



Appeal Decision

Site visit made on 20 February 2019

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 01 July 2019

Appeal Ref: APP/J1535/W/18/3214103

Hoppit, The Street, Sheering, Harlow CM22 7LR

- 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 Founthill Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1339/18, dated 11 May 2018, was refused by notice dated 5 September 2018.
 - The development proposed is erection of three detached dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Founthill Ltd against Epping Forest District Council. This application is the subject of a separate Decision.

Procedural Matter

3. I note the Epping Forest District Local Plan Submission Version 2017 (emerging Local Plan), however since there is no certainty that the policies within it will be adopted in their current form, I give them limited weight.

Main Issues

4. Although the appeal site lies within the Green Belt, the main parties agree that the proposal constitutes limited infilling within villages and would not be inappropriate development in the Green Belt. Consequently, the main issues are:
 - the effect of the proposed development, including the proposed loss of trees, on the character and appearance of the area;
 - the effect of the proposed development on Epping Forest Special Area for Conservation;
 - the effect of the proposed development on the living conditions of the occupiers of 12 and 12a The Street with particular regard to light from vehicles;
 - the effect of the proposed development on biodiversity; and
 - the effect of the proposed development on highways safety.

Reasons

Character and appearance

5. The buildings along The Street are generally one and two-storey dwellings with modest spacing that give the ribbon development a spacious feel. The appeal site currently appears to be part of Hoppit, a large detached property set a significant distance away from the highway in a large plot. Given the height of the trees and maturity of the hedgerow at the boundary with The Street, they form a significant part of the character and appearance of the street scene. As such the site contributes to the spacious character of the area and provides a green aspect.
6. I acknowledge the comments relating to density. However, the three proposed two storey dwellings would have limited spacing resulting in narrow plot widths that would diminish the spacious character of the area. While the proposed dwellings would be set back from the pavement roughly in line with Hoppit and may not be visually prominent in the street scene, they would be incongruous given the pattern of development of the other dwellings of The Street in this regard. The proposed dwellings would also appear discordant given the neighbouring large dwelling and spacious plot of Hoppit.
7. While the forms of the nearby dwellings are varied, the majority including Hoppit are either fully or partially rendered, which together with the modest spacing, results in an attractive street scene. From the evidence before me, the external walls of the proposed dwellings appear to be fully brickwork which would be discordant with the other properties along The Street. Although the proposed bridge would consist of timber railings and balusters it would be of a substantial length that would make it appear prominent and discordant in the street scene which is dominated by dwellings with small gardens.
8. Turning my attention to the effect of the loss of trees on the character and appearance of the area, removing a significant portion of this vegetation would open the view to the proposed dwellings and the associated landscaping and parking area to the front. Given that the adjacent dwellings have small front gardens and the large plot of Hoppit would remain screened by tall trees, the proposed loss of trees would reveal the proposed dwellings and associated parking area and would be incongruous in the street scene. However, I am satisfied that a suitable condition could be imposed to require details of replacement tree planting, that would mitigate any such harmful effects on the character and appearance of the area. However, the lack of harm in this respect would not outweigh the adverse effects on the character and appearance of the area caused by the proposed dwellings as discussed above.
9. Notwithstanding the lack of harm regarding the loss of trees, for the foregoing reasons the proposed development would harm the character and appearance of the area. It would conflict with Policy CP2 of the Local Plan Alterations Adopted July 2006 (LP Alterations), Policy DBE1 of the Epping Forest District Local Plan Adopted January 1998 (LP) and with Policy DM9 paragraph D of the emerging Local Plan which together seek to safeguard the character of the urban environment and respond positively to their context among other things.
10. The proposed development would not conflict with LP Policies LL10 and LL11 which restrict development that would make inadequate provision for the retention of trees and landscaping.

Epping Forest Special Area for Conservation (EFSAC)

11. I note the reason for refusal regarding the EFSAC. Had I found the appeal development to be acceptable in terms of the effect on the character and appearance of the area, I would have found it necessary to investigate this matter in greater detail as part of my appropriate assessment. However, in the circumstances of this case this has not proved to be a determinative matter given the harm to the character and appearance of the area that would arise from the development.
12. I acknowledge that Natural England have yet to publish a mitigation strategy. However, from the evidence before me it appears likely that the proposed development would give rise to at least some harm to the EFSAC were that harm not to be mitigated. While the appellant has suggested a willingness to provide financial contributions, from the evidence before me I have concerns about how such mitigation would be secured.
13. While not determinative, as it has not been demonstrated that the proposal would not harm the EFSAC, it would not accord with LP Policy NC1 which seeks to protect Special Areas of Conservation. It would also not accord with Policies DM2 and DM22 of the emerging Local Plan.

Living conditions

14. The proposed access to the appeal site is located opposite to Nos 12 and 12a The Street (Nos 12 and 12a) which are part of a two-storey terrace of dwellings that are in close proximity to the back of pavement of The Street. Given that the proposal is for 3 dwellings, the frequency of vehicles exiting the site is likely to be limited and any disturbance from headlights would be largely during twilight and dark hours. Consequently, while the occupiers of Nos 12 and 12a may be affected by headlights from vehicles exiting the site, any disturbance would be limited such that there would not be undue harm to the living conditions of the occupiers.
15. Therefore, the proposed development would not harm the living conditions of the occupiers at 12 and 12a The Street with particular regard to light. It would not conflict with LP Policy DBE9 and with Policy DM9 paragraph H(iv) of the emerging Local Plan which require that developments address issues of light pollution and disturbance.

Biodiversity

16. An updated ecology report was submitted as part of the appeal which concludes that the proposed development would not cause harm to wildlife, particularly protected species, in the vicinity of the site. From the evidence before me I see no reason to disagree. The conclusion of the report has not been disputed by the Council.
17. Therefore, the proposed development would not harm biodiversity in the vicinity of the site and would not conflict with LP Policy NC4 which seeks to protect established habitats of local significance for wildlife. It would also accord with Policy DM1 of the emerging Local Plan.

Highways safety

18. The Street is a single carriageway and is the primary road running through Sheering. It has a speed limit of 30mph denoted by a digital speed sign that is located near the appeal site that also advises motorists to slow down when the speed limit is breached.
19. While I acknowledge local concerns including regarding the speed of traffic and the proximity of the bus stop, the proposal would allow adequate visibility splays that could be controlled by condition, such that vehicles exiting the site would have sufficient visibility to react to oncoming vehicles from both directions.
20. Furthermore, the Highway Authority did not object to the proposal on the basis that adequate visibility splays could be imposed, and from the evidence before me I see no reason to disagree.
21. Consequently, the proposed development would not harm highways safety and would accord with LP Alterations Policy ST4 and emerging Local Plan Policy T1 paragraph F(i) which seek development that does not harm highways safety.

Other Matter

22. I acknowledge local concerns regarding construction traffic and drainage, however these and none of the other matters raised outweigh or alter my overall decision.

Conclusion

23. Overall, for the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR