



# Appeal Decision

Site visit made on 19 February 2008

by **J P Watson** BSc MICE FIHT MCI

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

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Decision date:  
29 February 2008

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**Appeal Ref: APP/J1535/A/07/2054235/WF**  
**Land at the rear of 18 Stoneyshotts, Waltham Abbey**

- 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 S Duckett against the decision of Epping Forest District Council.
- The application Ref EPF/1051/07, dated 9 May 2007, was refused by notice dated 6 August 2007.
- The development proposed is the demolition of a disused pumping station and erection of a one bed house.

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## Decision

1. I dismiss the appeal.

## Main issues

2. The main issues are:
  - 1) The effect the proposed development would have on the character and appearance of the area;
  - 2) How the proposed development would relate to its surroundings by virtue of overlooking and loss of privacy; and,
  - 3) Whether the proposed development would be unacceptably at risk from flooding, or would increase the risk of flooding.

## Reasons

### *Effect On The Character And Appearance Of The Area*

3. The appeal house would differ in character from those in the area but would be distanced from them sufficiently to allow some variation in design. The acceptability of the bulk and scale of the building is not in dispute. Policy DBE1 of the Epping Forest District Adopted Local Plan: January 1998 ("the 1998 LP") requires the use of external materials sympathetic to the vernacular range but the south-facing roof of the new building would be in solar panels and I find nothing before me to indicate how the policy and the intention could be reconciled. I saw no such roof nearby. I therefore find that the appeal proposal would have some adverse effect on the character and appearance of the area. Although the appellant offers to provide an alternative design "in
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complete keeping with surrounding properties" I must determine this appeal on the basis of the submitted details.

*Overlooking And Loss Of Privacy*

4. Through its Policy DBE9 the 1998 LP seeks to protect neighbouring properties from excessive overlooking from new development. The appeal dwelling would face the rear of properties in Meadow Cross. The spacing between those houses and the proposed dwelling would be comparable to some other distances between habitable rooms in facing houses in the area and trees and hedging close to the Honey Lane Brook provide some intervening screening. The distance from the appeal dwelling to the plot boundaries across the stream would not be unduly short. The appeal proposal would not give rise to excessive loss of amenity due to overlooking.

*Flood Risk*

5. The appeal site is in Flood Zone 3: an area which the Environment Agency considers to have the highest probability of flooding. The appellant's Flood Risk Assessment (termed a "Flood Analysis") is seen by the Environment Agency to have a number of shortcomings and, while disregarding none of those, I note particularly the lack of information before me regarding the floor level of the appeal dwelling, and the lack of any proposals to offset the loss of floodplain storage that the development would cause. Although it seems to me that (because it would not result in a narrowing of the margin alongside the stream) the appeal proposal would have little effect on access for stream maintenance purposes, nevertheless I am not satisfied that the requirements of Policy U2A of the Epping Forest District Local Plan Alterations (July 2006) ("the ALP") would be met by the appeal proposal in respect of items (iii), (v) and (vii) of that Policy. Nor has a flood risk assessment been provided to the satisfaction of the Environment Agency, although the policy requires that one should be. For these reasons, the appeal should be dismissed.
6. The appellant draws my attention to locations nearby and elsewhere where development has proceeded close to watercourses, including the Honey Lane Brook. The Environment Agency has no record of having been consulted about the developments in Stoneyshott or Honeybrook but, in any event, I see no reason why any departures from local and national planning policies (in the ALP and in Planning Policy Statement 25 *Development and Flood Risk*) that may have occurred elsewhere should provide justification for disregarding those policies in this case. I determine this appeal on its own merits.

*Other Matters*

7. I have considered all other matters raised but find nothing to change my decision.

*J.P. Watson*

INSPECTOR