



Appeal Decision

Site visit made on 3 January 2007

by **P R Burden BSc CEng MICE**

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

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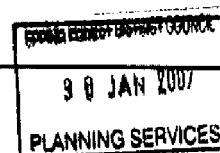
Date: 29 January 2007

Appeal Ref: APP/J1535/A/06/2027158/WF
Beechlands, 42 Alderton Hill, Loughton, Essex IG10 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Southend Care Ltd against the decision of the Epping Forest District Council.
- The application Ref EPF/1335/06, dated 1 July 2006, was refused by notice dated 18 August 2006.
- The development proposed is erection of private dwelling house for the proprietor of Beechlands.

Decision

1. I allow the appeal, and grant planning permission for erection of private dwelling house for the proprietor of Beechlands at Beechlands, 42 Alderton Hill, Loughton, Essex IG10 3JB in accordance with the terms of the application, Ref EPF/1335/06, dated 1 July 2006, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) Details of the design and external appearance of the buildings (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the flank walls of the dwelling hereby permitted.
 - 4) Prior to the commencement of the development details of the proposed surface materials for the driveway shall be submitted to and approved in writing by the local planning authority. The approved surface treatment shall be completed prior to the first occupation of the development.
 - 5) Before the commencement of the development or any works on site, details of the landscaping of the site, including the retention of trees and other natural features, shall be submitted in writing for the approval of the local planning authority. Landscaping shall be carried out in accordance with the approved details before the development is occupied or during the first planting season thereafter.



Reasons

2. Although the appeal application is in outline, siting, landscaping and means of access are for determination at this stage.
3. There are two main issues in this appeal: whether the character of the area would be unacceptably damaged by this backland proposal, and whether, with the proposed dwelling, the increased use of the access alongside the frontage property would generate noise and disturbance unacceptably detrimental to the amenities of those living alongside.
4. The statutory development plan for the area includes the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011, which was adopted in April 2001, and the Epping Forest District Local Plan of 1998 as amended by the Alterations adopted in July 2006.
5. Structure plan policies BE1, H3 and H4, and local plan policies DBE1, CP3 and H2A are relevant to the first issue. In essence these seek to accommodate additional development by using urban land more efficiently with higher densities where that would not materially damage the character and identity of the surrounding area.
6. Alderton Hill is lined by large detached houses. Many of these enjoy wide and deep curtilages, but others occupy more constrained plots. Most of these dwellings are offset from the road by much the same amount, typically around 15 m. The dwellings on Sparelease Hill are also large and detached. In the main their frontages are less wide than those of the dwellings on Alderton Hill, and their rear gardens, although ample, are not, typically as deep.
7. Being set well behind the properties fronting Alderton Hill, and directly behind Beechlands, the appeal proposal would be the only one so disposed in this area. However, one of the properties fronting Alderton Hill, No.50, is also sited well behind the main run of dwellings flanking the road. In addition No.12A Alderton Close, which was drawn to my attention by the residents association, is another exception to the pattern of development otherwise prevailing. These examples show that the underlying pattern of frontage development is now not completely homogenous.
8. The rear garden area of Beechlands is one of the largest on Alderton Hill. The rear portion of the curtilage on which the proposed dwelling is to be sited is itself quite spacious, with an overall site size of some 43 m by 36 m. The proposed dwelling would be sited some 18 m off the rear boundary of the site, a minimum of 12 m from its side boundaries and some 5 m from the boundary of Beechlands' retained land. With this amount of space around the dwelling, I consider that the proposal and its setting would be compatible with the prevailing spacious character of the existing development in the area. Certainly, it constitutes backland development, but it would not be cramped and since it is unlikely to be readily visible from Alderton Hill itself, I do not consider that it would be seen as an obviously out of character feature. I do not therefore regard this proposal as being at odds with the thrust of the development plan policies described above.
9. I turn now to address the second issue. The policies relevant here are local plan policies DBE2 and DBE9. As they relate to this issue these policies, between them, expect new development to avoid having a detrimental effect on neighbouring property in amenity or functional terms and, of particular relevance to this proposal, to avoid harming amenity through noise and disturbance.

10. The access running along the eastern side of Beechlands is somewhat wider than a typical domestic access. The nearest wall of the adjoining property, No.46, is offset a short distance from the edge of the running surface of the access, and this increases the apparent width of the access. That wall is the wall of the garage rather than the house itself, which is separated from it by the width of the garage. There are two small windows in the flank wall of the garage. However, the windows in the dwelling itself are far enough away from the access for the traffic it is likely to carry, taking the proposed dwelling and the extant permission for parking to the rear together, not to impinge materially on the amenity of its residents.
11. As far as I could see most of the openings in the eastern elevation of Beechlands served rooms having functions to do with the running of the residential home rather than being occupied by residents. I noted one possible exception to this: the ground floor window located at the rear corner of Beechlands, which is draped in net curtains and may therefore serve a habitable room. However it is recessed back from the line of the bulk of Beechlands' flank wall, and I consider that it is a reasonable distance away from the likely line traffic would take along the access. I do not consider the appeal proposal would add so much to the amount of traffic the access could already take that the amenity of anyone living in that room would be unacceptably impaired. I therefore reach the view that the proposal would be unlikely to result in noise and disturbance unacceptable to those living in the frontage properties, and is not in conflict with the relevant policies identified above.
12. The site is of a size that affords an ample area of outdoor amenity space while allowing Beechlands itself to retain a sizeable garden area. In addition, the dwelling would be far enough away from the site's boundaries to ensure neighbours suffered no material loss of privacy whether in their houses or in their gardens. Furthermore, since the appeal proposal is reasonably close to an underground station, to schools and to shops, it scores well in sustainability terms, and I see it as being consistent with structure plan policies CS1 and CS4. Given the overarching direction of policy towards making more efficient use of urban land, I conclude that the balance in this case tilts in favour of a grant of permission, subject to conditions.
13. In coming to this conclusion I have noted the Council's concern that the appeal proposal would set a precedent. However that is only of concern where the proposal contended to form the precedent is itself harmful. My analysis makes clear that I have been unable to identify any serious harm arising from this proposal. Decisions on other applications, even if apparently similar, would be taken on their own individual planning merits in accordance with the relevant policy framework.

Conditions

14. I am basing the conditions I am imposing on those put forward by the Council. I am not, however, imposing their condition 5. The question of whether the existing vehicular access to the front of Beechlands should be gated or not is dependent more on the traffic associated with Beechlands itself than with that likely to be generated by the appeal proposal, which is likely to be relatively insignificant by comparison.
15. Of the conditions I am imposing, conditions 1 and 2 are to comply with statute. Condition 3 is to safeguard the privacy of residents to the north and south of the appeal dwelling. Condition 4 is to ensure that the access to the property has a surface treatment that is

satisfactory in safety and amenity terms. Condition 5 is needed in the interests of visual amenity because, notwithstanding the terms of the application, the details of landscaping shown on the application plan are sketchy, and in my view incomplete.

P R Burden

INSPECTOR