



Appeal Decision

Site visit made on 12 November 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2024

Appeal Ref: APP/J1535/W/24/3344299

20 Pinnacles, Waltham Abbey, Essex EN9 1TG

- 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 Ozcan Hassan against the decision of Epping Forest District Council.
 - The application Ref is EPF/0877/23.
 - The development proposed is a new dwelling house with solar panels, cycle storage and bin storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the surrounding area; and,
 - the living conditions of the occupiers of 20 Pinnacles.

Reasons

Character and Appearance

3. Pinnacles is a cul-de-sac comprising 20th Century semi-detached and terraced two storey houses. The existing house at 20 Pinnacles is part of a semi-detached pair. The appeal site is immediately adjacent, within an already sub-divided plot. The plot borders the pedestrian path, Fairways, to one side.
4. The wider residential estate features several footpaths which link to the main roads. Within the vicinity, houses bordering Fairways are generally separated from the path by front or side gardens or publicly accessible green space. There is a consistent building line established by the houses to the south-west of the appeal site. This pattern of development lends the area around Fairways a spacious, open character.
5. The proposed house would be detached, separated from 20 Pinnacles by a 1m gap and the other two storey side elevation would directly abut the Fairways footpath. The effect of this would be to disrupt the existing building line bordering Fairways. The form of development proposed would harm the existing spacious and open character and appearance of the area bordering Fairways and would not respect or reflect the established urban grain of the area.

6. Whilst I acknowledge that the houses at 145 and 143 Roundhills are closer to the Fairways footpath than most other houses, they are still set back from the footpath. There is also a different context in that they are terraced chalet style dwellings fronting the main Roundhills Road. Although there are occasionally fences and hedges bordering Fairways, these are generally no more than 2m in height. The two-storey side elevation of the proposed house would have a more harmful effect due to its height and position directly abutting the footpath.
7. I acknowledge the proposed house would align with the height and mass of the other dwellings along this part of Pinnacles. The proposed materials including stock brick and white panel cladding would also match surrounding properties. Nevertheless, this would not alleviate the harm arising from the position of the house and cramped form of development.
8. For the reasons set out above, the proposal would be uncharacteristic of the pattern of development locally and would significantly harm the character and appearance of the area. The proposal would conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (adopted 2023) (Local Plan). Amongst other things, it requires that new development proposals relate positively to their locality, having regard to the network of routes and spaces connecting locally and to existing building lines.
9. The Council also refers to Policy DM10 of the Local Plan in its reason for refusal. As the policy relates specifically to housing standards, it is not determinative.

Living Conditions

10. The proposed house would maintain a 1m gap to the side of the existing house at 20 Pinnacles. There is a first-floor window in the side elevation of 20 Pinnacles which serves a landing and staircase. In the semi-detached houses along the street there is typically a first-floor window within the side elevation that is close to the neighbouring house, due to the pattern of development along the street. The appeal proposal would result in a similar relationship with 20 Pinnacles.
11. There would be a degree of harm to the outlook from and light available to this window given its position overlooking the open area around Fairways. Given that the affected window serves a non-habitable room and it would replicate the relationship between houses further along the street, I am not persuaded that there would be an unacceptable degree of harm to the living conditions of the occupiers of No. 20 Pinnacles. As such, the appeal proposal would be in line with the aims of Local Plan Policy DM9 insofar as it requires proposals to take account of the privacy and amenity of the development's occupiers and neighbours.

Planning Balance

12. I acknowledge that the appeal proposal would contribute to the Council's housing stock and would provide a good standard of accommodation in line with the standards set out in the development plan. There would also be some modest economic benefits arising from construction employment and subsequently from new residents using local services.
13. The harm I have identified to the character and appearance of the area outweighs the identified benefits. As such the proposal is contrary to the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Other Matters

14. I note the appeal site is within the zone of influence of the Epping Forest Special Area of Conservation. As I am dismissing the appeal, I shall not pursue this matter further because it would not lead me to a different conclusion.

Conclusion

15. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR