

Appeal Decision

Hearing held on 5 November 2015

Site visit made on 5 November 2015

by Claire Victory BA (Hons) BPI MRTPI

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

Decision date: 22 March 2016

Appeal Ref: APP/J1535/W/15/3081535

Sixteen String Jack, Coppice Row, Theydon Bois, Epping CM16 7DS

- 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 Rory Anderson (Constable Homes) against the decision of Epping Forest District Council.
 - The application Ref EPF/2040/14, dated 26 August 2014, was refused by notice dated 10 December 2014.
 - The development proposed is the demolition of existing buildings and structures and erection of thirteen residential apartments with associated parking, open space and amenities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The beer garden in the north-west corner of the appeal site lies within the Metropolitan Green Belt, but the remainder of the site is not within the Green Belt and lies within the village envelope. Whilst the Council referred to the effect of the proposal on the character of the surrounding area, including land within Green Belt, it has confirmed that national policy for development within Green Belt in section 9 of the National Planning Policy Framework (the Framework) is not relevant to the appeal scheme, and that the proposal would not constitute inappropriate development in the Green Belt, and I see no reason to disagree.
3. Essex County Council has confirmed that following the revision to CIL regulations in respect of the pooling of planning obligations which came into effect on 6 April 2015, it is no longer seeking contributions towards education transport from this scheme. Consequently, the Council has withdrawn its fourth reason for refusal.
4. After the close of the Hearing, the Council provided a copy of a Decision Notice¹ relating to a different scheme on the same site. I deal with this matter below.

¹ Ref. EPF/1629/15

Main Issues

5. The main issues in the appeal are therefore:

- The effect of the development on the character and appearance of the area;
- The effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site, with particular regard to off-street car parking provision;
- The effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook; and
- Taking all of the above into account, whether the development would constitute sustainable development.

Reasons

Character and appearance

6. Sixteen String Jack is a vacant public house formed of two interconnected 2 storey buildings positioned close to the site frontage of Coppice Row. Pinchbrick Cottage, on the corner of Coppice Row and Robins Lane is a two storey cottage with double pitched roof. To the west there is a small electricity substation with open fields beyond, and residential properties opposite. Elmcroft, a two storey detached dwelling to the rear is set at an oblique angle to the existing appeal buildings within spacious gardens and is accessed from Robins Lane, a narrow unadopted road to the east of the site. Properties in the area are predominantly detached but there are a variety of building styles and no consistent building line along Coppice Row. The appeal site is situated on the edge of the built up area of Theydon Bois and on the fringe of Epping Forest.
7. The buildings fronting Coppice Row would be of a height broadly commensurate with other two storey properties in the area, but would be significantly greater in width than the existing property, and would result in an almost continuous built frontage across the appeal site. Despite a staggering of the frontage, and set back further from the road than the public house, and a variation in materials and architectural detailing, this part of the development would appear as a single mass of significant width that would unduly dominate the Coppice Row frontage.
8. Pinchbrick Cottage is set close to the back edge of the footpath, but its principal elevation fronts Robins Lane, and the narrowest elevation faces Coppice Row. Likewise Reka, a two storey dwelling opposite the appeal site is also close to the highway, but part of the dwelling is single storey in height and a 1.5 storey side element forming a double garage is set much further back. Consequently, whilst there are properties in the immediate vicinity that are situated close to their site frontage, the proposal would take up a substantially greater proportion of site frontage than that of these neighbouring properties.
9. Moreover, although there are some large detached dwellings to the east of the site with very little space to each side, they are generally set well back within the plot, providing for a greater sense of space. In addition, properties to the west with larger gaps to each side are also set back from the road frontage. As

such, the bulk and massing of the development, combined with its prominent position close to the site frontage would be at odds with the more spacious, suburban character of the surrounding area.

10. The building to the rear would be lower in height than the frontage building, but would still be clearly visible in both directions when travelling along Coppice Row. The expanse of built form across the site frontage, combined with the depth of building to the rear, would add to the harm I have identified.
11. The appellant contends that the scheme is in accordance with the Essex Design Guide (EDG), insofar as it specifies design approaches for developments of greater than 20 dph, in providing a continuity of frontage. The scheme would have a density of about 80-86 dwellings per hectare (dph). Policy H3A of the Epping Forest District Local Plan (LP) (1998 and Alterations 2007) allows for development at higher densities to make efficient use of land. However, support in principle for higher densities is subject to a consideration of the specific circumstances of the site and its surroundings. In this particular instance I have found that the proposed scheme would cause harm to the character and appearance of the surrounding area and would thus conflict with Policy H3A and the EDG.
12. The appellant has also cited the Theydon Bois Village Design Statement (TBVDS) in support of the appeal scheme. This was issued by the Theydon Bois Parish Council in June 2012 but has not been adopted by the Council as supplementary planning guidance. Nevertheless, although the VBVDS identifies a 'terracing' effect of large detached properties filling the width of their plots, nearby examples of these houses, as I have already described, are positioned further back in their plots than the appeal proposal would be, and thus do not provide justification for the appeal scheme.
13. Finally, it has been put to me that pre-application advice from Council officers supported the principle of a large building across the site frontage, but such advice is given without prejudice to the Council's formal decision, and carries little weight in this appeal.
14. For the above reasons I conclude that the development would cause harm to the character and appearance of the surrounding area. It would be contrary to LP Policies CP3, CP7, H3A, GB7A and LL3, which, amongst other things require development to respect the character and environment of the locality, for development on the edge of settlements and adjacent to Green Belt land to be sensitive to the character of the landscape including reduced densities, and which support the use of higher densities unless it would have an adverse impact on the character and density of surrounding development. It would also be contrary to the Framework which requires development to respond to local distinctiveness.

Parking Provision

15. The Council's parking standards² require 1 car parking space for 1 bedroom units and 2 spaces for 2 bedroom properties, and 0.25 visitor spaces per dwelling, rounded up to the nearest whole number. One allocated car parking space is proposed per dwelling, and there would be 2 visitor spaces within the

² Parking Standards, Design and Good Practice, Essex County Council (2009) adopted by Epping District Council in 2010 as a Supplementary Planning Document

- scheme. As such there would be a shortfall of 10 resident spaces and 2 visitor spaces when assessed against the parking standards.
16. The standards allow for a relaxation of standards in certain locations considered to be more accessible by public transport, cycling and walking. However, the parties dispute the extent to which the appeal site is accessible by non-car modes, and thus whether a relaxation of the standards is appropriate.
 17. An informative to the car parking standards at page 64 notes that reductions of the vehicle standard may be considered if there is development "*within an urban area (including town centre locations) that has good links to sustainable transport*". Reference has also been made to paragraph 2.5.1. of the document, which states that for "*main urban areas*" a reduction to the parking standards may be considered, particularly for residential development. Main Urban Areas are defined as "*those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.*" However, there is nothing in the document to suggest that a relaxation of the parking standards may not be applied in either case.
 18. The site is about 10 minutes walk from the centre of Theydon Bois, albeit up a relatively steep hill. The village has a range of shops and facilities, including an express format supermarket, pubs and restaurants, village hall, primary school, health and sports centres. An underground station on the Central Line, and bus stops near to the junction of Coppice Row and Piercing Hill, about 5 minutes walk from the site provide access to larger supermarkets and secondary schools in centres such as Epping and Loughton. Notwithstanding the topography, which I accept may dissuade some residents from travelling on foot; I consider the site to be an urban area that has good links to sustainable transport, as set out in the parking standards.
 19. Should demand for car parking within the site exceed supply, residents may seek to park on the street. Coppice Row has no parking restrictions. There is a small lay-by just to the west of the site with approximately two parking bays, and one further down the hill. Furthermore, most properties have generous off-street parking capacity. Consequently there is nothing before me to suggest there is a particular problem of parking stress in this location.
 20. The width of Coppice Row is variable, and narrows in the vicinity of the site, particularly next to Pinchbrick Cottage where the footway also narrows. There is a bend in the road just before the approach to the site downhill from the west, on the approach to the village and the speed limit along this section of Coppice Row is 30 mph. I acknowledge the concerns of the Council and local residents that there is a perception of danger from the potential for accidents, due to overspill parking on Coppice Row, and the Parish Council has referred to unreported accidents in the locality. However the appellant has provided data from the Highway Authority (HA) which indicates that there have been no fatal or serious accidents in the last 10 years in the vicinity of the site, and the Council has presented no compelling evidence to the contrary.
 21. The HA has confirmed there would be an improvement in highway safety due to the building line being moved back, the provision of an improved visibility splay in both directions, and the closing of the Robins Lane access. Although there are local concerns regarding the closing of this access, vehicles would be able to manoeuvre within the site so that drivers can enter and leave in

forward gear. It is also possible that cars parked on Coppice Row would slow down vehicle speeds to a degree. Consequently on the basis of the evidence before me there would not be a significant cumulative adverse effect arising from the proposed parking provision, and there would be no conflict with paragraph 32 of the Framework.

22. Moreover, whilst I accept that families might occupy the two bedroom flats, new residents would occupy these properties in the knowledge that each unit has a single car parking space allocated. I therefore consider a relaxation of the parking standard would be justified in this instance.
23. My attention has been drawn to an appeal decision at 47A Theydon Park Road³ dated 6 October 2015 for the demolition of a dwelling and the erection of five 2 bedroom flats, where five car parking spaces were proposed, against a requirement of 10 spaces. In that case the Inspector concluded that the site was in walking distance of the centre of Theydon Bois, but that the location did not amount to a main urban area where a significant reduction in the number of parking spaces normally required could be justified. However, there were other concerns with the scheme, including sub standard car parking bays and a lack of demarcation between the off-street parking area and a footpath, which the Inspector found in combination would be likely to lead to on-street parking and difficulties for vehicles manoeuvring in and out of the site. Furthermore, in that case the HA objected to the proposal for these reasons. Those concerns have not been raised in the appeal proposal before me. As such that proposal can be clearly distinguished from the scheme before me and carries limited weight in reaching my decision.
24. Since the Hearing, the Council has refused a further planning application for a similar scheme at the appeal site for slightly fewer units⁴, however, that decision has no bearing on my decision on this scheme.
25. Taking all of the above into account, I conclude that there would be no adverse effect on the safe and efficient operation of the highway network in the vicinity of the appeal site. Thus there would be no conflict with LP policy ST6, which requires all development to provide on site parking in accordance with the Essex Parking Standards.

Living Conditions

26. Elmcroft, the property to the north, is set at a slightly higher ground level than the appeal site and the common boundary is formed of a thick evergreen hedge of at least 3 metres in height that would be retained. Nevertheless, with the exclusion of the beer garden, which would be used as a communal garden area, the building to the rear of the appeal site would run more or less the full width of the site, and would be over 25m in length. Despite the hipped roof form and 1.5 storey height, the excessive length, combined with the close proximity to the boundary, means that it would appear as an unacceptably overbearing feature when viewed from the house and garden of Elmcroft.
27. The development would include a single storey element with mono pitched roof fronting Coppice Row adjacent to Pinchbrook Cottage, with a broadly similar building line. The rear elements of the scheme would be some distance away

³ APP/J1535/W/15/3027904

⁴ EPF/1629/15

behind the parking courtyard and the detached garage at the rear of Pinchbrook Cottage.

28. I therefore conclude that there would be no harm to the living conditions of the occupiers of Pinchbrook Cottage, but there would be significant harm to the occupiers of Elmcroft, by reason of the substantial length of the rear section of the scheme and its proximity to the northern boundary of the site. Thus the proposal would conflict with LP Policy DBE9. This policy seeks to ensure that new development does not result in an excessive loss of amenity for neighbouring properties.

Whether sustainable development

29. It was common ground at the Hearing that the Council cannot demonstrate a 5 year supply of deliverable housing sites. As such, paragraph 49 of the Framework is engaged, and the Council's policies for the supply of housing are out of date. In such circumstances, paragraph 14 of the Framework provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
30. In determining whether the proposal would be a sustainable development form of development, paragraph 7 identifies the three dimensions to sustainable development, namely the social, economic and environmental roles. Turning first to the social role, the provision of 13 flats would make a contribution to the supply of homes in a district with a housing shortfall. In addition, future occupants would have access to local shops and services in Theydon Bois with access by rail and bus to centres further afield. As such it would meet the social dimension of sustainable development. There would be an economic benefit in the short term from the construction of the scheme, and future occupiers would use local shops and services. The proposal would therefore meet the economic dimension.
31. In terms of the environmental dimension, the appellant has referred to the sustainability credentials of the scheme, relating to energy and water efficiency. I have also found that there would be no harm arising from the development with regard to highway safety. However, there would be harm to the character and appearance of the surrounding area, arising from the significant bulk and mass of the development. There would also be harm to the living conditions of the occupiers of Elmcroft, the adjacent property to the north, with regard to outlook. Thus the environmental dimension of sustainable development would not be met.
32. I have given significant weight to the Framework's objective to boost significantly the supply of housing, but the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits identified. As such the proposal would not constitute sustainable development and would fail to accord with national policy, and the provisions of the development plan.

Other Matters

33. It has been put to me that Robins Lane is private and the appellant has no right of access across it, but this is a private legal matter and has no bearing on the outcome of this appeal.
34. There have been concerns regarding the effect of the proposal on the privacy of neighbouring occupiers on the opposite side of Coppice Row, but the separation distance would not be significantly greater than that experienced by other properties facing each other along Coppice Row, and thus I have given this matter limited weight in reaching my decision.

Conclusion

35. For the above reasons I conclude the appeal should be dismissed.

Claire Victory

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Rory Anderson	Land Buyer, Anderson Group (Constable Homes) and Appellant
Mr Richard Clews	Associate Planner, Strutt and Parker LLP
Mr Michael Druce	Barrister, Cornerstone Barristers
Mr Duncan Stoten	Director, Stomor Civil Engineering Consultants

FOR THE COUNCIL:

Mrs Marie-Clare Tovey	Planning Officer, Epping Forest District Council
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INTERESTED PERSONS:

Ms Elizabeth Burn	Resident and representing Epping Forest Royal Preservation Society
Cllr Peter Gooch	Vice-Chair Theydon Bois Parish Council, Chair Epping Forest District Council Planning Committee
Mr Martin King	Resident
Cllr John Phillip	Ward Councillor and Portfolio Holder Development Management, Epping Forest District Council and Chair Theydon Bois Parish Council
Dr John Warren	Resident and Chair Theydon Bois Action Group
Mr Webb	Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 List of suggested conditions, submitted by the Council
- 2 Extracts from Parking Standards, Design and Good Practice, Essex County Council (2009) submitted by the Appellant
- 3 Consultation response from Essex County Council as Highway Authority, dated 18 December 2014, submitted by the Appellant
- 4 Appeal Decision ref. APP/J1535/W/15/3027904 dated 6 October 2015 concerning 47A Theydon Park Road, Theydon Bois, submitted by Dr John Warren