
Appeal Decision

Site visit made on 25 July 2018

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2018

Appeal Ref: APP/J1535/W/17/3183682
1-5 Stonards Hill, Epping CM16 4QE

- 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 Churchill Retirement Living against the decision of Epping Forest District Council.
 - The application Ref EPF/0947/17, dated 31 March 2017, was refused by notice dated 9 August 2017.
 - The development proposed is the demolition of existing houses and construction of a new building to provide 28 no. 1 and 2 bedroom sheltered retirement apartments with parking, bin/buggy storage, communal space, access and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the determination of the planning application, the appellant undertook a consultation regarding an amended scheme which proposed a lesser overall height and an enlarged amenity area. I do not consider these changes to be fundamental since the footprint and position of the proposed building remained as it was submitted to the Council, as did the number of units, point of access and provision for car parking. Consequently, and taking into account the scope of the appellant's consultation, I do not consider that any party would necessarily be prejudiced should I be minded to accept the changes. I shall return to this matter later.
3. Between the determination of the planning application and this appeal, a revised version of the National Planning Policy Framework ('the Framework') has been published. I invited comments from the Council and the appellant as to whether it had any implications for the appeal. I have had regard to any responses received and the 2018 iteration of the Framework in reaching my decision.

Main Issues

4. There are two main issues. These are the effect of the proposed development on a) the character and appearance of the area and b) highway safety with specific regard to the provision for onsite car parking.

Reasons

Character and Appearance

5. The appeal site comprises the buildings and curtilages associated with three detached dwellings that are set deep into their respective plots with a generous frontage in each case. They are located to the north side of Stonards Hill where, Redgrove House aside, there is a spacious and open feel to the street scene, reinforced by plot frontage depth and the playing fields to the south east. Development to the south of the appeal site is higher density characterised by terraces of Georgian style town houses with rooms in the roof spaces. These dwellings relate to the designed Theydon Grove Estate.
6. I do not have any in principle objections to the use of a deliberately modern design to the scheme in the above context which is mix of architectural styles and eras. However, the continuous block like style of the proposed development, when coupled with its length and positioning forward in its plot would make it imposing, significantly reducing the aforementioned spacious character. Its forward position would also add to a looming presence, visually dominating the smaller proportions of the dwellings that make up the terraces to the south and the block of flats forming Redgrove House.
7. The stepped frontage and use of lighter external treatment would soften the presence of the new building to a degree but this would not detract from the effect of it overall, particularly its total substance and positioning in its plot. The revised scheme seeks to reduce the height of the building. Such a change would reduce the obviousness of its impact. That said, its position in the plot and its overall mass would still noticeably reduce the spaciousness of the street scene and jar visually with the proportions of other buildings nearby. My findings would therefore remain unchanged.
8. For the above reasons therefore, the proposed development would be harmful to the character and appearance of the area. In so being, it would be contrary to Policies CP3, CP7 and DBE1 of the Local Plan¹. Along with section 12 of the Framework² these policies seek to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

Highway Safety - Parking

9. The crux of the Council's concerns in respect of this main issue is the level of provision for onsite car parking. Specifically that it is too low for the scale of the proposed development and it will thus result in an increase in parking on the street which is restricted and already over used. The proposed development would provide 28 separate residential units for which there would be an onsite provision of 12 parking spaces. The Council have set out further substantive concerns regarding the practicality of the proposed car park given the size of the spaces. However, I am content it has been demonstrated by the appellant that the spaces could be increased in size to meet that required by the Essex Car Parking Standards 2009 (EPS).
10. The appeal site is within easy and short walking distance of a range of services that would be more than capable of meeting the day to day needs of future

¹ Epping Forest District Local Plan 1998 and Alterations 2006

² The National Planning Policy Framework 2018

residents. For this reason I would accept that a lesser provision for onsite car parking would be acceptable since I would factor in at least a small number of potential owners or occupiers may either not drive and then choose to live there or think twice about needing to own a car prior to considering living there. I am however mindful that a concession in this instance would have to be small and proportionate having regard to the EPS which set out expressed minimum figures, not a guide to how many should be provided. In addition to this, limited regard seems to have been given to visitors to the scheme. It is reasonable to assume that at any one time some spaces would be required to serve that purpose.

11. I do not subscribe to the notion that retired occupants would by their very nature be less likely to own a vehicle. I would in fact suggest it is quite to the contrary, appreciating that self-reliance and freedom/distance of movement would be a value held high by those at a stage in their life where they have more free time. Set against this back drop is, as is set out in the Council's evidence, a clear picture of high levels of car ownership in the district.
12. With the above factors in mind, I feel that a less than half provision for onsite car parking compared to the numbers of units would be excessively low, to the point that alternative parking would be sought. There is unrestricted parking available on the opposite side of the road but competition for these spaces is evidently already very high. Indeed, I observed double parked vehicles using the highway verge as part of my site visit which took place not long after midday of a weekday. Taking an educated guess, I would conclude that this situation would only worsen after other local residents return from work.
13. Excessive on street car parking reduces the effectiveness of the public highway, restricting its width and thus the ability of traffic to flow freely. This would result in harm to the safe use of the highway. As a consequence, the proposed development would conflict with both the standards expected by the EPS as well as ST6 of the Local Plan. These policy positions, along with section 12 of the Framework, seek to ensure appropriate parking standards for new development in order that safe, inclusive and accessible places are created.

Other Matters

14. Given the proximity of the appeal site to the Epping Forest Special Area of Conservation (SAC) and the interim advice from Natural England, the requirements of The Conservation of Habitats and Species Regulations 2017 (the Regulations) apply to this appeal. The Regulations require that special consideration is taken in respect of European sites (which include SACs). Planning permission can only be granted where it has been ascertained that the development will not adversely affect the integrity of the SAC. As I have already concluded that the appeal will be dismissed for other reasons, the circumstances that would lead to a grant of permission are not present here. As a consequence, I do not need to undertake Appropriate Assessment or give further regard to the subsequent tests specified in the Regulations.
15. The appellant has drawn my attention to a decision taken by one of my colleagues in respect of The Green Man Public House in Waltham Abbey³. In her decision, my colleague allowed the appeal which resulted in the provision of 12 parking spaces for a 28 unit retired living development. Whilst there are

³ Planning Inspectorate Reference APP/J1535/A/13/2206643

therefore some similarities with the scheme before me, my colleague's scheme was in respect of a condition attached to a previous planning permission. The Inspector's reasoning clearly attaches weight to how such a condition stood up against the relevant legal tests. She also points to the lack of substantiated evidence about local parking provision as well as identifying the limited difference between 15 spaces, which is what was originally required by the condition, and the 12 on offer should the condition not be effective.

16. The scheme before me is not in respect of a planning permission already granted. The starting point in my case is therefore fundamentally different to my colleague's. I have considered, amongst other things, the total extent of onsite parking provision, the likely needs of the proposed development and where it would be located and taken a reasoned view. With these factors in mind, I am not persuaded to allow the appeal for which, even if I did concede that 12 spaces for a 28 unit development was appropriate, the harm the proposed development would cause to the character and appearance of the area would remain.
17. The appellant has also advanced that through exercising rights under permitted development both the dwellings that occupy the appeal site and those that form the Theydon Grove estate could extend to the point that they would, cumulatively, exceed the land take of the appeal scheme. Be this as it may, such works under permitted development are not before me. In addition, extensions would be in a number of places, on separate buildings and thus not directly comparable to the combined mass of the proposed building or its forward projection in its plot. This does not therefore lead me to allow the appeal.
18. I refer to the appellant's evidence pertaining to the benefits of retirement living accommodation. I acknowledge that there are those associated with, amongst other things, vacated homes made available for families, reduced cost burdens, bespoke housing design based around need, improving social links and reducing the need to travel. This does not however absolve the need to assess a development proposal in the sense of its wider impacts in planning terms which, in this particular case, would remain in the face of these benefits. I am unconvinced that they would be sufficient, given the nature and extent of the harms that I have identified, to outweigh them.
19. A completed Unilateral Undertaking has been submitted which seeks to provide a commuted sum contribution towards the provision for affordable housing. Whilst I note the compliance with the relevant policy position in this regard, the UU would not be sufficient to overcome my other concerns.

Conclusion

20. It is for the reasons I have set out above, whilst having regard to all other matters raised including those by third parties, that the appeal is dismissed.

John Morrison

INSPECTOR