



Appeal Decision

Site visit made on 15 November 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

Appeal Ref: APP/J1535/W/23/3315330

26 Ladyfields, Loughton, Essex IG10 3RP

- 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 Paul Riddle against the decision of Epping Forest District Council.
 - The application Ref EPF/2398/22, dated 17 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is erection of new one bedroom, two person, two storey dwelling attached to the existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's officer report and decision notice refers to the effect of the development on 6 Colson Road. The adjacent property is 9 Colson Road and it is this property to which the appellant has referred. I confirmed at my site visit the adjacent property is No 9, and it is clearly this property to which the Council is referring as No 6 is some distance from the site and on the opposite side of the road. I have determined the appeal on this basis and I am satisfied there has been no prejudice to any party.
3. Since the Council's decision was issued and the appeal submitted, the Epping Forest District Local Plan 2011-2033 Part One (2023) (LP) was adopted, replacing the Local Plan (1998) and Alterations (2006) and Local Plan Submission Version 2017. The Council made this clear in their appeal statement, and the appellant had the opportunity to respond at the final comments stage.
4. The site is located within 3km of the Epping Forest Special Area of Conservation (SAC) which is a habitats site under the Conservation of Habitats and Species Regulations 2017 (as amended) (the habitats regulations). The appellant has provided a final signed Unilateral Undertaking (UU) dated 21 September 2023 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended). This secures contributions towards the mitigation of air pollution, green infrastructure enhancement projects and recreation contributions. I will return to this in due course.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and

- the living conditions of neighbouring occupiers at 9 Colson Road with respect to outlook.

Reasons

Character and Appearance

6. The proposed dwelling would be attached to the existing end-terrace property at 26 Ladyfields and would extend onto the current area of open space at the junction of Ladyfields and Colson Road. The properties on the short terrace to which the proposed dwelling would be attached are set a consistent distance from the public highway and step upwards reflecting the incline on which Ladyfields sits. There is a similar area of open space on the opposite side of Colson Road, while the opposite side of Ladyfields has a wide verge separating the dwellings from the road. As a result, the area has a pleasant, spacious residential character.
7. The proposed dwelling would be of an irregular shape, with a triangular projection to the side elevation fronting towards Colson Road. This would extend for the full height of the proposed dwelling. The apex of the roof would not align with the widest point of this triangle, giving this layout an awkward appearance. The front elevation of the dwelling, excluding the triangular projection which would be set back, would be narrower than the front elevation of the other dwellings in the terrace. A full width porch is shown which would effectively result in the proposed dwelling appearing to project forward of the other dwellings in the terrace at ground floor level as the majority of the dwellings had only a canopy feature. There would only be the front door and a narrow window at ground floor level. Taken together, these features give the proposed dwelling a cramped appearance at odds with the generally spacious character of the area and the well-proportioned windows on the surrounding dwellings. This harm would be exacerbated by the prominent position the site occupies in the street scene due to its position on the open junction and the topography of the area. As a result, the proposed dwelling would appear as a poorly related addition to the existing terrace and incongruous in the area.
8. At my site visit, I observed two irregularly shaped single storey extensions to the dwellings opposite on Ladyfields and Colson Road. However, these are clearly subordinate to the existing dwellings and not prominent features in the street scene. The dwelling opposite at 27 Ladyfields also appears to benefit from a two storey side extension. However, this remains as a single dwelling, albeit one wider than the neighbouring properties and continues the general form of the terrace. These extensions would not justify allowing the proposed development given the harms I have identified above.
9. The proposed materials would integrate effectively with the attached terrace. However this would not overcome the harm that would arise from the form and appearance of the proposed development.
10. The proposed development would therefore have an adverse effect on the character and appearance of the area. This would be contrary to LP Policy DM9 which requires, amongst other things, development to contribute to the distinctive character of the local area and relate positively to its context. It would also be contrary to Section 12 of the National Planning Policy Framework (the Framework) which requires, amongst other things, development to add to the overall quality of the area.

Living Conditions

11. There is a good outlook from the garden of No 9 due to the regular layout of the well-sized gardens serving the surrounding properties. It has an open outlook towards Ladyfields and Colson Road due to the width of the respective plots and the presence of the open space. The undeveloped area to the side of No 9 would remain and as such, the rear garden would not be entirely physically enclosed.
12. The proposed dwelling would enclose the currently open outlook from the rear garden towards Ladyfields. However, there is an expansive outlook from No 9 towards the surrounding rear gardens in other directions, and the proposed dwelling which would not project beyond the existing rear elevation of the existing terrace. As a result, I find the enclosing effect of the proposed development would be limited and that an acceptable level of outlook would remain from No 9.
13. The proposed development would therefore not have an adverse effect on the living conditions of neighbouring occupiers at 9 Colson Road with respect to outlook. It would therefore be in accordance with LP Policy DM9 which requires, amongst other things, proposals to not result in an over-bearing form of development which materially impacts on the outlook of occupiers of neighbouring properties. It would also be in accordance with Section 12 of the Framework which requires, amongst other things, development to provide a high standard of amenity for existing residents.

Other Matters

14. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the SAC. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on the integrity of the SAC, with or without any mitigation, would be at best a neutral matter.
15. There would be an undoubted benefit from the delivery of an additional dwelling within an established residential area with good access to services and facilities outwith the Green Belt. There would also be the economic benefits during the construction and occupation stages. I attached limited weight to these given the proposal is for a single dwelling.
16. The proposed development would comply with the nationally described space standard for a two-person one-bedroom property. There would be overlooking from the proposed dwelling to the neighbouring properties. However this would be consistent with the existing relationships of overlooking and typical of those found in urban areas. There would not be an adverse effect on levels of sunlight and daylight to neighbouring properties. Cycle parking is proposed, and no concerns with respect to highway safety have been raised. Full details of the proposed landscaping could be secured by condition, as could provision for appropriate bin storage. I have no reason to think the development would have an adverse effect on safety. The site boundaries and demarcation between public and private spaces are clear and could be secured by condition. Compliance with policies in the newly adopted development plan with respect to technical standards such as water could be secured by condition. However,

this is to be expected of any well designed, policy compliant scheme in Epping Forest and as such these would be neutral.

17. I have not been directed to any policies in the LP that give priority to providing new homes on previously developed land in sustainable locations or for the assessment of windfall development. It may be that the housing requirement set out in the recently adopted plan is extremely challenging, however there is no substantive evidence before me that the Council cannot demonstrate a deliverable five year supply of housing land.
18. I have been referred to another appeal decision¹ where the appellant considers similar development has been allowed and where the Council did not raise any objections. However, any assessment of the effects of a development on the character and appearance of an area is specific to the particular circumstances of that individual site and its surrounds. This decision would not alter my conclusions with respect to the effect of the proposed development before me.
19. The proposal before me is for a new dwelling, and it is on this basis that I must consider the appeal. The fact that a different decision could be reached were a different scheme proposed would not alter my conclusions in this case.

Conclusion

20. I have not found any harm with respect to the effect of the proposed development on the living conditions of neighbouring occupiers. However, this would not outweigh the harm I have found with respect to character and appearance. The proposal would therefore conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. The appeal should thus be dismissed.

J Downs

INSPECTOR

¹ APP/J1535/W/22/3303563 allowed 8 December 2022