



Appeal Decision

Site visits made on 2 December 2025 and 13 January 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 27th January 2026

Appeal Ref: APP/J1535/W/25/3373694

15a Station Road, Epping, Essex CM16 4HG

- 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 S Cobbin of Deadloss Properties Limited against the decision of Epping Forest District Council.
 - The application Ref is EPF/1271/24.
 - The development proposed is described as 'Demolition of existing attached office and erection of replacement building containing office space and 6 apartments.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposed development on the character and appearance of the area, including the setting of a non-designated heritage asset (NDHA).
 - Whether the proposed development would provide an acceptable living environment for future residents, with particular reference to outlook, light, and waste storage arrangements.
 - The effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook and privacy; and
 - The effect of the proposed development on highway safety in respect of car parking provision and cycle storage.

Reasons

Character and appearance

3. The appeal site contains a single storey mid-20th century building that is attached to 15 Station Road and is situated in a predominantly residential area. No 15 is a handsome 3-storey traditional red brick and clay tiled roof property that has a varied roofscape and originates from the 19th century.
4. The main parties do not dispute that No 15, which is locally listed, should be considered a NDHA and I have no reason to reach an alternative view.
The local list entry identifies it as an '*Attractive late Victorian house (date panel 1883) with inventive picturesque character, incorporating gabled and half hip roofs*'

in an interesting roofscape. Constructed of red brick under clay roof tile. Prominent element in streetscape. Of significant aesthetic value'. Accordingly, I find the significance of this NDHA, insofar as this appeal is concerned, to derive from its historical and aesthetic value as an example of an attractive late Victorian house.

5. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. I appreciate that the appeal site has changed since No 15 was originally constructed. Furthermore, No 13, a similar sized building, and mature vegetation, limit views of No 15 when approaching from the north west.
6. However, the topography of the area and the visual first floor gap above No 15a combine to ensure that No 15 holds a prominent position along the north-eastern side of Station Road. This setting positively contributes to revealing, appreciating and understanding its significance, particularly from the south eastern direction. Therefore, although both main parties agree that the existing building is a negative feature, its modest dimensions and single storey height do not challenge the scale, character or status of No 15 as a NDHA.
7. I have been made aware of the design rationale for the proposal and appreciate that the proposed building would sit below the ground level of No 15. However, it would be four storeys in height and only marginally lower than No 15's roof ridge. It would also span almost the full width of the site, thereby dominating the plot and having a much greater footprint, depth, mass, and visual presence along Station Road than the existing building on the site and neighbouring properties in the immediate area. As such, it would not be commensurate with the size and scale of No 15.
8. Furthermore, the introduction of bulky 'blind' dormers, with no openings and box-like profiles along with the inset balcony wall would provide significant additional visual bulk, clutter and dominance to the proposed building at third floor level. Although the Council's Conservation Officer raises no objections to the proposed materials, in my view, this impact would be compounded by the use of the bronzed standing seam zinc cladding. When combined with the overall size and scale of the proposal, these elements would contrast and compete with the traditional design, materials and roof forms of neighbouring properties, thereby drawing the eye, and further accentuating its visual prominence.
9. Whilst I appreciate that they would be set back and into the roof, behind the chimney stack, the discordant effect of these elements of the proposal would be plainly visible from several public vantage points along Station Road. I also note that none of the other dormers in the immediate surroundings are blind dormers and are therefore unlike the appeal proposal.
10. All of the factors above would result in a dominant, conspicuous and unsympathetic feature that competes with and detracts from the historical character and appearance of the NDHA and its immediate surroundings. Consequently, it visually distracts from views of the NDHA, which, given its prominent location, leads to harm to its significance and setting.
11. Nonetheless, I consider that the harm that would occur to its significance would be 'less than substantial' within the meaning of the Framework. In paragraph 215 of the Framework, it goes on to state that where a proposal would lead to less than substantial harm to the significance of such an asset that this harm should be

weighed against the proposal's public benefits. However, no public benefits associated with the proposal have been put forward to be weighed against this harm.

12. Accordingly, I find that the proposed development would have an unacceptably harmful effect upon the character and appearance of the surrounding area, including the setting of the NDHA. As such, it would not achieve a high quality of design, contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033 Part One, 2023 (Local Plan). It would also not preserve non-designated heritage assets in a manner appropriate to their significance, contrary to Local Plan Policy DM7.
13. The Council's reason for refusal also refers to Local Plan Policy DM10. Nevertheless, this primarily relates to the design quality of the living conditions of occupiers rather than character and appearance matters. It is therefore not relevant in respect of this main issue.

Living conditions – Future residents

14. I have been made aware that the proposed apartments exceed nationally described space standards, and that a planning condition could ensure that a sound insulation scheme could be imposed for the wall between the proposed ground floor apartment and the proposed office. Nevertheless, the proposed ground floor flat's habitable room windows and patio door would face and be in proximity to the rear boundary fence. The scale and massing of this fence, in combination with the trees and hedgerow above it would visually dominate the outlook from these windows and from the proposed rear private terrace area.
15. The north-eastern orientation of these windows and outdoor terrace space would also result in them receiving little direct sunlight. These factors, combined with the proposed private terrace area being sited under the first floor balconies and next to the air sourced heat pumps, would result in them being gloomy and uninviting spaces. There is little before me to demonstrate that planning conditions in relation to landscaping and the air source heat pumps would provide sufficient mitigation to overcome all of this harm.
16. I have doubts as to the merits of a design which relies upon the use of obscure glazing in the vast majority of its first and second floor rear and side windows. The use of obscure glazing to the bottom half of the first floor and second floor rear windows, and for the 1.8m high balcony screens, which would be located very close to the first floor apartments' respective balcony doors, would significantly prejudice the amount of light into and outlook from their associated habitable apartment rooms. This would not provide an acceptable living environment for future residents. Nevertheless, given the open aspects and views to the north east and the sky above, I am satisfied that the proposed inset roof terrace areas would not be unduly oppressive or overshadowed for future occupiers.
17. In reaching my findings on this matter I have had regard to the conclusions set out in the appellant's Daylight and Sunlight Study (DSS). Nonetheless, there is nothing within this document to suggest that the proposed obscure glazing has been taken into account. The appellant also confirms that the impact of trees and hedges have not been calculated in the DSS. However, there is little before me to substantiate that these should be ignored when assessing the light levels for future occupiers of

a proposed development. Accordingly, I am unable to find that the DSS accurately predicts light levels or justifies the proposal in this respect.

18. On the evidence presented I also cannot be certain that the photographs of a courtyard garden, stacked balconies and inset balcony provided in the appellant's statement of case represent a direct parallel to the appeal proposal.
19. Turning to the proposed waste storage arrangements, the Council's concerns relate to the width of the pedestrian access path and the size of the largest bin. However, the submitted plans indicate the route that could be taken, and I am satisfied that, on the basis of these drawings, there would be sufficient space for the 1100L bins to be wheeled to the kerbside via this path and through the car park for collection. Given my findings in respect of car parking provision below, I have no reason to believe that a refuse vehicle could not stop and collect this in front of the site on Station Road.
20. I have therefore found that no harm would be caused in respect of the proposed inset roof terrace and waste storage arrangements. Nevertheless, I am unable to find that the proposed development would provide acceptable living conditions for future residents, arising from the lack of outlook and light to the rear courtyard and ground floor, first floor and second floor windows referred to above.
21. The proposed development would therefore conflict with Local Plan Policy DM9 in these respects, which amongst other things, requires development proposals to integrate occupier comfort and wellbeing within the design and layout. This includes the provision of good sunlight, daylight and open aspects to all parts of the proposed development and to avoid overbearing and enclosed forms of development that materially impacts the outlook of its occupiers.

Living conditions – residents of neighbouring properties

22. The appellant has informed me that the garden area directly to the rear of the appeal site belongs to No 15 and not to 2-4 Green Trees, as the Council suggests. The Council has been silent on this matter in its submissions, and I was unable to access this area on my site visit. From all that I have seen on site and in the appeal documents I have no reason to conclude that this land does not form a part of the rear garden area to No 15. I have therefore determined this main issue on that basis.
23. My site observations confirmed that satisfactory intervening distances would be achieved between the proposed building and the rear habitable windows of 15 and 17 Station Road to ensure that a sufficient breadth of outlook would be retained from these openings. I am also satisfied that the side elevation of the proposal would not be at such close quarters to the shared side boundary and rear garden area of No 17 to visually dominate or have an unacceptable overbearing or enclosing effect on it.
24. Given the substantial size of No 15's rear garden, which wraps around the rear of the appeal site, I do not consider that the proposal would appear overly intrusive, unduly enclosing or unacceptably overbearing from this area. As such, the residents of these neighbouring properties would not experience a significant loss of outlook from their rear habitable windows or rear garden areas.

25. The angled relationship and degree of separation between the partially obscurely glazed windows in the side and rear elevation of the proposed building and the rear garden area of No 17 is such that the proposal would not cause an unacceptable loss of privacy to the residents of this property. The obscure glazing provided in the proposal's first and second floor rear windows would also restrict most direct views into No 15's back garden and ensure that an undue level of perceived or actual overlooking of this area would not occur.
26. Nonetheless, the proposal would incorporate first floor rear balcony areas to both ends of its rear elevation. Whilst these would have approximate 1.8 metre high obscurely glazed privacy screens, their design and proximity to the shared boundaries are such that anyone standing on the balconies would be afforded direct views of the rear garden areas of No's 15 and 17.
27. A degree of mutual overlooking of garden areas is a common feature in most residential areas. However, overlooking from a balcony is of a different character than from within a room as the presence of people outside has a much more intrusive feel. When the close distance to the shared boundaries is taken together with the intrusive character of overlooking that would, likely occur or have the potential to occur, the result would be an unacceptable loss of privacy to the residents of Nos 15 and 17.
28. As such, I find that the proposed balcony areas only would cause unacceptable harm to the living conditions of the residents of neighbouring properties arising from the lack of privacy. It would thereby conflict with Local Plan Policy DM9 insofar as it requires proposals to avoid overlooking and loss of privacy.

Highway safety

29. Policy T1 states that development will be permitted where, amongst other things, it can be demonstrated, where appropriate, that it does not compromise highway safety, and provides appropriate vehicle and cycle parking provision having regard to adopted standards. It also sets out that reduced car parking will be supported in sustainable locations.
30. The Council is concerned that there would be insufficient parking provision to serve the proposed development. I am informed that parking standards expect the development to provide a total of 15 spaces, and I have no reason to dispute this. Only 7 spaces are proposed, 4 to serve the proposed office, and 3 spaces for the 6 proposed flats (2 for the duplex units and 1 car club space).
31. However, the supporting text of the Local Plan outlines that until such time as parking standards are adopted, the Council will regard Essex County Council's adopted Parking Standards as the starting point and will appraise proposals on a case-by-case basis to assess that the level of parking is commensurate to the development proposed. This will include consideration of the scale and type of development, and the sustainability of its location (including access to sustainable transport modes and access to services). Where practicable and for sites within 400 metres of a London Underground Station, the Council will seek reduced parking provision, including car free development.
32. Although the site is in an area identified as 'good connectivity', it is located very close to a 'high connectivity' zone. Furthermore, it is only 300 metres away from Epping Underground Station, with several bus stops on nearby highways and is a

very short walk away from Epping town centre which contains numerous shops, services and facilities. The appellant has also provided census data that shows low car ownership in the area, and I am aware that car ownership rates for flats, which are 1 and 2 bedroomed in this case, are less than houses.

33. In addition, I have no reason to suppose that the proposed car club, which would also reduce car ownership, and the shared parking arrangement between the office and flats put forward would not be efficient and could not be secured via appropriately worded planning conditions.
34. Furthermore, my site observations confirmed that parking is restricted on Station Road by double yellow lines and that the majority of the streets within the locality have parking controls in place which would restrict any overspill parking. I am also mindful that the ECC Highways Authority has not raised any objections to the proposal on highway safety grounds or in respect of the amount of vehicle and cycle parking proposed.
35. The proposed cycle storage facilities would be positioned to the side, rather than the rear of the site and there would be sufficient space between the respective shared side boundaries for cycles to access them. I am also satisfied that the short distance between these stores and the proposed building's respective entrances, along with the level of natural surveillance from the windows of neighbouring properties, and the potential to secure external lighting by planning condition would overcome the Council's concerns in respect of providing safe and attractive cycle storage.
36. Accordingly, there is little before me to suggest that in this instance the proposed reduced parking provision would not be acceptable. As such, I am unable to find that the proposed development would have a harmful effect on highway safety in respect of car parking provision and cycle storage. It would thereby not conflict with Local Plan Policies T1 and DM9. These seek, amongst other things, to provide appropriate parking and servicing provision, in terms of amount, design and layout and cycle storage arrangements.

Planning Balance

37. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. Consequently, paragraph 11 d) ii of the Framework is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
38. I have found that the proposed development would have an unacceptably harmful effect on the character and appearance of the area, including the setting of the NDHA, and the living conditions of future residents and the residents of neighbouring properties. These harms would be wide ranging and long lasting and would be contrary to the aims of the Framework that I have referred to above. With these factors in mind, I ascribe these matters substantial weight.
39. My findings in respect of parking and highway safety, waste storage arrangements, outlook from neighbouring properties, and the light and outlook levels to the proposed roof terraces would amount to a lack of harm and would thus be neutral in any balancing exercise. The appellant's references to the amount of outdoor amenity space provided, the adequate sunlight and daylight

levels to neighbouring properties and the sustainable location of the proposal would also not result in any harm and therefore not weigh in the proposal's favour.

40. Some social and economic benefits would be generated in relation to short term employment in the construction industry and longer-term job creation for future employees of the proposed development, who along with future residents would also spend and contribute to the local economy. Other small environmental benefits include the fabric first design which reduces reliance on energy needs for heating and promotes the use of sustainable technologies including air sourced heat pumps, solar panels and electric vehicle charging points. However, given the modest amount of office and residential accommodation proposed, these are not factors that carry more than limited weight in the scheme's favour.
41. Accordingly, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour applies.

Other Matters

42. The appeal site lies within the zone of influence for the Epping Forest Special Area of Conservation. The identified pathways relate to recreational pressures and atmospheric pollution. The appellant has provided a signed Unilateral Undertaking to secure mitigation against the likely impacts of air pollution and the adverse effects created by increased recreational activity arising from additional residents. Nonetheless, as I am dismissing the appeal for other reasons, further consideration of this, including the need for me to undertake an appropriate assessment, is not required.

Conclusion

43. The proposed development conflicts with the development plan and that conflict is not outweighed by other material considerations. Therefore, the appeal is dismissed.

Mark Caine

INSPECTOR