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# Appeal Decision

Site visit made on 29 October 2018

**by Nicola Davies BA DipTP MRTPI**

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

**Decision date: 8<sup>th</sup> November 2018**

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**Appeal Ref: APP/J1535/W/18/3203616**

**Newstead, 19 Coopersale Common, Coopersale, Epping CM16 7QS**

- 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 Mcap (Europe) Ltd against the decision of Epping Forest District Council.
  - The application Ref EPF/1973/17, dated 19 July 2017, was refused by notice dated 29 November 2017.
  - The development proposed is the demolition of 19 Coopersale Common and erection of six detached houses (2x3 bedroom and 4x4 bedroom) and associated amenity space, car parking, cycle storage and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the site address from the planning application form although I note it is expressed differently on other documents.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
4. The appeal site has been subject to a previous refused planning permission and dismissed appeal for "*the demolition of 19 Coopersale Common and erection of eight x 3 bedroom terraced houses and associated amenity space, car parking and cycle storage*". This proposal differs to that of the previously proposed schemes in that it proposes six detached dwellings. For the purposes of clarity I have considered the proposal, the subject of this appeal, on its own merit.

## Main Issues

5. The main issues are the effect of the proposed development on: -
  - (a) The character and appearance of the area; and
  - (b) Habitat and biodiversity at the Epping Forest Special Area of Conservation (SAC).

## Reasons

### *Character and appearance*

6. The appeal site relates to a detached dwelling situated centrally in a large plot with mature landscaped boundaries on the corner of Coopersale Common and Parklands.
7. Coopersale Common is characterised by a mix of traditional and modern detached and semi-detached dwellings set back from the highway with spaces between them. In contrast, the more modern terraced development within Parklands is compact. The character and appearance of the existing development along Coopersale Common is, therefore, more varied and spacious to that of the uniform and compact developments within Parklands.
8. The development along the Coopersale Common road frontage would create a continuation of the existing road frontage development north of the appeal site. Although to the south and to the other side of Parklands there is a three-storey development, I consider the proposal would relate more closely to the existing development to its north as it would be a continuation of that streetscene.
9. The proposed development along this road frontage would be approximately 0.9m taller than those existing properties to the north. The proposed dwellings would also have a smaller gap between them than that of those dwellings to the north. Proposed units 1 and 2 would appear wide and the gap between them would do little to reduce the appearance of their combined expansive width.
10. I note that units 1 and 2 would be positioned in line with the White House and have a similar sized footprint to those dwellings to the north. The proposal would also include separation between the White House and the proposed dwellings. Nonetheless, units 1 and 2 would be both tall and wide and would expand to create development along almost the full width of the Coopersale Common road frontage. It would also incorporate an uncharacteristically small gap between dwellings. This limited width of the gap would not enable any appreciable views into the site or facilitate landscape planting between the buildings. I find that the height, scale and cramped appearance of the proposed Coopersale Common road frontage development would not reflect the existing more spacious development along Coopersale Common. The development would be harmful to the streetscene for this reason and would, therefore, also harm the character and appearance of the area.
11. The new comprehensive landscaping proposal would soften the overall impact of the proposed development. However, the proposed Coopersale Common road frontage parking arrangement would offer little opportunity to provide any meaningful landscaping. It would be less verdant and spacious than that of other parts of the proposed scheme. Even though the proposal would involve the retention of the existing hedge adjacent to the entrance of Parklands, I do not consider this would be sufficient landscaping to obviate the harm that I have identified above to the character and appearance of the area.
12. I acknowledge the modern design approach would add to the varied housing styles in the area that has been informed by a contextual study and would incorporate architectural elements and materials found in the surrounding area. However, this does not overcome the harm that I have identified above.

13. Although the existing building at the appeal site is equivalent to two and a half storeys, as are other properties in the wider area that host loft conversions, this does not justify the proposed development that would be harmful to the character and appearance of the area.
14. Turning to the proposed dwellings fronting Parklands, these would be viewed in the context of a more compact pattern of development. I consider the layout and size of the dwellings would conform to the pattern and context of its area. I also observed the roof heights of developments within Parklands vary. Although the four dwellings would be taller than the existing two-storey semi-detached dwellings north of the appeal site the height would not be so clearly noticeable in the context of this streetscene and surrounding development.
15. The Council has raised concern in its Written Statement to other design aspects of the proposed scheme, though these matters are not specifically referred to in the Council's reason for refusal. Based upon the evidence before me, I have no substantive reason to conclude that the proposed layout and landscaping would not achieve a satisfactory living environment for future occupiers.
16. For the reasons set out above, I conclude that the proposed development would be harmful to the character and appearance of the area. As such, the proposed development would conflict with Policies DBE1, DBE2, DBE9 and CP2 of the Epping Forest District Local Plan 1998 and Alterations 2006 and the provisions of the Framework. These policies seek, amongst other matters, new buildings to respect their setting and to protect the quality of the built environment. The proposal would also conflict with paragraphs 124 and 127 of the Framework that seek the creation of high quality buildings that are sympathetic to local character and that maintain a strong sense of place.

#### *Epping Forest SAC*

17. Since the Council issued its decision a recent High Court Judgement has found that development having a negative impact on SACs will need to incorporate measures to either avoid or mitigate any potential adverse effects. In this case the Council has indicated that a financial contribution towards access management and monitoring of visitors to the Epping Forest SAC and an undertaking to assess the proposed development's impact upon air quality as a result of traffic generation are required. A letter from Natural England to the Council has been provided.
18. Notwithstanding this, had I considered the development acceptable in all other respects, I would have sought to explore the implications of the recent Court Judgement. However, given that I am dismissing this appeal for other reasons it has not been necessary for me to consider this matter in any further detail.

#### **Other Matters**

19. I note that the Council is unable to demonstrate a five year housing land supply. Six dwellings would make a contribution to housing supply acknowledging the Framework's aim to boost significantly the supply of housing. The proposal would also make more efficient use of a previously developed windfall site within an established residential settlement. I also accept that a large portion of the District is covered by Green Belt, National Parks, Area of Outstanding Natural Beauty or Site of Special Scientific Interest's and this places a constraint upon the District's housing land supply.

Nonetheless, the contribution that six dwellings would make to the District's housing supply would be small.

20. The proposal would be situated close to local services, facilities, public transport and the scheme would provide cycle spaces to encourage sustainable methods of travel. I accept the proposal would create high quality family homes that would accord with National Technical Housing Standards, the Council's minimum amenity standards, the Essex Design Guide and Essex County Council highway requirements. Furthermore, the proposal would not harm the living conditions of existing adjoining occupiers. The new landscaping would improve biodiversity at the site and the development would not impact any protected trees, listed buildings or affect a conservation area.
21. Any social and economic benefits as well as other environmental merits of the proposed scheme would, however, not outweigh the environmental harm that I have identified to the character and appearance of the area or justify the proposed development.
22. The appellant has commented on a number of those conditions suggested by the Council, particularly those that relate to flood risk and the removal of permitted development rights. However, those conditions do not relate to matters that might obviate the harm that I have identified above in relation the character and appearance of the area.

### **Conclusion**

23. For the reasons given above, and having taken into consideration all matters raised, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR