



Appeal Decision

Site visit made on 23 November 2022

by A. Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/J1535/W/22/3291417

Twoony Mead, Nursery Road, Loughton IG10 4EF

- 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 & Miss Alex & Emily Petrou & Preston against the decision of Epping Forest District Council.
 - The application Ref EPF/2628/21, dated 1 October 2021, was refused by notice dated 24 November 2021.
 - The development proposed is described on the application form as 'demolish existing house and replace with a new 6 bedroom detached house with outbuilding to the rear, landscaping terrace with infinity pool to rear and front landscaping for in/out drive (using existing vehicle crossovers).'
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Decision

1. The appeal is allowed and planning permission is granted to demolish the existing house and replace with a new 6 bedroom detached house with outbuilding to the rear, landscaping terrace with infinity pool to rear and front landscaping for in/out drive (using existing vehicle crossovers) at Twoony Mead Nursery Road, Loughton IG10 4EF in accordance with the terms of the application, Ref EPF/2628/21, dated 1 October 2021, subject to the conditions appended to this decision.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupants of Daylesford, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal site comprises a two-storey detached dwelling situated in a reasonably sized garden plot. Properties within the surrounding area vary significantly in their scale and design, including in respect of their roof profiles and the use of materials. Despite this variation, there is an overall sense of harmony along Nursery Road, and roads off it, through the setback of properties from the road behind front gardens and driveways.
4. The proposed replacement dwelling would be larger than the existing dwelling in terms of its footprint, bulk and mass. It would be highly visible from Nursery

Road and from the private vantage points of the closest neighbouring properties. Nevertheless, the design and appearance of the dwelling would not be out of keeping with the street scene or wider area, in which dwellings of a varied scale, design and period exist. The replacement dwelling would respect the building line along Nursery Road, retaining a setback from the road behind a front garden and driveway.

5. The proposed outbuilding and pool, positioned within the rear garden of the appeal site, would be out of sight from any public vantage point. Although these features would be visible from some private vantage points, they would be limited in their overall scale and would assimilate to an acceptable standard with the surrounding area.
6. In conclusion, the proposed development would have an acceptable effect on the character and appearance of the area, in accordance with the relevant provisions of Policies CP2 and DBE1 of the Epping Forest District Local Plan (LP, 1998). These policies, in summary, seek to achieve high quality design in development. This is in a similar vein to Policies SP7 and DM9 of the Epping Forest District Local Plan (Submission Version) (LPSV, 2017) and the objectives of the National Planning Policy Framework (the Framework) insofar as good design is concerned.

Living conditions

7. Outlook from the rear of Daylesford is mainly over its landscaped private garden. Part of the garden and existing property at the appeal site are visible from Daylesford.
8. The proposed development would be large relative to the existing dwelling. It would project beyond both the existing rear elevation of the appeal property and adjoining Daylesford, extending built form along more of the shared boundary, albeit staggered and in part single-storey.
9. The proposed development would undoubtedly be visible from Daylesford and occupants would experience a change in their relationship with the appeal site. Whilst there would be a slightly increased sense of enclosure as a result of the proposed development, it would not unacceptably change or harm the outlook from Daylesford, which would be retained over their own rear garden. Accordingly, overdominance and visual intrusion would not result from the proposed development.
10. The rear building line of the proposed development would be similar to neighbouring Hatchwood House. The orientation of Hatchwood House is such that outlook from its rear facing windows is over its own rear garden and towards intervening boundary landscaping. For this reason, together with the overall scale, design and position of the proposed development, there would be no unacceptable effect on daylight, sunlight or outlook to the occupiers of that neighbouring property.
11. Consequently, I conclude that the proposed development would have an acceptable effect on the living conditions of the occupants of Daylesford, as well as Hatchwood House, with particular regard to outlook. As such, it would comply with the relevant provisions of LP Policy DBE9. This policy, in summary, seeks to ensure development proposals respect the amenity of occupiers of

neighbouring buildings. This is in a similar vein to LPSV Policy DM9 and the objectives of the Framework in respect of living conditions.

Other Matters

12. I have carefully considered the matters raised by local residents and others. I have dealt with matters pertaining to character and appearance and living conditions above.
13. In respect of comments relating to the Epping Forest SAC and the increase in carbon emissions, the Council sets out that replacement dwellings are not considered to have any additional impact to the integrity of the SAC, both in terms of recreational pressure and air pollution. I have no substantive evidence to lead me to any alternative conclusion on this matter, or in respect of emissions, having regard to my duty under the Habitats Regulations 2017.

Conclusion

14. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

15. The Council has provided a list of 14 conditions. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and consider in that context that only 7 need to be applied. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
16. Conditions 1 and 2 on time limits and approved plans are necessary for certainty. Condition 3 (details) and 4 (landscaping) are necessary in the interests of the character and appearance of the area. A condition requiring the installation of obscured glass in the windows of the flank elevations is imposed. This is necessary to protect the living conditions of neighbouring occupants.
17. To ensure the living conditions of the occupants of nearby properties are protected during construction, a condition requiring a construction method statement is imposed. The Council's suggested conditions restricting times of deliveries and construction work together with wheel washing facilities can be included within the above condition. As such, these are not imposed individually.
18. I have not imposed the Council's suggested condition requiring the removal of material excavated from below ground level as no substantive justification for such a requirement has been provided that would allow me to establish necessity in accordance with the relevant tests for conditions. Nor does it seem likely that this would be a particular issue in this case.
19. Planning Practice Guidance advises that householder permitted development rights should only be removed in exceptional circumstances. As there is no compelling need to restrict the further extensions or alterations, I have not imposed the Council's suggested condition removing permitted development rights.
20. The Council has suggested conditions relating to water efficiency, surface water drainage, the installation of an electric vehicle charging point, and a strategy to

facilitate super-fast broadband for future occupants. However, I have not been provided with cogent evidence to justify these suggested conditions and the scheme is for a replacement dwelling only. Accordingly, I have not imposed them.

A. Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17821/ESS, 17821/SP, 17821/10, 17821/11, 17821/12, 17821/13, 17821/14, 17821/15, 17821/16, 17821/20 and 17821/21.
- 3) No development shall commence until details of the type and colours of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - existing features to be retained;
 - proposed finished levels or contours;
 - means of enclosure;
 - vehicle parking layouts;
 - other minor artefacts and structures, including lighting and functional services above and below ground; and
 - planting.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

- 5) If, within a period of 5 years from the date of planting, any tree is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours; and
- tree protection measures.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) The building hereby permitted shall not be occupied until the windows in the flank elevations at first floor level and above have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.