
Appeal Decision

Site visit made on 2 December 2024

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th December 2024

Appeal Ref: APP/J1535/W/24/3342389

28 Hampden Close, North Weald Bassett, Epping , Essex CM16 6JX

- 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 Michael McGarr of English Architectural Oak Design and Construction against the decision of Epping Forest District Council.
 - The application Ref is EPF/0171/24.
 - The development proposed is the creation of 1 x bedroom dwelling to same size and scale as previously approved two-bedroom side extension (EPF/1380/22).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have considered the changes and as they are not material to the proposal, further comments were not sought from the parties. I have, however, determined the appeal having regard to the revised Framework.

Main Issue

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

Reasons

4. Hampden Close is a residential street comprising short rows of terraces of varying length. Despite some differences in design, there is manifest uniformity in the appearance of the properties and a harmonious rhythm to the fenestration along the rows of terraces which contributes positively to the character and appearance of the area.
5. The proposed dwelling would have the same footprint, scale and massing as a previously approved side extension to 28 Hampden Close and materials to match the neighbouring properties. Nevertheless, while the door position would reflect the same details of the surrounding properties, the proposed size and arrangement of the window openings would be at odds with the existing rhythm of fenestration in the row of terraces that the appeal site would be attached to and the surrounding properties. In doing so the proposal would stand out as being visually incongruous.
6. The smaller ground floor window and position of the first-floor window centrally in the front elevation would unbalance the otherwise harmonious elevational treatment along the street. Moreover, the proposed openings would not relate well

to the characteristic spacings between the first-floor window and the door position. The differing arrangement of windows is a consequence of the narrow width of the proposed dwelling in comparison to the surrounding properties. As such, the proposal would appear cramped and have an awkward presence in the street scene, harmfully disrupting the uniformity in the surrounding built form. Overall, the proposal would detract from the character of the local area and would not therefore make a positive contribution to place.

7. For the reasons given, the proposal would be unduly harmful to the character and appearance of the area and would conflict with Polict DM9 of the Epping Forest District Local Plan 2011-2033 Part One (2023) (EFDLP). Amongst other things, this policy requires development to achieve a high quality of design and relate positively to their context having regard to the form and scale around the site.
8. On the decision notice, the Council also refers to EFDLP Policy DM10. As this primarily relates to the space standards and open space it is not determinative in this appeal.

Other Matter

9. The appeal site is located within the zone of influence of the Epping Forest Special Area of Conservation, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of its ecological features. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. As the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected site.

Planning Balance and Conclusion

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposal would be harmful to the character and appearance of the area in conflict with Policy DM9 of the EFDLP. I attach significant weight to that harm. I will now consider whether there are material considerations that would indicate that my decision should be made otherwise than in accordance with the development plan.
11. The latest Housing Delivery Test Result means that it is correct to apply the presumption in favour of sustainable development set out in Framework Paragraph 11d)ii.
12. The proposal would deliver one dwelling in a sustainable location that makes effective use of land. In doing so it would help to address the shortfall in housing. Given the scale of the proposal and the need to significantly boost the supply of housing, I give these social and environmental benefits moderate weight. There would also be some time limited economic benefits during the construction stage and benefits arising from expenditure by future occupiers. I give each of these benefits limited positive weight. There would be no provision for affordable housing and the proposal would not secure a well designed place for the reasons explained under my main issue.

13. The proposal would result in benefits, but it would also cause harm. Weighing the two up is a matter of planning judgement. In this case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and in having particular regard to the key policies listed in Framework Footnote 9.
14. Accordingly, for the reasons given above, I conclude that the material considerations do not indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

F Harrison

INSPECTOR