



Appeal Decision

Site visit made on 5 February 2026

by **S F Murphy BSc (Hons) MSc MRTPI MISEP CEnv.**

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2026

Appeal Ref: APP/J1535/W/25/3375793

Land at Back Lane / Rear of Queens Road, Buckhurst Hill, Essex IG9 5LU

- 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 K Court (West) Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/q544/25.
 - The development proposed is construction of a new detached residential building comprising a 1 bedroom dwelling, together with associated access, parking and refuse storage facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the application form includes a reference to '2 storey' for the proposed development. The Council revised the description of development to remove this reference as the proposed development is for three storeys and this is clearly shown on the plans before me. The appellant has commented on the proposed development as a three storey dwelling. Therefore, I have determined the proposal on the same basis as the Council.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide acceptable living conditions for future occupiers of the dwelling with particular regard to outlook, sunlight, daylight and privacy;
 - the effects of the proposal on the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and appearance

4. Back Lane, whilst being within a residential area, is predominantly characterised by carparking. This includes on its southern side where carparks serve properties which front onto Queens Road, carparking associated with Waitrose supermarket positioned at the eastern end of Back Lane; and carparking associated with a block of flats known as Kings Court at the western end of Back Lane. Kings Court

and Queens Court blocks of flats bookend the junction of Back Lane with Kings Road. Each carpark located on the southern side of Back Lane is surrounded by close boarded fencing demarcating each boundary. Back Lane slopes gently downhill from west to east. The appeal site is located on the southern side of Back Lane and has historically been used for carparking.

5. The proposed L shaped dwelling would introduce a new discordant form of built development on the southern side of Back Lane. Being separated from other dwellings and buildings by carparks, it would stand isolated as an alien feature on the southern side of Back Lane being incongruous within the street scene. Its position fronting up to the highway would create an overbearing presence and its scale and massing occupying almost all of the appeal site, would create a cramped and overly intensive form of development for the plot. With the proposed dwelling being three storeys in height, the eye would be unacceptably drawn to its prominence. The proposed development would create a visually obtrusive feature in the street scene on this side of Back Lane that would be incompatible with the established pattern of development.
6. For these reasons, I conclude that the proposed dwelling would be significantly harmful to the character and appearance of the immediate area. Consequently, in this regard, it would conflict with Policy DM9 of the Epping Forest District Local Plan 2011 – 2033 adopted March 2023 (the Local Plan) which seeks to ensure new development relates positively to the locality through height, scale, massing and form alongside the rhythm of plots as well as paragraph 135 of the National Planning Policy Framework (the Framework) which seeks development proposals that are sympathetic to local character including the surrounding built environment.

Living conditions for future occupiers

7. The proposed dwelling would be orientated to face northwards towards Back Lane with principal windows for habitable rooms being on the northern and eastern elevations. Two windows are proposed on the western elevation that would be of obscured glass. Whilst the proposed windows are of a decent size, due to their orientation, sunlight to all habitable rooms would be significantly restricted.
8. Outside amenity space forms part of the proposed development. However, the amenity space would face northwards and, given the proposed dwelling would enclose the amenity space on the southern and western sides, this would create shading. Furthermore, the existing close boarded fence along the southern boundary would be replaced by green plastic linked fence. Whilst this would lessen the sense of enclosure in the amenity space, it would remove any form of privacy afforded to the amenity space limiting its appeal and contribution toward useable private amenity space for the occupiers of the property.
9. I recognise that some people may exercise consumer choice over outdoor amenity space. However, this is a matter addressed in the Local Plan and in national policy, and I consider it to be a requirement for a dwelling such as is proposed.
10. For these reasons, I conclude that the proposed development would have a significant adverse impact on the living conditions for future occupiers of the proposed dwelling with particular regard to outlook, sunlight and daylight alongside failing to provide suitable private amenity space. As such, it would be contrary to Policies DM9 and DM10 of the Local Plan adopted March 2023 and the

Framework that seek a high standard of design, including a high standard of living conditions for future occupants.

Effect upon Epping Forest SAC

11. The appeal site lies within the 6.2 kilometre recreational zone of influence for the Epping Forest SAC, which is identified primarily for its value in respect of beech trees, wet and dry heaths and its population of stag beetles. Policy DM2 of the Local Plan requires mitigation measures to ensure new development would not have an adverse effect on the integrity of the SAC. Contributions towards off-site measures to mitigate the likely impacts air pollution and adverse recreational effects arising from a development are sought where these are necessary to make the development acceptable, are directly related to the development and are fairly and reasonably related in scale to the development.
12. Although I have been provided with limited information as to how the levy set out within the Council's statement of case was arrived at, I note that the appellant does not dispute that the levy is necessary to offset the additional vehicular movements associated with the proposed development. I am therefore content that the contribution is necessary in planning terms to secure mitigation to offset the likely effects of development on a protected European site.
13. I note the appellant does not disagree that a contribution is necessary to make the proposed development acceptable being content to pay the fee and has submitted a Section 106 agreement to address this matter. However, whilst the Section 106 agreement is signed, it is not dated and is therefore incomplete. As such, I have no evidence that there is a mechanism to secure payment. In these circumstances I must conclude that the proposal fails to ensure that adequate provision would be provided. Furthermore, I note the Council have raised concerns that with no evidence of Land Registry Title and Title Plan, there is no evidence to confirm ownership of the land
14. Consequently, the proposed development would be contrary to Policies DM2 and DM22 of the Local Plan adopted 2023 which seeks to safeguard sensitive receptors against air pollution from proposed developments through adequate mitigation. The proposal also fails to comply with guidance in the Framework, which states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Conclusion

15. I have no evidence before me from either party regarding the Council's supply of deliverable housing land or the significance of paragraph 11 of the Framework for my decision. The proposed development would make a small contribution to the housing supply and there would be short and longer term economic benefits arising during the construction and occupation stages of the development. I have had regard to the appellants comments that the appeal site is within a sustainable location and would allow for the effective use of brownfield land providing a windfall site, however ultimately a balance of competing considerations must be carried out.
16. I have concluded that the proposal would cause significant harm to the character and appearance of the area and result in unacceptable living conditions for future

occupiers. These are the prevailing considerations and would result in the proposal being in conflict with the development plan when taken as a whole. As such, and on the evidence before me, the proposal would not be sustainable development for which paragraph 11 c) of the Framework indicates a presumption in favour.

17. There are no material considerations, including the Framework that indicate the development should be determined otherwise than in accordance with the development plan.
18. For the reasons given above the appeal should be dismissed.

S F Murphy

INSPECTOR