
Appeal Decision

Site visit made on 5 April 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 3rd May 2017

Appeal Ref: APP/J1535/W/16/3160301

26 Piercing Hill, Theydon Bois, Epping CM16 7JW

- 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 Ari Demetriou against the decision of Epping Forest District Council.
 - The application Ref EPF/1548/16, dated 3 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is described as 'replacement dwelling and detached garage, pitched roof to existing garage and front wall/railings and gates with altered access point/crossover'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of the occupiers of No. 25 Piercing Hill, with particular regard to outlook and the effect of the proposal on the character and appearance of the area with particular regard to the front wall/railings and gates.

Reasons

Background

3. The proposal before me follows the refusal of a similar application and the subsequent dismissal of a related appeal in 2016¹. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Living conditions

4. No. 25 Piercing Hill is a substantial two storey detached dwelling set forward of No. 26. It was evident from my visit that the immediate area to the rear of the No. 25 contained a large patio and home office and sat at a much lower level than the appeal site. Having visited No. 25, the appeal property was clearly conspicuous from these areas and the ground floor windows and bedroom windows in the rear elevation.
5. Although having a lesser footprint than the existing dwelling the proposed dwelling would be positioned with its front elevation roughly in line with the

¹ APP/J1535/W/16/3150777.

rear elevation of No. 25. Despite changes to the proposal following the previous appeal, including positioning the dwelling further away from the boundary, setting in of the rear projection and lowering the height of the floor level, the dwelling would be significantly taller than the dwelling it would replace. In particular, the side elevation facing No. 25 would present a large and dominant 2 storey gable end and rear projection.

6. Whilst there would be some visual interest in the form of a chimney, windows and mono pitched roof the perception along this boundary would be of a building of a substantial mass and of a considerable depth, its prominence exacerbated by the lower land level of No. 25 and its siting. In such close proximity to the boundary, the scale, height and overall massing would be overbearing and visually intrusive to the occupiers of No. 25 from their rear elevation, patio area and garden.
7. I share the concerns of the previous Inspector that despite replacement and additional landscaping along the boundary, such landscaping would take a significant amount of time to mature. Furthermore, the necessary size could also have harmful effects on living conditions and I do not consider that securing such landscaping by condition would make the development acceptable in planning terms.
8. For these reasons, the proposal would cause harm to the living conditions of the occupiers of No. 25 Piercing Hill in terms of outlook. It would conflict with saved Policy DBE9 of the Epping Forest District Local Plan and Alterations ('ALP') which seeks to ensure good design and that new development does not harm the amenities of the occupiers of neighbouring properties. The proposal would also conflict with the National Planning Policy Framework ('the Framework') which guides that decision taking should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

9. Although I noted similar boundary treatments enclosing accesses further along Piercing Hill, these properties were set much further back from the road and behind an area of open space containing mature trees and landscaping. Moreover, the appeal site is seen within a context of mature landscaped front boundaries set behind low walls and with open accesses. Consequently, I did not find that the type of development proposed was a prevalent characteristic of front boundary treatments in the immediate context of the appeal site.
10. The introduction of a centrally located set of gates of the scale, height and design proposed would be overly prominent and incongruous in this part of the streetscene. They would appear as a significant and unsympathetic addition that would harm the semi-rural character and appearance of the area. This effect would not be mitigated by additional planting, given its location behind the wall and railings and the amount of time it would take to mature. In any event such landscaping would not mitigate the effect of the gates and piers.
11. For these reasons, insofar as the proposal relates to the front wall/railings and gates, it would harm the character and appearance of the area. It would conflict with Policies CP7 and DBE1 of the ALP which, amongst other things states that development that results in unsympathetic change or loss of amenity to not be permitted and requires new buildings to respect their setting

in terms of scale, siting, massing and that there significance is appropriate to their function.

Other Matters

12. I note that the Council do not object to the principle of development or in terms of its location within the Green Belt and that there are no objections on other grounds such as highway safety and the appearance of the proposal. On the evidence before me, I have no reasons to disagree but nonetheless, such matters and the minimal increase in openness suggested by the appellant do not outweigh the harm that I have identified in relation to the living conditions of adjoining occupiers and the character and appearance of the area.
13. I accept that officers of the Council recommended the proposal for approval, however the Council's administration and determination of the application are not matters for me to address as part of this appeal.

Conclusion

14. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR