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## Appeal Decision

Site visit made on 19 November 2018

**by Richard Aston BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 02 January 2019**

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**Appeal Ref: APP/J1535/W/18/3203891**

**Land adjacent 7 and 8 The Poplars, Abridge, Essex RM4 1BB**

- 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 Billy Ellis against the decision of Epping Forest District Council.
  - The application Ref EPF/0257/18, dated 4 January 2018, was refused by notice dated 9 May 2018.
  - The development proposed is 3 No Bedroom detached dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have been referred to the emerging Epping Forest District Local Plan Submission Version 2017 which was submitted for examination in September 2018. I do not know the extent to which there are unresolved objections and given the stage it is at and in accordance with Paragraph 48 of the National Planning Policy Framework ('the Framework') I give limited weight to it.
3. The Council's statement raises concerns in relation to the potential effects on Epping Forest Special Area of Conservation ('the SAC'), a European protected habitat. I gave a further opportunity for the parties to comment on the implications for the appeal and I have taken those comments received into account.

### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

5. The appeal site is formed by part of the residential gardens of Nos. 7 and 8 The Poplars, 2 storey end of terrace properties set at 90 degree angles to each other and within a small cul-de-sac of similar properties. The gardens back onto a public footpath that leads from Pancroft, a residential street of properties similar to The Poplars, down into The Chestnuts and out onto Ongar Road. From The Poplars the footpath slopes down past the sites boundary and notwithstanding a small number of mature trees in surrounding rear gardens I observed there are clear views across the appeal site from the footpath and The Chestnuts to the rear.

6. Part of the site abuts the Abridge Conservation Area ('ACA') which contains mainly residential and commercial buildings of a strong traditional vernacular and sited on varying plot sizes and shapes. This variety is reflected immediately beyond this boundary where 2 infill developments<sup>1</sup> have been constructed although I found they had a stronger affinity to the ACA than the larger housing developments beyond, to which the appeal site clearly belongs to. As former garden land the appeal site is free from significant development and provides a sense of openness and spaciousness that positively contributes to the character and appearance of the area.
7. The proposal before me would project beyond the rear building line of Nos 7 and 8 and be sited tight up against three of its boundaries. In views from the footpath and surrounding residential properties it would not be seen in the context of the terrace and instead the eye would be unacceptably drawn to its protrusion into the currently open garden areas. It would also be of a similar height to Nos. 7 and 8 and the combination of its siting, depth and rear roof projections would substantially diminish the contribution that the site makes to the current sense of openness and spaciousness.
8. The visual effects would be exacerbated by its form and design which is heavily constrained by the irregular shape of the site and surrounding residential properties. More specifically, the uncharacteristic expanse and steep pitch of roof slope would be seen against a backdrop of the shallower roof pitch of No. 7 and the rear roof and elevation of No. 8. It would contain an over proliferation and awkward juxtaposition of different roof features such as flat and pitched roof dormers, a large glazed gable projection and narrow fenestration. The combination of the fenestration and materials proposed on the eastern and most visible elevation would also give an overly vertical emphasis.
9. Whilst I accept there is some architectural variety in the area such a configuration and the overall appearance would be wholly out of keeping and visually jarring with the prevailing, less complicated and simpler form, design and appearance of Nos. 7 and 8 and surrounding residential buildings. I do not share the officer's view that it would 'blend in well', on the contrary the proposal would be an evidently incongruous development that in such a context would not represent a high quality of design or an enhancement.
10. For these reasons, the proposal would cause harm to the character and appearance of the area. It would conflict with Policies CP7 and DBE1 of the Epping Forest District Local Plan and Alterations ('LP') insofar as these policies require that new developments respect their setting, safeguards and enhances the character and townscape of the urban environment and do not result in unsympathetic change in the built environment. The proposal would also conflict with the Framework insofar as the objective of achieving well-designed places, ensuring that developments are sympathetic to local character, are visually attractive and add to the overall quality of an area are concerned.

### **Other Matters**

11. The Council has identified that any new residential development is likely to impact on the SAC. The Council appear to have adopted an interim mitigation strategy to manage recreational pressures but have not yet done so in relation

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<sup>1</sup> Waylands and Strathyre.

to air quality mainly because a position with Natural England has not yet been agreed. Although this could be an important consideration in the appeal given I am dismissing the appeal for other reasons it is not necessary for me to consider this matter any further as it would not have altered my decision.

12. The Council's reason for refusal refers to an objection on the grounds of the effects on 'open aspect' but the Council's statement refers only to the effect on character and appearance<sup>2</sup>. I note the appellant's consideration of the effect on residential amenity but there is nothing substantive in the Council's evidence that indicates to me the Council also objected in terms of living conditions. Had I decided to allow the appeal this is a matter which I may have sought further clarification from the parties but given my conclusion this has not been necessary.
13. I acknowledge that the application was recommended for approval by officers but was overturned by members of the relevant committee. Whilst I have had regard to the officer report, neither I, nor members are bound by that view. The Council's decision was to refuse permission and in cases involving matters of planning judgement, as is the case here, members are entitled to reach different views and have given reasons for doing so. I have ultimately agreed with that decision and the positive support given by officers does not therefore alter my view.

#### *Planning balance and conclusion*

14. The proposal would represent the more efficient use of the appeal site in a relatively accessible location. It would provide an additional dwelling in an area of demand and with associated economic and social benefits both during and after construction albeit that given the scale of development such benefits would be small. However, none of these considerations, on their own or in combination would outweigh the harm to the character and appearance of the area and the subsequent conflict with the development plan that I have identified.
15. I note the appellant's reference to the proposal being sustainable development in terms of the Framework but the proposal would not accord with a development plan which, on the evidence before me, should be considered as up to date. As such it would not be the sustainable development for which the Framework indicates a presumption in favour.
16. For the reasons given above, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework 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

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<sup>2</sup> Sections 6 and 9 of Council's Statement.