



Appeal Decision

Site visit made on 15 December 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 December 2025

Appeal Ref: APP/J1535/W/25/3373368

120 Valley Hill, Loughton, Essex IG10 3AU

- 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 Valley Hill Developments Limited against the decision of Epping Forest District Council.
 - The application Ref is EPF/0806/25.
 - The development proposed is demolition of existing single storey dwelling and construction of 2no. new dwellings including link, private amenity, off street car parking, landscaping and boundary treatment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would have an acceptable effect on the living conditions of the occupiers of 122 Valley Hill, with particular regard to outlook and natural light.

Reasons

Character and appearance

3. The appeal site, which features a single storey dwelling in a corner plot, forms an anomaly to what is otherwise a residential area comprised predominantly of terraced and semi-detached two storey properties. Whilst there are commonalities to the design of dwellings in the area, for example two storey projecting gables, there are also variances in roof forms, including some hipped roofs, which reduces the overall sense of uniformity experienced.
4. Along both Valley Hill and Greensted Road, there is a general consistency to building lines being set back from the highway with grassed frontages and some street trees. Front boundary treatments typically feature low walls and fences with some hedgerows. Notwithstanding the temporary hoarding currently surrounding the site, overall, the immediately surrounding area has a relatively open character.
5. Although the proposed dwellings would broadly conform to the building line along Valley Hill, the proposal would introduce two storey built form significantly closer to Greensted Road, with little space remaining to maintain the existing open

character of the area. Moreover, the elevation facing towards Greensted Road would be bland in its appearance with only small windows and an entrance door to break up an otherwise large expanse of brickwork.

6. The harsh and dominating visual effect of the proposal would be worsened by the fences which would enclose the rear gardens. Whilst I note the presence of fences adjacent to the highway elsewhere on corner plots, these are not combined with the bulk of two storey development so close to the highway edge and therefore do not serve to justify the development before me.
7. Given the variances in the wider area, the roof form and slightly increased ridge height would not implicitly be harmful to the character and appearance of the area. However, when taken as a whole, these features serve to increase the dominance of the proposed dwellings. Rather than appearing as a single dwelling, the proposal would create a visually cramped and dominating form of development eradicating the open value of the corner plot.
8. Policy DM9 of the Epping Forest District Local Plan (EFDLP) (2023) seeks amongst other matters, for all new development to achieve a high quality of design and contribute to the distinctive character and amenity of the local area. Specifically, there is a requirement for proposals to provide active frontages to the public realm and have regard to the rhythm of existing building lines.
9. Policy DM10 of the EFDLP relates to housing design and quality including in relation to internal space standards, access to amenity spaces and housing tenure. It also states that where appropriate, development proposals should seek to include enhanced provision of green infrastructure. If the appeal were to otherwise succeed, then green infrastructure could be secured by condition. On this basis, I have identified no direct conflict with Policy DM10 of the EFDLP arising from the proposal.
10. Nevertheless, I conclude that the proposal would have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Policy DM9 of the EFDLP.

Living conditions

11. The proposed dwellings would remain connected to 122 Valley Hill (No 122) through an existing ground floor link. At first floor there would be a very modest separation distance between the side elevation of No 122 and the proposed dwellings.
12. The side elevation of No 122 features two windows at first floor. Whilst it is suggested that these are secondary windows, I noted during my site visit that they did not appear to be obscurely glazed. There would therefore be an expectation from the occupiers of No 122 that these windows would be afforded some outlook and receive natural light.
13. Given the proximity of the proposed development, and its height, the outlook from these windows would be almost entirely blocked by built form creating an oppressive form of development. Natural light received into the rooms would be significantly reduced. Even if the windows are secondary, to which I cannot be certain, the proposal would have a detrimental effect on the internal living environment of those rooms.

14. Whilst I note that the current occupiers of No 122 have not objected to the proposals, regard must be given to any future occupants of this property as well. A lack of objection is therefore a neutral consideration which does not equate to a lack of harm.
15. Overall, the proposal would have an unacceptable effect on the living conditions of the occupiers of 122 Valley Hill, with particular regard to outlook and natural light. It would therefore be contrary to Policy DM9 of the EFDLP which, in respect to matters of amenity, requires proposals to not result in an overbearing form of development which materially impacts on the outlook of occupiers of neighbouring properties.

Other Matters

16. The appeal site is located within 0km and 3.2km of the Epping Forest Special Area of Conservation (EFSAC), which is a European site as defined in the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). The integrity of the EFSAC is under threat from atmospheric pollution and recreational pressure, which would be exacerbated by the increase in population and vehicle movements associated with the growth in population from additional housing.
17. The application was partly refused on the basis that in the absence of appropriate mitigation, the Council could not be satisfied that the development would not adversely affect the integrity of the EFSAC. Despite the appellant stating that a unilateral undertaking would be provided at appeal stage in relation to this matter, no such undertaking is before me for consideration.
18. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine this matter in further detail. However, as I have found that the scheme would be unacceptable for other reasons, it is not necessary for me to consider whether there would be a Likely Significant Effect on the integrity of the European Site or undertake an Appropriate Assessment.
19. There are various references within the evidence before me to the planning history at the appeal site including pre-planning advice and previous applications. Specifically, I note that permission was granted in 2017 for a replacement dwelling. Notwithstanding that this application was for a single dwelling and therefore materially different to the appeal proposal before me, the permission is no longer extant. It therefore does not represent a fall-back position to which I have attached weight in the consideration of the appeal proposal before me.

Planning Balance

20. It is a matter of dispute between the main parties as to whether or not the Council is able to demonstrate a five-year supply of deliverable housing sites as is required by the Framework. The appellant has referred to previous appeal decisions¹ which appear to suggest that the Council is unable to demonstrate such a supply, thereby warranting the application of paragraph 11(d)ii. of the Framework which relates to the presumption in favour of sustainable development. However, I do not have the full details of these decisions in the evidence before me.
21. The proposal would lead to one net additional dwelling which would make a small contribution to the Council's housing land supply and to the governments overall

¹ APP/J1535/W/23/3334925 & APP/J1535/W/24/3342224

aims of boosting housing. It would also amount to the development of a small to medium sized site in a sustainable location which is supported by the Framework. Even small developments present the opportunity to make a meaningful, immediate difference to housing land supply. In this respect I have given the associated housing delivery moderate weight in the overall balance.

22. As above, I have identified that the proposal would cause harm to the character and appearance of the area and the living conditions of the occupiers of 122 Valley Hill. The harm arising from the development in the form proposed would be significant and thus I assign significant weight to that harm.
23. Even if I were to take a precautionary approach and find that paragraph 11(d)ii. of the Framework does apply, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework, taken as a whole, having particular regard to securing well-designed places.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which indicate planning permission should be granted. Therefore, the appeal is dismissed.

L Gardner

INSPECTOR