



Appeal Decision

Site visit made on 4 March 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2024

Appeal Ref: APP/J1535/W/23/3324767

2 Walnut Way, Buckhurst Hill, Essex IG9 6HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Barabash of Daniels Development Group Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/2733/22.
 - The development proposed is new attached house within the curtilage of property, and alterations to roof and single storey rear extension to existing house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the Epping Forest District Local Plan 2011-2033 Part 1 (the Local Plan) has been adopted. The policies from the Local Plan and Alterations that are cited in the decision notice are therefore superseded.
3. Additionally, the Government published a revised National Planning Policy Framework (the Framework) in December 2023. However, the parts of the Framework most relevant to this appeal, have not significantly changed.
4. I am required to consider the appeal in the context of current local and national policy. Accordingly, in the determination of this appeal I have only had regard to the relevant policies of the Local Plan, as cited in the decision notice, and the revised Framework. I am satisfied that no parties would be prejudiced by me doing so. Where reference is made in this decision to paragraph numbers, they are taken from the latest version of the Framework.
5. The site has been subject to previous appeal decisions, both relating to a detached dwelling. I have taken the Inspector's findings into account in my decision. Nonetheless I have reached my own findings based on the circumstances of the present case.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The host building is one half of a two-storey, semi-detached property. It occupies a prominent corner plot at the junction of Walnut Way and Buckhurst Way.
8. The appeal site is a generously sized corner plot when compared to others visible on Buckhurst Way. The greenery and sense of openness it provides, together with other side and rear gardens that can be glimpsed between properties, makes a notably positive contribution to the character and appearance of the area. It thereby provides relief from an otherwise tightly grained pattern of development.
9. The proposed attached dwelling would occupy the space between the side of the existing dwelling and would extend to a position very close to the pavement edge to Buckhurst Way. Whilst the resulting plot size would be similar to others locally, the consequent substantial loss of greenery would adversely effect on the sense of spaciousness that the appeal site contributes to the wider area.
10. Unlike the proposals that were the subject of the previous appeals, the first floor of the proposed dwelling would be stepped back from the side boundary to Buckhurst Way. Nevertheless, owing to its scale and close position, the proposed dwelling would appear to the passer-by as an imposing and cramped form of development, despite the pavement being wide. Furthermore, the minimal gap between the side elevation of the proposal and the boundary would prevent any landscaping that might soften the appearance of the development.
11. There are other similar examples of side elevations in the area that are positioned close to the pavement on Buckhurst Way. Such developments, however, increase the importance of the appeal site and the contribution it makes to the character and appearance of the area through the visual relief it provides to its built-up surroundings. Any loss of open corner plots that has occurred in the wider area, therefore, does not justify such loss to Buckhurst Way that would arise from the appeal proposal.
12. Consequently, I consider that the proposal would cause unacceptable harm to the character and appearance of the area. As such, it would fail to accord with Local Plan Policy DM9 which seeks to ensure that all new development must achieve a high quality of design and contribute to the distinctive character and amenity of the area. It would also be contrary to the design aims of the Framework, as set out in paragraphs 131 and 135.

Other considerations

13. Whilst I have not been provided with details in respect of this appeal, I am aware that the 2022 Housing Delivery Test results show a measurement of 30% for Epping Forest. Therefore, paragraph 11d) of the Framework indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole.
14. The site falls within the Epping Forest Special Area of Conservation. If the circumstances leading to the grant of planning permission had been present, I would have considered the implications further, in accordance with the

Conservation of Habitats and Species Regulations 2017. However, as I am dismissing the appeal on the main issue, I have not found it necessary to do so as it would not alter the outcome of the appeal.

Planning Balance

15. The proposal would harm the character and appearance of the area which conflicts with Local Plan Policy DM9. It would therefore not accord with the development plan as a whole or the aims of the Framework to achieve well-designed places. These are matters that count significantly against allowing the appeal.
16. The proposal would contribute towards the Government's aims of boosting the supply of housing and making an effective use of land, as set out in the Framework, in a location that has good access to services and facilities. In addition, there would be economic and social benefits resulting from the construction and occupation of the dwelling. However, as there would only be a gain of one dwelling, the proposal would not address the under delivery and consequent shortfall in housing meaningful way. Accordingly, such benefits only carry moderate weight.
17. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case, so the proposal does not benefit from the presumption in favour of sustainable development as set out at paragraph 11d) of the Framework.

Conclusion

18. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
19. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR