
Appeal Decision

Site visit made on 18 April 2017

by **Alex Hutson MATP CMLI MArborA**

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

Decision date: 16 May 2017

Appeal Ref: APP/J1535/W/16/3166045
2 Connaught Avenue, Loughton IG10 4DP

- 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 Robert Walker – Connaught Avenue Essex Ltd against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1990/16, dated 21 July 2016, was refused by notice dated 26 October 2016.
 - The development proposed is "Demolition of existing building and redevelopment of 6No 2bedroom flats. The application is for approval of the building shape (bulk Mass volume), door window openings with materials to elevational treatment to be conditioned as part of any planning approval."
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the area; and whether the proposal would result in the loss of a non-designated heritage asset.

Reasons

Character and appearance

3. The appeal property, a two storey detached dwelling, sits within a broadly triangular shaped plot of land which occupies a prominent position at the junction of Connaught Avenue and Ollard's Grove. The immediate area is predominantly residential in character, though Loughton town centre lies a short distance away. There are some examples of contemporary blocks of flats and dwellings along Connaught Avenue and Ollard's Grove. However, the character of the area is largely defined by 2 storey Victorian and Edwardian semi-detached and detached dwellings which face and are set back from the street frontage. A number of these have rooms in the roof evident from modest sized dormer windows or windows in front gables. The architectural variety and attractive detailing of these dwellings contributes positively to the character and appearance of the streetscape and area. The setback of buildings from the street frontage and vegetation within front gardens afford a spatial and verdant quality to the locality.
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4. Whilst Edwardian, the appeal property displays few features of architectural interest and appears somewhat bland in the context of other dwellings in the area. It sits onto Connaught Avenue and Ollard's Grove and its front garden is largely given over to hard standing. Its windows and ground floor bay element have been bricked up which further reduces the architectural interest of the building. Nevertheless, its scale is broadly reflective of other 2 storey dwellings in the area. In addition, its setback from the boundaries of the appeal site and the junction maintains and contributes to the spatial qualities of the area.
5. The proposal seeks to demolish the appeal property and to erect a part 2, part 3 storey building containing 6 flats, with provision of 6 car spaces. The front garden area would incorporate a landscaped amenity space.
6. I have had regard to the previous appeal decision¹ in respect of the appeal site. I recognise that the appellant has sought to reduce the depth, width, height and overall scale of the proposal from that of the proposal considered under the previous appeal and also to reduce the number of dormer windows. In addition, I note that the proposal would be narrower in width than the consented extensions² to the existing dwelling. Furthermore, a planning condition to secure the type of materials to be used in the elevational treatment of the proposed building would ensure that they were appropriate in the context of materials used in the construction of other buildings in the area.
7. However, the reduction in depth of the proposed building from that considered under the previous appeal is modest. As such, its front and rear wings would still extend built form considerably closer towards the junction and towards the northern boundary of the appeal site. The proposed building would therefore occupy a considerable part of the appeal site. This would erode the spatial qualities of the appeal site and area. Moreover, the large and wide gable which would face the junction would appear at odds with the front gables of other dwellings in the area which appear more modest in width and well-proportioned to their host buildings. This would increase significantly the overall visual bulk and massing of the building. I therefore consider that the proposal would have an overly obtrusive and dominant presence within the streetscape and would therefore fail to overcome the intrinsic concerns of the previous Inspector. I also share the Council's concern that the overall appearance of the proposed building would represent a poor imitation of the architectural richness and diversity of the Edwardian and Victorian dwellings in the area.
8. Consequently, I consider that the proposal would represent an incongruous form of development which would give rise to significant harm to the character and appearance of the streetscape and area.
9. Whilst I accept that the appeal site has been vacant for a number of years and the proposal would bring it back into active use, it seems to me that this benefit could be achieved through the implementation of the extant planning permissions. So too could the improved landscaping of the appeal site. Thus, these are not sufficient reasons to justify a planning permission in this instance.

¹ Ref APP/J1535/W/15/3019425

² Ref EPF/1483/13; and Ref EPF/0029/17

10. I therefore conclude that the proposal would be contrary to saved Policy DBE1, of the Epping Forest District Local Plan 1998; and saved Policies CP2(iv)-Protecting the Quality of the Rural and Built Environment and CP7-Urban Form and Quality, of the Epping Forest District Local Plan 1998 with Alterations 2006 (Local Plan Alterations). These policies require, amongst other things, development to protect and enhance the setting, character and townscape of the urban environment including in respect of scale, proportion, siting, massing and detailing. These policies are consistent with the broad aims and objectives of the National Planning Policy Framework (the Framework) which seek to secure high quality design and to take account of the different roles and character of different areas.

Non-designated heritage asset

11. The Glossary at Annex 2 of the Framework defines heritage assets as a building, amongst other things, identified as having a degree of significance meeting consideration in planning decisions, because of its heritage importance. It goes on to state that heritage assets include designated heritage assets and assets identified by the local planning authority, including locally listings. The Council indicates on its decision notice that it considers the appeal property to be a non-designated heritage asset. However, the Council does not substantially expand on this matter any further within its appeal statement.
12. The appellant's Heritage Statement (HS) sets out that whilst other nearby buildings are included on the Council's local list, which was last updated in 2012, the appeal property is not. I have no substantive reasons to dispute this and there is no substantive evidence before me to demonstrate that it is the Council's intention to include it on the list in the future.
13. The HS describes the appeal property as 2 storey, red brick, detached dwelling with a tiled roof and chimneys of a simple Edwardian domestic appearance dating from approximately 1900. The HS concludes that the heritage value of the appeal property, based on a number of criteria as recommended by English Heritage (now Historic England), is limited. In the absence of any assessment by the Council to the contrary, that the appeal property displays few features of architectural interest, that it is not included on the Council's local list and given that age alone is unlikely to be sufficient to demonstrate heritage value, I conclude that the appeal property could not reasonably be considered to be a non-designated heritage asset.
14. Thus, the proposal would not conflict in this regard with saved Policy CP7, of the Local Plan Alterations, which requires, amongst other things, the protection of buildings of historic importance.

Other matters

15. I acknowledge that the proposal was initially recommended for approval. However, the Council is not duty bound to follow the advice of its professional officers. Moreover, it falls on me to determine the application the subject of this appeal, which, as can be seen from my reasoning above, I find would result in unacceptable harm to the character and appearance of the area.
16. The proposal would occupy a location with a good level of access to local services and facilities for any future occupiers and would result in a slight

increase in spending in the local area. It would reuse previously developed land. In addition, it would make a contribution, albeit in the wider scheme of things a modest one, to housing supply in the District. Nevertheless, these benefits, individually or cumulatively, would not be sufficient to outweigh the harm to the character and appearance of the area.

17. The appellant alleges that any repairs and alterations to the existing dwelling would be unviable and therefore that the redevelopment of the site is the optimal option. Nevertheless, no viability assessment has been provided to support this claim. As such, I afford this matter limited weight.

Conclusion

18. For the reasons set out above and having regard to all other matters, including parking, highway safety, protected trees, refuse storage, neighbour living conditions, affordable housing, internal space provision, external amenity space provision and pressure on local services, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR