



Appeal Decision

Site visit made on 15 October 2018

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 5 November 2018

Appeal Ref: APP/J1535/W/18/3201573

Rozel, Loughton Lane, Theydon Bois, Epping CM16 7JY

- 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 Andrew Pigney against the decision of Epping Forest District Council.
 - The application Ref EPF/0184/18, dated 18 January 2018, was refused by notice dated 4 April 2018.
 - The development proposed is a chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposal on the surrounding residents.

Reasons

3. The appeal site is formed by an area of land which sits to the rear of 2 newly constructed detached houses and original formed part of a rear garden. A driveway runs to the side of the new houses which would serve this proposed property and also land and premises beyond.
4. The proposed dwelling would be of rectangular plan form with accommodation on 2 floors, the first floor being within the roof space and served by dormers. The long elevation of the proposed dwelling would sit close to the plot boundary adjacent to neighbouring rear garden areas.
5. The submitted plans indicate that just the very upper part of the ground floor wall would project above the boundary fence, and that the roof would be visible above it. Even though the roof would slope away from the adjacent rear gardens, I consider that it would represent a considerable bulk when seen by the residents of the adjacent houses; the roof itself would be considerably taller than the ground floor walls.
6. The appellant points out that the neighbouring houses are some distance from the proposal and so concludes that there would be no harmful effects on residents. In my judgement, the proposal would appear unduly dominant and overbearing from the adjacent rear gardens. Whilst the dwellings are sited

further away, the neighbouring gardens would give a close and immediate view of the proposal and I see no reason to suggest that neighbours would not use these areas of their gardens. From these areas the proposal would have a considerable and negative effect on neighbours and would significantly detract from the enjoyment of the gardens. Therefore, the proposal is contrary to the aims of Policy DBE9 of the Local Plan and Alterations.

7. The Council indicates within their statement that Natural England have offered their advice that any new development within 6.2km of the Epping Forest Special Area of Conservation (SAC) would be likely to have an unacceptable impact on air quality and pressure from visitor numbers. The appeal site is just under 800m from the SAC. Although not raised at the time that the application was refused, I must take this into account in determining the appeal. The appellant has indicated in his final comments for the appeal that he would have been willing to make a suitable financial contribution in mitigation of the effects of the proposal. Whilst I have no reason to doubt the appellant's intentions no mechanism is available by which to ensure that such mitigation is secured; the appellant has not submitted an Obligation and it would be inappropriate for me to seek to require financial contributions by means of a planning conditions. Therefore this matter remains outstanding and adds to my concerns for the proposal.

Conclusion

8. I have taken all other matters into account, including the previous planning application and the support that this current proposal received from officers of the Council. However, I find that my objections are not outweighed by any other matters and I conclude that the proposal would have an unacceptable effect on neighbours and in addition, there is no means to mitigate its effects on the SAC. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR