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# Appeal Decision

Site visit made on 14 July 2015

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 July 2015

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**Appeal Ref: APP/J1535/W/15/3017306**  
**20 Albion Hill, Loughton, Essex, IG10 4RA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Phillip Leigh of Phillip Leigh Associates against the decision of Epping Forest District Council.
  - The application Ref EPF/2429/14, dated 8 October 2014, was refused by notice dated 4 February 2015.
  - The development proposed is described as *'three new dwellings, part single, part two story with green roofs & including new private access road off Albion Hill'* (sic).
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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 street scene, and;
  - the effect of the proposed development on the living conditions of neighbours at Nos 20 and 16 Albion Hill with specific regard to outlook, noise and disturbance.

## Reasons

### *Character and appearance*

3. The appeal site is located within a residential area of Loughton. The street scene is principally characterised by large detached houses located within spacious plots, facing and situated close to the highway. Stylistically these vary, with a mixture of architectural types and materials used. Moreover, I saw that they benefit from large plot areas with generous gaps between each dwelling. More specifically, 20 Albion Hill is located close to the junction with Albion Park, and is a large detached house with parking to its front and side. It is located at a lower ground level compared to Albion Hill, with the rear garden area sloping down to an even lower level. The proposal seeks the creation of a replacement access off Albion Hill and the erection of three dwellings. These would be partially dug into the sloping ground levels so that, in essence, the parts nearest No 20 would appear to be single storey rising to two storeys at the rearmost part of the appeal site.

4. Aesthetically, the proposed dwellings would have green roofs and this, together with their single storey form closest to Albion Hill, would help reduce their visual prominence when viewed from the road. The physical design of the dwellings would reflect the eclectic mix found locally along Albion Hill and I am satisfied that the degree of variety within the street scene would comfortably accommodate the design proposed in this case. However, the dwellings would neither face onto the highway nor be in close proximity to it, which is a common feature on Albion Hill. Moreover, the layout and siting of the proposed dwellings would mean that the rear garden of No 20 would be reduced in overall size by about two thirds (see drawing ESX-210 Revision C).
5. In itself, the size of a garden is generally a personal preference, but the problem here is that the reduction in its size, through the introduction of an uncharacteristic backland style development, is a proposal which would be at odds with the prevailing pattern of development in the street scene. The incongruent nature of the proposal is further compounded by the close proximity between the dwellings, which is not reflected in the established built form on Albion Hill where dwellings benefit from a degree of spacing on either side. Indeed, the proposal scheme would fail to reflect the overall plot sizes locally and would provide little opportunity to the front of the properties for landscaping, by instead having parking and turning areas.
6. The appellant contends that the houses would be seen among the landscape due to their green roofs and would not therefore cause any harm. However, the front elevations would be visible from the highway at Albion Hill and No 20 Albion Hill, especially that of plot 3. Even were the site highly landscaped it would be almost impossible to not see the front elevation of plot 3 down the new drive. The culmination of the incongruent siting and its out of character nature mean that the development would result in material harm to the character and appearance of the street scene. It would also be at odds with Paragraph 60 of the National Planning Policy Framework (the Framework), which identifies that decisions should not seek to impose architectural styles, but recognises that it is proper to seek to promote or reinforce local distinctiveness. In this case, the proposal would fail to promote or reinforce local distinctiveness owing to its incongruent siting and spacing within the site.
7. I therefore conclude that the proposal would result in unacceptable harm the character and appearance of the street scene. Accordingly, it is contrary to Policies CP2, CP7, DBE1 and DBE3 of the Epping Forest District Local Plan 1998 and Local Plan Alterations 2006 (EFLP), which amongst other aims seek to ensure that new buildings respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof line and detailing. It would also be contrary to the aims of the Framework for the reasons stated above in terms of distinctiveness.

#### *Living conditions*

8. In terms of outlook, as considered above, the use of green roofs would reduce the visual prominence of the properties when viewed from terraces at both No 16 and 20. In practice, the elevated height of both terraces means that the viewer's eye is drawn to the tall tree line at the end of the garden rather than where the new dwellings are – though by their very nature and materials used for elevations they would be more visible than the existing trees and plants. Furthermore, the new dwelling would be located a considerable distance from

both properties and at a significantly lower ground level. As such, I do not find that the proposal would result in unacceptable loss of outlook for either property.

9. In terms of noise and disturbance, I note the position of the new access road between Nos 16 and 20. However, this would be located further away from No 16, which even with a small increase in traffic movements is unlikely to be to a materially harmful level. In terms of No 20, during the site inspection it was identified that the flank windows at that property facing the proposed access were secondary windows, with primary windows facing the front or rear. Moreover, the windows serve bed, bath, dining and living rooms, most of which are served by larger front and rear windows. Added to this is the fact that three dwellings are unlikely to result in traffic movements of a level that would result in materially harmful levels of noise or disturbance whether from engines or vehicle doors opening and closing.
10. I do not, therefore, find that the proposal would result in materially harmful loss of outlook, nor would it result in unacceptable levels of noise or disturbance, for neighbouring occupiers at Nos 16 or 20 Albion Hill. Accordingly, the proposal would accord with Policy DBE9 of the EFLP and those of the Framework, which, amongst other aims, seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

### **Conclusion**

11. Whilst I have found in favour of the appellant in terms of the second main issue, this does not outweigh or detract from the harm identified in terms of character and appearance. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR