



Appeal Decision

Hearing held on 16 December 2008
Site visit made on the same day

by **Isobel McCretton BA(Hons) MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
12 January 2009

Appeal Ref: APP/J1535/A/08/2077391 Beechlands, 42 Alderton Hill, Loughton IG10 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Dr D S Vive Kananda against the decision of Epping Forest District Council.
- The application, Ref. EPF/0470/08, dated 3 March 2008, sought approval of details pursuant to condition No.2 of outline planning permission Ref. EPF/1335/06, granted on appeal Ref. APP/J1535/A/06/2027158 dated 29 January 2007.
- The application was refused by notice dated 21 May 2008.
- The development proposed is erection of a private dwelling for the proprietor of Beechlands.
- The details for which approval is sought are: *design and external appearance.*

Procedural Matters

1. At the Hearing an application for Costs was made by the appellant against Epping Forest District Council. This application is the subject of a separate Decision.
2. Despite local residents' continued objection to the development of the site, the principle of the erection of a dwelling was established with the granting of the outline planning permission. As I explained at the outset of the Hearing, my remit is confined solely to consideration of the details submitted of the reserved matters, namely design and external appearance. Siting and access were not reserved matters in the original application and have been approved. At the Hearing the appellant clarified that discharge of condition 5 (relating to landscaping) was not being sought.

Decision

3. I dismiss the appeal and refuse to approve the reserved matters, namely design and external appearance details submitted in pursuance of condition no.2 attached to planning permission Ref. EPF/1335/06, granted on appeal Ref. APP/J1535/A/06/2027158 dated 29 January 2007.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring residential occupiers.

Reasons

5. The previous Inspector acknowledged the backland position of the proposed site but felt that the space around the dwelling would be compatible with the prevailing spacious character of the existing development in the area. The decision makes no reference to the type of dwelling envisaged on the site and there are no conditions, for instance, to restrict the height of the proposed dwelling. Nevertheless, the matters considered in that appeal were confined to siting and access, an additional landscaping condition being added to the permission. The decision was made in the knowledge that full consideration would be given to the remaining reserved matters of details of design and external appearance.
6. The siting of the proposed dwelling shown in the details now before me is not materially different from that approved in the outline permission, but the footprint is extended, particularly towards the west. The submitted details show a substantial double fronted house with 5 projecting gables, 2 rear dormers, an entrance portico with columns and a side balcony over an additional single storey element, with accommodation in both the roofspace and the basement. The houses in Alderton Hill and Sparelease Hill to the rear are generally large and of individual design so that, in broad terms, I agree that the design of the proposed house would not, of itself, be uncharacteristic of the area.
7. However, as the Council argues, the house, by virtue of being in a backland position, would not be typical of the large dwellings which are found in frontage positions. In my opinion the bulk and mass of the dwelling as proposed would be dominant and obtrusive within the garden setting. While there are trees around the edges of the site, apart from some conifers along the rear boundary, the boundary vegetation would not offer significant screening above ground floor level, particularly when not in leaf. Thus, although the main views of the proposal would be from private land, I consider that the design and external appearance of the dwelling would be an uncompromising visual intrusion in the garden scene, emphasising the fact that it is backland development, atypical of the predominant frontage pattern of development in the area.
8. The principle of the development of the site, making good use of urban land, has been accepted. While Government advice in PPS3¹ advocates the effective and efficient use of land and the use of previously developed sites, both this Policy Statement and PPS1² place great emphasis on good design and respect for the character of the area, reinforcing local distinctiveness. Design which is inappropriate in its context should not be accepted. In this case I consider that the bulk and mass of building proposed would not be appropriate.
9. I do not consider that the proposed design and siting would result in an unacceptable loss of privacy for adjoining occupiers: the distances to the boundaries and surrounding houses would more than comply with generally accepted standards between facing windows etc. However this does not outweigh the harmful visual intrusion which I have identified above that, as

¹ Planning Policy Statement 3: Housing (2006) (PPS3)

² Planning Policy Statement 1: Delivering Sustainable Development (2005) (PPS1)

well as being detrimental to the character of the area would, in my opinion, be harmful in the outlook from surrounding properties. I appreciate that there is generally no 'right to a view', but I consider that the proposal takes insufficient account of the visual quality of the local environment enjoyed by existing occupiers.

10. I conclude that the dwelling as proposed would be detrimental to the character and appearance of the area and the outlook of the occupiers of nearby properties. As such it would not accord with Local Plan³ policy DBE1 which, among other things, requires new buildings to respect their setting in terms of scale, massing and height and DBE2 which seeks to protect existing residential amenity.

Other Matters

11. Reference has been made to a restrictive covenant on the land. However this is a private matter and does not affect my consideration of the planning merits of the proposals.
12. Concern has been expressed about the potential effect of external lighting on neighbouring properties but I am satisfied that this matter could be controlled by suitable conditions were planning permission to be granted. I also consider that appropriate conditions could be imposed to ensure the protection of boundary trees during construction works. However these matters do not outweigh my conclusions on the main issues.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

³ Epping Forest District Adopted Local Plan 1998. The policies cited are saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.
