maypole Drive.
12. In such a context, the appeal site is an oddity, as it consists of an unusual gap in the street frontage, albeit bounded by a tall fence.
13. The proposed development would seek to fill this gap with two semi-detached houses which would echo and reflect the character and appearance of the

surrounding area, with many of the architectural features, as well as the scale and proportion of the surrounding dwellings, being reflected in the design.

14. In addition to this, the proposed development would also adhere to the established building line by replicating the relative position of the existing dwellings in relation to their plots. This would result in a coherent continuation of the existing streetscape and strengthen the existing visual corridors.
15. In conclusion, the proposed development would not harm the character and appearance of the area and, in that regard only, would therefore not be in conflict with Policies DBE1, DBE5, DBE8 and DBE9 on the Epping Forest District Local Plan (1998) draft Policies DM9 and DM10 of the Epping Forest District Local Plan (Submission Version 2017) and the Framework all of which seek to protect high quality design.

Epping Forest SAC

16. The appeal site is located in close proximity to the Epping Forest Special Area of Conservation (SAC). Accordingly, due to the location of the appeal site, the requirements of the Conservation of Habitats and Species Regulations 2017 apply (the Regulations). The 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 SAC.
17. It is anticipated that, without mitigation, new residential developments in this area and of this scale could have a significant effect on the sensitive interest features of these European designated sites, through increasing the local population in the area, which would likely increase recreational use of the SAC and have a negative effect on air pollution, particularly when considered 'in combination' with other plans and projects.
18. Therefore, by virtue of its protected status, an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (CHSR) would be required were I minded to allow the appeal. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter as planning permission is not being granted.

Other Matters

19. I have had regard to the benefits that would arise from the development identified by the appellant, including the efficient use of land, as well as written representations made on the proposal. However, the benefits do not outweigh the significant harm that I have identified in relation to the main issues.

Conclusion

20. Although I have found that the development would not have a negative impact on the character and appearance of the area, it would significantly negative effect the living conditions of occupants of nearby properties in relation to overbearing impacts and potentially impact the integrity of the SAC, and, for those matters, I conclude that the appeal should be dismissed.

Andre Pinto INSPECTOR