
Appeal Decision

Site visit made on 1 December 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2025

Appeal Ref: APP/J1535/W/25/3373998

39 Amesbury Close, Epping, Essex CM16 4JA

- 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 Smith against the decision of Epping Forest District Council.
 - The application Ref is EPF/1152/25.
 - The development proposed is described as 'two storey plus loft extension of existing two storey building to provide additional two residential units.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended set of plans have been submitted with the appeal. The key changes are setting the dormers in and back by 300mm and a change to the configuration of the windows within them. These revisions are not substantive, and the Council and other interested parties have had the opportunity of making representations as part of the appeal. As such, there would be no prejudice by my acceptance of them. Therefore, I proceed on that basis.
3. While the proposal includes a two-storey side extension, the Council have no objection to this element, focusing their concerns on the design of the proposed dormer windows. Therefore, I confine my considerations accordingly.

Main Issues

4. In light of the above, the main issues are:
 - the effect of the proposal on the integrity of the Epping Forest Special Area of Conservation (SAC); and
 - the effect of the proposal on the character and appearance of the host building and the wider area, having particular regard to the dormer windows.

Reasons

Integrity of the SAC

5. The appeal site falls within the catchment area of the SAC. It is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations).
6. The SAC is designated for its habitats, comprising Northern Atlantic wet heaths, European dry heaths and Atlantic acidophilous beech forests, and one species, the

Stag Beetle. It supports habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland, and scattered wetland. The Forest supports a nationally outstanding assemblage of invertebrates, major amphibian interest and an exceptional breeding bird community.

7. Epping Forest SAC provides an attractive, extensive area of open semi-natural habitat close to London. As such, it is a popular destination for recreation and provides an important function as a greenspace. Consequently, it has been established that residential development within the catchment area would likely result in harm to the protected area through additional recreational disturbance. In addition, new dwellings resulting in an increase of vehicle movements, have the potential to contribute to atmospheric pollution caused primarily by vehicles travelling on roads in close proximity to the SAC, emitting pollutants. As the proposal would create a net gain of two dwellings and, in combination with other developments permitted in the area, there would be a likely significant effect on the SAC.
8. Policy DM2 of the Epping Forest District Local Plan 2011-2033 Part One (2023) (EFLP) expects relevant proposals to ensure there is no adverse effect on the integrity of the SAC, and where this is not possible to conclude this, either alone or in combination, development will not be permitted. EFLP Policy DM22 seeks to protect the district from the impacts of air pollution.
9. My attention is drawn to the Epping Forest Strategic Access Management and Monitoring Strategy 2021 (SAMM) and the Epping Forest Interim Air Pollution Mitigation Strategy: Managing the Effects of Air Pollution on the Epping Forest SAC 2020 (IAPMS). These both set out a strategic approach to mitigation across affected local authority areas by collecting and pooling tariff style financial contributions made per dwelling, towards a number of mitigation and avoidance measures.
10. Both parties agree that a tariff style contribution towards mitigation measures secured by a Planning Obligation would be appropriate and that it would accord with the principles set out in the SAMM and IAPMS.
11. However, whilst a draft Unilateral Undertaking (UU) has been provided with the appeal, it includes unnecessary reference to 'Green Infrastructure Enhancement Projects Contribution'. Moreover, it is incomplete as it has not been dated or signed. Therefore, it could not take effect, nor would it be binding. Proof of title details are also incomplete. Consequently, I am not satisfied that the UU binds all relevant parties with an interest in the land, which would cast doubt on the enforceability of the obligation should it be necessary. For these reasons, I am not satisfied that the proposed mitigation would be secured.
12. This would mean the effects of the development, in combination with other projects, would likely have a significant adverse effect on the integrity of the SAC. As competent authority, taking the precautionary principle, I therefore find that the development does not accord with the Habitats Regulations, and also brings the scheme into conflict with EFLP policies DM2 and DM22.

Character and appearance

13. Located in a built-up area of Epping, the appeal site comprises part of a two-storey building accommodating maisonettes. Tucked into the corner of Amesbury Close,

the brick building has a simple elongated rectangular form with pitched roof and sits amongst a context of similarly designed buildings which front the cul-de-sac. A footpath runs along the site frontage providing pedestrian access to a garage court to the side and rear, off Pelly Court. Given the topography, the appeal site sits in an elevated position compared to the dwellings on its south side.

14. The proposal would extend the building to its side and include two box dormers within the roof, arranged either side of an inset balcony. However, whilst large, they would not appear as dominant as they would be inset away from the eaves and ridgeline and finished in hanging tiles to match the existing roof. Furthermore, the new fenestration would replicate the horizontal emphasis of the window openings and glazing bar patterns below. As such, I find that the proposed dormers would appear as an appropriately scaled enlargement, that would respect the form and appearance of the host building.
15. Located to the rear (south) of the building, there would be a very limited effect on the street scene from Amesbury Close. From Pelly Court and Madells, the proposal would be visible. Although dormers are not common features in the locality, their design is not unusual and there are examples of their presence in the vicinity of the appeal site that I observed during my site visit, along with those drawn to my attention by the appellant, albeit with limited context. Regardless of how they came to be, dormers are therefore still evident in the area and form part of its established character. For these reasons, their introduction into the roof scape at the appeal property would not have a harmful effect on the locality.
16. Overall, I find that the proposal would have an acceptable effect on the character and appearance of the host building and the wider area, with the design of the proposal relating positively to its context in accordance with EFLP Policy DM9 which expects high quality design. There is no evidence that this proposal would be of a different tenure to existing units and I do not find conflict with EFLP Policy DM10, which requires development to be tenure blind.

Other Matters

17. I note the concerns raised regarding the lack of proposed parking, amongst other matters. The Council did not raise concerns and neither did the Highways Authority. Without substantive evidence to the contrary, I see no reason to disagree. Likewise, the Council have considered the impact on living conditions of adjacent neighbours and found no demonstrable harm. I concur.
18. The proposals will make efficient use of land by providing two additional dwellings within a highly sustainable area. This along with the modest but important boost in housing supply, and the temporary construction jobs they would create, weighs heavily in favour of the scheme.
19. I have identified no harm in respect of the effect of the proposal on the character and appearance of the host building or the wider area. However, as I have set out, the effect of the development on the integrity of the SAC is a strong reason for refusal to which I attach substantial weight. This aligns with the thrust of paragraph 193 of the Framework and brings it into conflict with the development plan as a whole. Although there are weighty material considerations in favour of the scheme, they would not outweigh the conflict with the development plan.

Conclusion

20. For the reasons set out above, the appeal should be dismissed.

C Walker

INSPECTOR