
Appeal Decision

Site visit made on 25 June 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 5th July 2018

Appeal Ref: APP/J1535/W/18/3197262

69 Farm Hill Road, Waltham Abbey EN9 1NG

- 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 Sam Hellen against the decision of Epping Forest District Council.
 - The application Ref EPF/3197/17, dated 10 November 2017, was refused by notice dated 14 February 2018.
 - The development proposed is demolition of existing bungalow and construction of 3 storey block of flats.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.
3. The appeal site currently encompasses a single storey residential property and its associated garden. It is positioned on the northern side of Farm Hill Road, which is mainly an edge of town residential street. The pattern of development on the northern side of Farm Hill Road in the vicinity of the appeal site is predominately characterised by semi-detached properties set back from the road behind front gardens and arranged in a discernible building line. The buildings tend to have a similar height, width and overall massing. They are also arranged with a reasonable degree of spaciousness between and around the buildings. There are however, some notable exceptions including detached buildings and a pair of semi-detached properties set notably forward of adjoining buildings.
4. The development on the southern side of the road has a much more eclectic form and scale and includes both a single storey community building and the large flatted development in Howards Close, which is a large standalone cluster of buildings arranged over three storeys.
5. The existing bungalow within the appeal site is broadly positioned in the centre of the plot. It is an anomaly within the row of two storey properties within which it is located and therefore its replacement with a two storey building of a similar massing to nearby buildings need not harm the character and appearance of the area and in some ways provides an opportunity to intensify and optimise development within the appeal site.

6. Nevertheless, the appeal scheme is for a building that would be overtly arranged over three floors and notably wider than any of the buildings on the northern side of the road in the vicinity of the appeal site. The proposed block of flats would also be much deeper than adjoining buildings and this would place its rear elevation unusually close to the rear boundary of the plot and result in untypically small area for outdoor amenity space.
7. The combined impact of these features of the design would result in the building appearing relatively cramped and bulky within its plot and therefore a strident addition to the street scene. The cramped appearance would not be aided by the presence of a large bike and bin store in the front garden and an unrelieved expanse of hard standing that would accommodate up to eight vehicles. Thus, I find that the proposal would harm the character and appearance of the area.
8. In reaching this conclusion I note that the proposal would not be higher than the existing buildings either side as the eaves and ridge heights would be comparable. The depth would also be broken up as the scale drops to a single storey and materials would be used that complement the locality. These aspects of the design are to be commended but they would not mitigate for the building's cramped appearance when considered as a whole.
9. I therefore conclude that the appeal scheme would harm the character and appearance of the area placing it in conflict with Policies CP3 and DBE1 of the Epping Forest District Local Plan (1998) and Alterations (2006). These policies seek to secure development that is consistent with, and respect the setting of, and character of the locality. These policies are consistent with Paragraphs 17 and 58 of the National Planning Policy Framework (the 'Framework') and therefore the conflict with the above development plan policies can be afforded significant weight.
10. The Council has referred to an emerging policy¹ but I have afforded it very limited weight given the stage of preparation. The Council has also referred to Policy DBE2 in its reason for refusal but its relevance to the matter in hand is unclear as it primarily relates to residential amenity.

Other Matters

11. The appeal scheme is a revised proposal submitted in an attempt to overcome concerns raised following an unsuccessful appeal². The proposal has been reduced in height and width. However, the alterations have not gone sufficiently far enough to ensure the building would sit comfortably within the context of development on the northern side of Farm Hill Road.
12. The appeal scheme had been the subject of pre application discussions and the Council's planning officers had recommended approval of the appeal scheme when it was presented to the Council's planning committee. I have carefully considered the reasons underpinning this recommendation. However, the Council ultimately refused the proposal and I share its concerns for the reasons already given. Thus, the support of the Council's planning officers is not a determinative point in favour of the proposal in this instance.

¹ Policies DM9 of the Epping Forest District Local Plan (Submission Version) 2017

² APP/J1535/W/17/3169777

13. Various concerns have been raised by interested parties including reservations over their living conditions, the impact on highway safety and the loss of a bungalow, which I have noted. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issue.
14. Although not a point made by the appellant the Council has referred in its committee report to a current inability to demonstrate an adequate housing land supply (as required to by the Framework). As such, Paragraph 14 of the Framework is engaged. This indicates that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole *or* specific policies in the Framework indicate development should be restricted.
15. The Framework does not define what a specific policy restricting development is and Footnote 9 to Paragraph 14, which identifies examples, is an open list. Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area. This is an instructional policy so it is hard to see how it could be read as anything other than a specific policy restricting development that has been found to be of a poor design. As the proposal would harm the character and appearance of the area I consider it is of a poor design and therefore, as a material consideration, the Framework indicates the development should be restricted.
16. Notwithstanding the above, it is still necessary for me to consider the benefits of the proposal. The appeal scheme would deliver a number of benefits as it would be a windfall development that would support the local economy through construction jobs and the circulation of funds. However, the practical effect of this has not been demonstrated. In addition, the proposal would make a more efficient use of land and modestly boost housing supply in a location close to services and facilities. Nevertheless, the proposal would also harm the character and appearance of the area and this would be at odds with the development plan. Many of the forgoing benefits could be achieved with a more sensitively designed redevelopment. In my view, the benefits of the proposal would not outweigh the harm that would occur.

Conclusion

17. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for this reason, the reasons given above, and having regard to all matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR