



Appeal Decision

Site visit made on 14 February 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/J1535/W/22/3301380

Redbridge, Oak Hill Road, Stapleford Abbots, Romford RM4 1EH

- 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 Novruz Haxhia against the decision of Epping Forest District Council.
 - The application Ref EPF/0165/22, dated 21 January 2022, was refused by notice dated 19 April 2022.
 - The development proposed is the demolition of an existing two-storey dwelling, and erection of a new two-storey dwelling
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Decision

1. The appeal is dismissed.

Procedural Matters

2. My attention has been drawn to policies from the emerging Local Plan Submission Version (2017) (the emerging Local Plan). Although not an adopted document, I am not aware of any unresolved objections in respect of the cited policies. Furthermore, the appellant has had the opportunity to comment. Accordingly, I have attributed them some weight in my considerations.
3. On my site visit, I noted that the original dwelling had been demolished.

Main Issues

4. The main issues relevant to this appeal are:
 - the effect of the development on the character and appearance of the surrounding area;
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties, with particular reference to outlook; and
 - the effect of the development upon ecology and trees.

Reasons

Character and appearance

5. The appeal site consists of an existing dwelling located in a predominantly residential area. A notable feature of the appeal site, and the surrounding area, is the presence of open space surrounding dwellings. In the surrounding area, dwellings are typically of two storeys, albeit with the upper floor rooms in the roof in several instances. These factors, when combined give the area a more

- open character that allows the built-up area to harmonise with the rural areas beyond.
6. The proposed development is for a single dwelling. However, the proposed house would have a relatively high eaves height and would feature multiple projecting elements, dormer windows, a large porch and a front parapet detail. These elements, taken cumulatively, would create a dwelling of a significant bulk and mass.
 7. In result, the proposed development would conflict with the prevailing character owing to appearing substantially larger, and bulkier, than the nearby buildings. In reaching this view, I have regard to a unifying factor in the surrounding area in that existing buildings generally have a relatively limited height and mass, irrespective of their own individual design. The proposed dwelling would conflict with this characteristic and would also appear taller than many of the neighbouring buildings.
 8. Therefore, the proposed development would appear to be a discordant feature in the surrounding area. In addition, the proposed dwelling would be sited near the side boundaries of the site. These factors would result in an erosion of the more open character that is a feature of the surrounding area.
 9. The proposed developments would replace a now demolished dwelling. However, this the original dwelling had a smaller footprint a height than the proposed dwelling. Therefore, the proposal would appear to be much larger and bulkier than the original dwelling. In result, the previous use of the site does not allow me to disregard my previous concerns.
 10. Owing to the topography of the surrounding area and also the linear pattern of developments in the vicinity, the proposed development would be visible from a notable distance away from the appeal site. In result, it would be readily apparent in the surrounding area. Therefore, the proposed development would appear unduly prominent. These adverse effects would be exacerbated by reason of the presence of views from neighbouring properties. In result, the development would be a strident addition to the surrounding area.
 11. My attention has been drawn to other dwellings in the wider area that have larger proportions. I have not been provided with the planning circumstances of these, which means that I can only give them a limited amount of weight. Nonetheless, I note that these dwellings feature greater amounts of landscaping and screening and therefore do not have the same effect on the character of the surrounding area. In result, their presence does not allow me to disregard my previous concerns.
 12. I understand that some of the other buildings nearby could be extended upwards to provide additional storeys. Although this might be the case, it would require the prior approval of the Council. The evidence before me does not indicate whether such approval would be forthcoming. Therefore, this matter does not overcome my previous concerns.
 13. The development would not comply with the requirements of Policies DM9 and DM10 of the emerging Local Plan. Amongst other matters, these seek to ensure that developments are of a high-quality design; and enhance green infrastructure.

14. My attention has been drawn to Policy DBE2 of the Epping Forest District Local Plan (1998) (the Local Plan). However, this policy is primarily focused upon the effects of a development upon neighbouring properties. Therefore, I am unable to give this policy weight in my assessment of the effect of the development upon character and appearance.
15. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies CP2, DBE1, DBE2 and DBE3 of the Local Plan. Amongst other matters, these seek to ensure that new developments protect the quality of the environment; respect their setting; and that places are attractive.

Living conditions

16. appeal site. The proposed development would have a large footprint. The neighbouring dwellings would therefore be located close to the appeal proposal. Both of these dwellings feature windows that would face the proposed development as well as gardens to the front and rear.
17. By reason of the height of the proposed development, in addition to the proximity of the dwelling to the side boundaries, the proposed building would have an enclosing effect upon the existing side windows of the neighbouring dwellings. In result, the proposed development would result in a notable reduction in the overall level of outlook for the occupiers of the existing dwellings.
18. Given the scale of the proposed development, this adverse effect would also extend to the upstairs windows of the neighbouring dwellings, which is shown on the submitted plans as being Glynmorne. This would mean that the proposed development would create a significant loss of outlook for the occupiers of both dwellings.
19. It has been suggested that the side windows of this neighbouring dwelling form secondary fenestration. However, the enclosing effect from the proposed development is of such a level, that the proposed development would still have an enclosing and overbearing effect upon the existing, neighbouring dwelling.
20. The proposed dwelling would project a significant distance forward of the neighbouring dwelling, identified on the submitted plans as being Tradewinds. The development would therefore result in a notable enclosing effect upon the front garden of the neighbouring property.
21. Although this is a front garden, the neighbouring dwelling is set back some distance away from the edge of the highway. In result, the front garden has a private character. In consequence, I have no reason to believe that it is not, or could not, be used for outdoors recreation.
22. In consequence, as the proposed development would result in a notable enclosing effect upon the neighbouring property's garden, the adverse effect upon outlook would be particularly notable and adverse. In result, the development would have an overbearing effect upon the neighbouring property. This would lead to an erosion of the living conditions of the occupiers of the neighbouring property. This would occur irrespective of the effect on the internals of the neighbouring property.

23. Owing to the relative positioning between the proposed dwelling and the existing dwelling of Gynmorne, the development is unlikely to result in a notable loss of outlook for the users of the garden of the neighbouring property. Although this is a matter of note, it is only one of the matters that must be assessed. In result, this does not overcome, or outweigh, my previous concerns.
24. The development would not comply with the requirements of Policies DM9 and DM10 of the emerging Local Plan. Amongst other matters, these seek to ensure that developments make improvements to the quality of the landscaped areas; and take into account the neighbours of the development.
25. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring properties. The development, in this regard, would conflict with the requirements of Local Plan Policies DBE2 and DBE9. Amongst other matters, these seek to ensure that new developments do not have a detrimental effect upon neighbouring properties; and does not result in a loss of amenity for neighbouring occupiers.

Ecology and trees

26. The site of the proposed dwelling would be near to several mature trees and less developed areas. The development would result in an overall increase in the level of built form and would be near to some of the existing trees. In addition, the proposed development would result in an overall reduction in the level of open, less developed space in the appeal site.
27. In result, the proposed development has the potential to impinge upon the health of the existing trees. In addition, the development could result in a reduction in the habitats for ecology and also foraging grounds. However, the appeal documentation includes surveys that detail that these matters would not be impinged by these developments.
28. Whilst I have had regard to these surveys, it is clear that these were undertaken some time ago and with reference to a different development than the one before me. In consequence, I cannot be certain that the conclusions reached in the submitted surveys are still valid and equally applicable to the scheme before me.
29. I understand that the previously proposed development was given planning permission by the Council. Furthermore, it appears that this permission remains extant. Whilst this is a matter of note, the differences in design and scale between the previously permitted scheme and the appeal proposal before me means that there could be some differences in terms of the effects on trees and ecology.
30. In consequence, I cannot be certain that these effects could be mitigated by the imposition of planning conditions or, if so, the mitigation that should be secured by such a condition. Therefore, the development would give rise to an adverse effect upon ecology and trees.
31. Although I have no reason to believe that the previously permitted development will not be implemented, the potential for differing effects upon ecology and the health of the nearby trees means that the presence of a

fall-back position in the form of the extant permission does not overcome my concerns.

32. The development would also conflict with the requirements of Policies DM1 and DM5 of the emerging Local Plan. Amongst other matters, these seek to ensure that developments protect habitats; and enhance green infrastructure.
33. I therefore conclude that the proposed development would have an adverse effect on ecology and the health of nearby trees. The development, in this regard, would conflict with the requirements of Local Plan Policies NC4 and LL10. Amongst other matters, these seek to ensure that proposed developments make provision for the protection, enhancement, and suitable management of established habitats; and make provision for the retention of trees.

Other Matters

34. Concerns regarding the manner in which the Council considered the planning application fall outside of the scope of this decision.

Conclusion

35. The proposed development would have an adverse effect upon the character and appearance of the surrounding area; would erode the living conditions of the occupiers of neighbouring properties; and would have an adverse effect upon trees and ecology. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR