



Appeal Decision

Site visit made on 9 January 2024

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/J1535/W/23/3323679

121 Roding Road, LOUGHTON, IG10 3BS

- 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 RBG Hi-Fi & Video Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1266/22, dated 25 May 2022, was refused by notice dated 22 December 2022.
 - The development proposed is extensions and alterations to provide 1x new retail premises on the ground floor and 5x new residential apartments over with associated amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Epping Forest District Local Plan Part One was adopted on 6 March 2023 (the EFDLP) after the date that the Council issued the decision notice. As a result, the policies of the previous adopted Epping Forest Local Plan (1998) and Alterations (2006) that were cited on the decision notice have now been superseded by the EFDLP.
3. Since the appeal was submitted, the Government has published a revised National Planning Policy Framework in December 2023 ('the Framework') which I have had regard to in my determination of the appeal.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - The character and appearance of the area; and
 - The living conditions of the occupiers of nearby dwellings (Nos. 125-133) having regard to outlook and loss of light.

Reasons

Character and appearance

5. The appeal site is located on the corner of Roding Road and Valley Hill where there are several retail shops at ground floor level adjacent and opposite the site, including in small parades. The area is characterised by predominantly two-storey development, including terraces of dwellings many of which have gabled frontages which give the area a suburban character.

6. The existing rear yard area of the site currently provides a visual gap along Valley Hill which allows longer views over the rear gardens of nearby properties. The gap created by the rear yard breaks up the visual effect of the otherwise linear development on either side of Valley Hill and makes a positive contribution to the suburban character of the area. The proposed development would include a mansard roof and would project three storey development along the side elevation adjacent to Valley Hill over the rear yard area. The height of the appeal proposal in combination with its width spanning the full extent of the side elevation would remove any potential for longer views from the public realm over nearby gardens, resulting in a more enclosed street scene when viewed from Valley Hill.
7. The host building has an approximately symmetrical frontage along with its neighbouring semi-detached property (No. 123 Roding Road). When viewed from the direction of Roding Road and Oakwood Hill, the proposed mansard roof would only extend across the appeal sites' side of the frontage. As a result, it would adversely affect the symmetry of the frontage of the semi-detached buildings, appearing incongruous in the street scene where nearby properties display predominantly symmetrical frontages.
8. The proposal mansard roof would result in the building becoming three storeys in height which would be in excess of the properties adjacent at Roding Road. Whilst the mansard has been set back from the proposals' eaves line, the overall height of the proposed development when viewed against the surrounding properties would appear dominant in the street scene which is characterised by two-storey development. The height and bulk of the proposed development would also be exacerbated by its position in relation to adjacent properties which are sited lower on both Roding Road and Valley Hill as the land slopes away from the appeal site.
9. The appellant has drawn my attention to a nearby development at Valley Hill which is more than two storeys high. This property has greater space on either side and is set back further from the footpath than would be the case as a result of the proposed development. Therefore, it has greater separation to its neighbouring properties, and as a result, its height has a lower level of visual impact on the appearance of the area than proposed development. As such, this has not altered my concerns regarding the effect of the proposal's height on the character and appearance of the area.
10. In light of the above, I conclude that the proposal would result in harm to the character and appearance of the area. As a result, it would fail to accord with Policy DM9 of the EFDLP which requires all new developments to be of high-quality design, and amongst other things, relate positively to their context.
11. The proposal would also fail to accord with paragraphs 135 and 139 of the Framework which seek to ensure that developments are sympathetic to local character including the surrounding built environment, and development that is not well designed should be refused where it fails to reflect local design policies.

Living conditions

12. The appeal site is located at the apex of the junction of Roding Road and Valley Hill in a slightly elevated position than the adjacent properties (Nos. 125-133 Roding Road) as the land slopes away. Numbers 125-133 Roding Road are

separated from the appeal proposal by the adjacent semi-detached property (No. 123 Roding Road). Number 123 Roding Road provides separation between the appeal development and the nearby terrace at Nos 125-133 which would limit the sense of enclosure to the rear of the neighbouring residential properties. Whilst some views from the rear of Nos. 125-133 over the existing rear yard of the appeal site and beyond towards Valley Hill would be lost, longer views would still be possible towards the south. Therefore, the extent of loss of outlook would not be harmful.

13. The appellant has provided an overshadowing assessment to accompany the appeal. The proposed development would be separated from Nos. 125-133 Roding Road and would be located to the north-west. Therefore, throughout the majority of the day, due to the path of the sun, there would be no additional shadowing of the properties beyond the existing situation. However, the overshadowing assessment indicates that the rear garden of No. 133 Roding Road would be almost completely overshadowed at approximately 5pm when compared to the existing situation. The overshadowing assessment also indicates there would be some limited impacts on the other properties in the terrace arising from overshadowing, particularly in summer months in the early evening.
14. Whilst the proposed development would result in some overshadowing to the rear gardens of Nos. 125-133, due to the position of the proposed development there would still be an acceptable level of sunlight available to the rear of the properties, including at a modelled scenario date of 21st March. Therefore, whilst some overshadowing would take place, I do not find this would be at a level that would be harmful.
15. In regard to the above, the proposal would not result in harm to the living conditions of the occupiers of nearby dwellings (Nos. 125-133) having regard to outlook and loss of light. It would thereby accord with Policy DM9 of the EFDLP which requires development proposals to take into account the amenity of development's neighbours.
16. The proposal would also accord with paragraph 135 of the Framework which requires development to create places with a high standard of amenity for existing and future users.

Other Matters

17. The Council's decision notice cited the potential effect on the integrity of the Epping Forest Special Area of Conservation (SAC) in their reasons for refusal. A Unilateral Undertaking between the appellant and the Council has been provided which would provide a contribution towards established mitigation measures albeit this is not signed. However, as I am dismissing the appeal for other reasons it is not necessary for me to consider this matter further.
18. The proposed development would result in economic benefits through construction jobs and in the accompanying materials supply chain as well as through the creation of the additional retail unit. Further benefits would arise as a result of the creation of 5 new units of residential accommodation which make a positive contribution to meeting local housing need.
19. The proposal would make use of an area of land which is used for informal storage and which the appellant notes could be a potential location for

antisocial behaviour. However, there is no clear evidence before me of the extent of any antisocial behaviour, and as such, this is afforded limited weight.

20. Concerns have been raised that the proposal would not provide any car parking spaces, would result in harm as a result of light spill and that harm would arise through construction impacts. However, as I am dismissing the appeal for other reasons, I have not addressed these points further in my decision.

Conclusion and planning balance

21. The proposed development would have a number of benefits including the provision of 5 units of accommodation and a new retail unit as set out above. Whilst I find no harm in respect of the living conditions of the occupiers of nearby dwellings, this would be expected of all development in the district and is therefore a neutral factor. However, in light of the harm I have identified to the character and appearance of the area, the proposal would fail to accord with the development plan when read as a whole.
22. Overall, I conclude that the benefits of the proposal would not be sufficient to outweigh harm I have identified and the conflict with the development plan.
23. In light of the above, the appeal is therefore dismissed.

Philip Mileham

INSPECTOR