



Appeal Decision

Site visit made on 8 November 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th November 2023

Appeal Ref: APP/J1535/W/22/3312959

Land adjacent to 21 The Windsors, Loughton, IG9 6DS

- 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 Mrs Colleen Bowler against the decision of Epping Forest District Council.
 - The application Ref EPF/0725/22, dated 28 March 2022, was refused by notice dated 19 July 2022.
 - The development proposed is a 2-bed detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect of the proposed dwelling on the character and appearance of the surrounding area; and
 - Whether the proposed external amenity space would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

3. The appeal site contains a double garage to the rear of 67 Lower Queens Road. It lies behind the properties in Lower Queens Road, Albert Terrace and The Windsors. The proposed dwelling would be on two floors with rooms in the roof. Vehicular access would be gained along a short spur from The Windsors.
4. Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One expects all new development to achieve a high quality of design. As part of this regard should be had to the rhythm of any neighbouring or local plot and building widths. However, there is no outright policy objection to backland development. In this case, there is already housing to the rear of The Windsors at Nos 17-23 and there would be a frontage to an adopted road. As such, the proposal would not be inconsistent with the existing pattern of development and there is therefore no overriding objection to its location.
5. The proposal would relate most closely to The Windsors in visual terms. The housing here is fairly recent with two-storey buildings below pitched roofs and a mix of materials and detailing. However, the style and elongated form of the proposed dwelling would be wholly at odds with the simple and conventional designs nearby. In particular, the side facing windows that are referred to as

dormers would be ungainly and awkward. Consequently, whilst low in height and subordinate in scale, the proposal would appear as a jarring and discordant feature that would not be well integrated into its surroundings.

6. The National Planning Policy Framework refers to not preventing appropriate innovation or change. However, the proposal would not contribute to the distinctive character of the local area or relate positively to its context, as expected by Policy DM9. Indeed, whilst relating to a different scheme, the Inspector's comments in 2008 (Ref: APP/J1535/A/08/2071634) are still apposite: "... the failure of the proposed building to relate to other surrounding built form would lead to it standing out as an isolated afterthought."
7. The proposal would therefore harm the character and appearance of the surrounding area and would be contrary to Policy DM9.

Living conditions

8. The proposal includes a rear garden of 80 sq m. This would be south facing, fairly level, of regular shape and would offer some privacy. Local Plan Policy DM10 establishes that ground floor family housing should provide access to private garden/amenity space but gives no indication of the standard sought. Therefore, there would be no conflict with its provisions.
9. However, the Framework seeks to ensure that developments create places with a high standard of amenity for future users. Whilst having some attributes, the area would be very shallow in depth and would seem crowded and uncomfortable for future occupiers. Its restricted size would provide limited opportunity for outdoor activities. This is particularly important as those living there may include children whose health and well-being would be affected. Therefore, living conditions for future occupiers would not be satisfactory.

Other considerations

10. On the basis of the Local Plan Inspector's findings, the Council can demonstrate a five-year supply of deliverable housing sites in line with Government expectations. However, the latest 2021 Housing Delivery Test results show that only 35% of the housing requirement was delivered between 2018 and 2021. This amounts to a significant shortfall of 1,589 dwellings. The identified supply should address this poor record in due course. In the meantime, a single dwelling would go a small way towards making up for past failings.
11. The appeal site is previously developed land as defined by the Framework and within the built-up area of Buckhurst Hill and not far from an Underground station. The Framework supports the development of windfall sites and of under-utilised land. Great weight should be given to the benefits of using suitable sites within existing settlements for homes and substantial weight to the value of using suitable brownfield land for that purpose. These considerations therefore weigh in favour of the proposal.
12. As well as the 2008 appeal, there is an extensive background to the case going back to pre-application advice in March 2021. This includes an officer recommendation to allow the 2021 application. Changes have been made to increase the amount of amenity space in the appeal proposal. Whilst taking all this into account, I have made my own assessment. It is understandable that the differences between the views of officers and the decisions of the Council

are a matter of frustration to the appellant. However, this has little bearing on the outcome of this appeal.

13. Other concerns are raised by local residents including overlooking, outlook, traffic and parking, drainage, landscaping and disturbance during construction. However, these do not add to the objections identified largely for the reasons given in the Council's report. Any disputes about land ownership are not matters to be settled in this appeal.

Final Balance

14. The proposal would harm the character and appearance of the area because of its design and the amount of amenity space for future residents would be inadequate. There would be conflict with Policy DM9 and no policies have been cited that support the proposal. It would therefore not accord with the development plan as a whole and this a matter that counts significantly against allowing the appeal.
15. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development of brownfield land within settlements and observe that small sites can make an important contribution to meeting the housing requirement. In Epping Forest future supply is sufficient but there is a backlog in terms of delivery. Because of this, paragraph 11 d) of the Framework is engaged.
16. The policies in the Framework seek to both deliver a sufficient supply of homes and achieve well-designed places. However, the creation of high quality places is fundamental to what the planning and development process should achieve. That would not be so here. Although there is considerable support for new housing in this location the benefits in terms of the overall position in the District would be limited. Indeed, this is a case where the importance of good design trumps the provision of an extra windfall unit.
17. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.
18. The appellant has provided a unilateral undertaking which includes obligations to pay contributions towards air pollution, recreation and green infrastructure. These are intended to mitigate the effect on the Epping Forest Special Area of Conservation. However, as the appeal is to be dismissed, there is no need to consider whether these are necessary having regard to the Conservation of Habitats and Species Regulations.

Conclusion

19. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, that outweigh this finding. Therefore, for the reasons given, the proposal is unacceptable and the appeal should be dismissed.

David Smith

INSPECTOR