



Appeal Decision

Site visit made on 10 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th December 2025

Appeal Ref: APP/J1535/D/25/3368932

11 Kendal Avenue, Epping, Essex CM16 4PW

- 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 Martin Shipp against the decision of Epping Forest District Council.
 - The application Ref is EPF/0524/25.
 - The development proposed is outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding at 11 Kendal Avenue, Epping, Essex CM16 4PW in accordance with the terms of the application, Ref EPF/0524/25, subject to the following conditions:
 - 1) The development hereby permitted shall remain in accordance with drawing no 01 Revision A.
 - 2) The external surfaces of the development hereby permitted shall remain in accordance with the materials shown on the planning application form.

Preliminary Matters

2. At the time of my site visit, the development had already been carried out in accordance with the submitted drawings. I have therefore proceeded with the appeal on this basis. I have also removed the word 'retrospective' from the description of development in the banner heading above as this is not a term of development. The description of development also included a comparison between the actual height of the outbuilding and what would be allowed under permitted development. As this is not a term of development and in the interests of conciseness, I have removed this element from the description of development in the banner heading above.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of the adjacent property 'Whitebeams'; and
 - Protected trees.

Reasons

Character and appearance

4. The appeal site consists of a large detached dwelling on a generous plot. There is a range of house designs and sizes in the street. The houses are all set back from the road and there are many trees adjacent to the highway. Overall this has created a pleasant and attractive street scene which contributes positively to the character and appearance of the area.
5. The outbuilding is situated in the rearmost part of the rear garden. The design, height and materials are not uncommon for garden buildings, and its scale is not disproportionate to the size of the garden. Views of the outbuilding are very limited from public vantage points.
6. For these reasons, the outbuilding relates positively to its context and does not cause harm to the character and appearance of the area. The development therefore complies with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (LP), insofar as it requires development to be of a high-quality design which contributes to the character of the area and relates positively to its context.

Living conditions

7. The outbuilding is adjacent to the garage and a small paved area to the rear of 'Whitebeams'. Although this paved area receives less sunlight than before, the increase in overshadowing is limited by the orientation of the outbuilding to the west of 'Whitebeams'. Furthermore, a larger lawned garden area is situated to the eastern side of 'Whitebeams', and the distance between this larger garden area and the outbuilding is sufficient to prevent any loss of sunlight or overbearing effect.
8. Notwithstanding the garage, the rear windows at 'Whitebeams' do not directly face the outbuilding. Despite the difference in land levels and the height of the outbuilding, its orientation and separation to the rear windows ensure that there is no significant overshadowing or overbearing effect to these windows.
9. For these reasons the outbuilding does not cause harm to the living condition of the occupiers of 'Whitebeams'. The development therefore accords with LP Policy DM9, insofar as it requires development to provide good sunlight and daylight to adjacent buildings and not result in an overbearing effect or overly enclosed form of development.

Protected trees

10. There are two trees subject to Tree Protection Orders in the vicinity of the outbuilding. No substantive information has been provided detailing any tree protection measures that were carried out during the construction of the outbuilding. However, the protected trees appear to be at a lower land level than the outbuilding which, together with the distance between the trees and the outbuilding, would ensure that the outbuilding does not cause unacceptable compaction of the soil and that the drainage for the outbuilding does not affect the rooting areas. I also note that the Council accepts that an outbuilding in the same position which is 0.2 metres less in height would be permissible under permitted development.

11. For these reasons the development accords with LP Policy DM3, insofar as it requires development to directly, indirectly or cumulatively cause significant harm to landscape character.

Other Matters

12. The planning application sought permission solely for the outbuilding. Whether or not the boundary wall and fence require planning permission, and the effect of the wall and fence on the living conditions of neighbouring occupiers, fall outside the scope of this appeal.

Conditions

13. As the development has already been carried out, the standard commencement condition is not necessary. However, in the interests of certainty, conditions are required to ensure that the development remains in accordance with the submitted drawings and specified external materials.

Conclusion

14. For the reasons given above the appeal should be allowed subject to the conditions listed above.

D Ellis

INSPECTOR