
Appeal Decision

Site visit made on 27 June 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 21st July 2017

Appeal Ref: APP/J1535/W/17/3172260
140-142 Manor Road, Chigwell, IG7 5PR

- 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 Raja Farooq Usman against the decision of Epping Forest District Council.
 - The application Ref EPF/2598/16, dated 4 October 2016, was refused by notice dated 1 February 2017.
 - The development proposed is demolition of 2 x no. existing dwelling houses and associated outbuildings at Nos. 140 & 142 Manor Road to be replaced with 14 x no. residential units with associated parking, cycle storage, refuse and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 2 x no. existing dwelling houses and associated outbuildings at Nos. 140 & 142 Manor Road to be replaced with 14 x no. residential units with associated parking, cycle storage, refuse and amenity space at 140-142 Manor Road, Chigwell, IG7 5PR in accordance with the terms of the application, Ref EPF/2598/16, dated 4 October 2016, subject to the schedule of 16 conditions attached to the end of this decision.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of the area;
 - (b) the living conditions of occupiers of neighbouring properties with particular regard to outlook and privacy;
 - (c) the living conditions of future occupiers of the development with regards to the provision of private external space; and
 - (d) parking provision.

Reasons

Character and appearance

3. Manor Road, including the appeal site, is characterised by large detached properties with hard surfacing for car parking in front of most properties. Plots are deep with lengthy rear gardens. Manor Road is also interspersed with blocks of flats, often at corner locations and some with car parking provided at

the front. These flats vary in age, size and architectural style, but nevertheless form part of the street scene for Manor Road. The Manor Hall development on the opposite side of Stanwyck Drive to the appeal site is a recently built flatted development with two blocks separated by an internal courtyard.

4. The proposed development would result in a greater amount of built development than the existing two detached dwellings and their outbuildings, but it would reflect the footprint and layout of Manor Hall opposite. When seen in the context of existing flatted development on Manor Road, the scale and form of the proposal would not be harmful. Much of the external space within the site would be devoted to car parking, but at the front this would be little different to most properties on Manor Road, while at the rear it would reflect the hard surfacing between the two blocks at Manor Hall. Moreover, boundary walls, railings and planting would help to obscure the hard surfacing from the adjoining roads and pavements. As a consequence, the development would not be visually dominant or represent an overdevelopment of the site.
5. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with Policies DBE(i) and DBE6 of the Epping Forest District Local Plan 1998 ('the Local Plan') and Policies CP2(iv), CP3(v) and CP7 of the Local Plan Alterations 2006. Amongst other things, these policies require development to respect the setting, character and townscape of the urban environment, with car parking that does not visually dominate the street scene. The development would also be consistent with the National Planning Policy Framework (NPPF) which seeks good design that responds to local character.

Living conditions for occupiers of neighbouring properties

6. The proposed rear block would introduce a larger amount of built development at the rear of the appeal site than the existing outbuildings. From the rear elevation of 138 Manor Road and its garden, the block would be conspicuous in views over the shared boundary. Due to its size and proximity to the boundary, it would have a negative effect on the living conditions of occupiers of No 138 in terms of their outlook. However, the effects would be alleviated by the block's position at the rear of the site next to the large single storey outbuilding at No 138 which would partly contain it. The block would also be at an oblique angle across the boundary, with a reasonable separation distance between it and the rear elevation of No 138. Overall, the effects would be acceptable. The front block would be largely contained by the house at No 138 and would follow a similar footprint and size, resulting in little adverse effects on outlook for occupiers of No 138.
7. The first floor windows on the rear elevation of the rear block would look towards the flank elevation of 1 Lechmere Avenue and its rear garden as well as rear gardens further along Lechmere Avenue and Fontayne Avenue. The windows would be much nearer than the first floor rear windows of the existing houses at 140 and 142 Manor Road. However, the road in-between the proposed rear block and the properties and gardens is almost double the width of Manor Road with an island of planting in the middle. As such, the separation distance would be sufficient to avoid a negative effect on the living conditions of occupiers of Lechmere Avenue and Fontayne Avenue in terms of overlooking and privacy.

8. The separation distance would also ensure that there would be no adverse effect on light to any neighbouring property. Additionally, as a residential development of 14 flats, the levels of noise generated by its occupants, including traffic movements, would not be significant enough to result in adverse effects.
9. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of occupiers of neighbouring properties with particular reference to outlook and privacy, but also in terms of light and noise. Therefore, it would accord with Policy DBE9 of the Local Plan which seeks to avoid an excessive loss of amenity for neighbouring properties. The development would also meet the aims of the NPPF which seeks a good standard of amenity for all existing occupants of land and buildings.

Living conditions for future occupiers of the development

10. Each of the first floor flats would have access to a balcony on a south or east facing elevation with privacy screens provided where required. This would afford a reasonable amount of private external space for these flats. At the ground floor, access to private external space is limited and adjacent to car parking in most cases. However, there are communal amenity spaces in the space between the two blocks which would provide a degree of external space albeit small and next to the car parking. More significantly, there is public open space diagonally opposite the appeal site on the other side of Manor Road, which provides a reasonable alternative.
11. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of future occupiers in terms of the provision of private external space. Thus, while it would not fully accord with Policy DB8 of the Local Plan in terms of private space being of a size, shape and nature which enables reasonable use, the site specific circumstances, particularly the proximity of public open space, indicate that the development would be acceptable. The development would also meet the aims of the NPPF which seeks a good standard of amenity for all future occupants of land and buildings.

Parking provision

12. Manor Road is a busy through road where on-street parking is limited. At my mid-morning site visit, the adjoining streets of Stanwyck Drive and Lechmere/Fontayne Avenues were not heavily parked up, with off road parking for many properties. I appreciate that these streets are likely to be more parked up in the evening and weekends, but I have little evidence to suggest that they are at capacity.
13. There is a bus stop near to the appeal site on Manor Road that provides frequent services. Grange Hill Underground Station and a parade of local shops are a relatively short walk to the north-east. As such, the location is not heavily reliant on the private car for travel.
14. The development would provide 28 residents parking spaces to meet the requirements of the Essex Parking Standards Design and Good Practice 2009 ('Essex Parking Standards'). Although it is possible that individual flats may have more than two cars, this seems less likely given the good public transport connections. The development would only provide 2 out of the 4 visitor

parking spaces required by the Essex Parking Standards. This may result in some displacement onto surrounding streets, but the shortfall is small and would not have a significant effect on adjoining streets. Moreover, visitors have good alternative public transport options, so the demand for parking is unlikely to be high.

15. Concluding on this main issue, the proposed development would have an acceptable effect on parking provision. Thus, it would accord with Policy DBE6 of the Local Plan and the Essex Parking Standards which seek adequate provision of parking. It would also meet the aims of the NPPF in terms of promoting sustainable transport.

Other Matters

16. I note that the road surface of adjoining streets such as Lechmere Avenue is not good, but the development is unlikely to make this much worse. I have little indication that the development would put an unacceptable strain on local services and resources. I also have insufficient evidence to demonstrate that flatted developments elsewhere are failing to sell and be occupied.
17. The number of additional vehicles using the road network would not be significant enough to have a noticeable effect on air pollution or highway safety. A suitably worded planning condition would help to minimise negative effects arising from construction vehicles and their parking.
18. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Considering paragraphs 49 and 14 of the NPPF as a consequence, there are no adverse impacts arising from the proposed development that significantly and demonstrably outweigh the benefits of providing a net gain of twelve dwellings, or any policies in the NPPF that indicate development should be restricted. Thus, the presumption in favour of sustainable development applies to the granting of planning permission.

Conditions

19. Conditions 1 and 2 setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Conditions 3 and 4 are necessary to ensure that demolition and construction works are carried out appropriately. Condition 3 needs to be a pre-commencement condition to ensure that methods of construction are approved before any works commence.
20. Conditions 5, 6 and 7 are necessary to ensure that the development has an acceptable effect on the character and appearance of the area. Condition 5 is a pre-commencement condition as it requires existing and proposed ground levels to be established before works can commence. Condition 8 is necessary to safeguard the living conditions of neighbouring occupiers at 138 Manor Road in terms of privacy.
21. Condition 9 is necessary to ensure that that access arrangements, parking and turning spaces and adequate visibility splays are implemented before the development is first occupied. Conditions 10 and 11 are necessary in the interests of highway safety, while Condition 11 is necessary to encourage sustainable modes of transport. Conditions 12 to 15 are necessary to provide adequate details of surface water drainage and foul water disposal, in line with the comments of the Council's drainage and water team. Conditions 12 to 15

are pre-commencement conditions as such details need to be established before works begin.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, I conclude that the development should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FLY_001, FLY_002, FLY_110, FLY_111, FLY_112, FLY_113, FLY_114, FLY_200 Rev C, FLY_201 Rev C, FLY_202 Rev A, FLY_203 Rev C, FLY_204 Rev A, FLY_205 Rev C, FLY_207 Rev A, FLY_208 Rev C, FLY_209 Rev B, FLY_210 Rev A, FLY_211 Rev B, FLY_212 Rev B, FLY_213 Rev B and FLY_220 Rev B.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Measures to control the emission of dust and dirt during construction, including wheel washing; and
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.
- 4) All construction/demolition works and ancillary operations, including vehicle movement on site, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays.
- 5) No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 6) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 7) No construction works above ground level shall take place until full details of both hard and soft landscape works (including tree planting) and an implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved and retained thereafter. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means

of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting and establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 8) Prior to first occupation of the development hereby approved, the proposed balcony serving Flat No. 9 as shown on plan no. FLY_205 Rev C shall have a privacy screen installed on the west flank to a height of 1.7 metres above the floor of the balcony and shall be permanently retained in that condition.
- 9) Prior to the first occupation of the development, the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained thereafter for their intended purpose.
- 10) Prior to the first occupation of the development, the redundant dropped kerb vehicular crossings on Manor Road, Stanwyck Drive and Lechmere Avenue shall be fully reinstated to full height kerbing and footway.
- 11) There shall be no discharge of surface water onto the Highway.
- 12) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, which shall have first been submitted to and approved in writing by the Local Planning Authority.
- 13) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:
 - Surface water run-off from the development restricted to no higher than 1.2l/s for the 1 in 1 event and no higher than 5l/s for the 1 in 30 and 1 in 100 inclusive of climate change (40%) storm event. Demonstration of agreement with the relevant authority to discharge into the relevant off site surface water sewer should be provided.
 - Surface water managed on site up to the 1 in 100 inclusive of climate change (40%) storm event.
 - Submission of geological records and groundwater levels for the site.
 - Final detailed modelling of the whole pipe network and storage on site.
 - An appropriate amount of treatment for all areas of the site which is demonstrated to be in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme. A final drainage plan highlighting conveyance and exceedance

routes, location and sizing of storage features, finished floor levels and ground levels, outfalls and discharge rates from the site.

- 14) No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 15) No development shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed in writing by the Local Planning Authority. Should any part be maintainable by a Maintenance Company, details of long term funding arrangements should be provided. The appellant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a written request by the Local Planning Authority.
- 16) No development shall take place until details of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.