
Appeal Decision

Site visit made on 23 May 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 21st June 2017

Appeal Ref: APP/J1535/W/17/3170109
17 Hemnall Street, Epping CM16 4LS

- 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 Ian Pinkus against the decision of Epping Forest District Council.
 - The application Ref EPF/2550/16, dated 28 September 2016, was refused by notice dated 8 February 2017.
 - The development proposed is the replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 No. one-bed flats and 3 No. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of the existing bungalow with a new three storey block of five apartments. This would consist of 2 No. one-bed flats and 3 No. two-bed flats. The development would be served by three off-street parking spaces to the front and communal amenity space to the rear at 17 Hemnall Street, Epping CM16 4LS in accordance with the terms of the application, Ref EPF/2550/16, dated 28 September 2016, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 15a Hemnall Street with particular reference to outlook, privacy and daylight.

Reasons

3. Hemnall Street is predominantly residential with a variety of house types and flatted development in the vicinity. The appeal site contains a bungalow which sits between a 2 storey block of flats and a bungalow. To the rear there are further 2 storey dwellings. The site lies within the built-up area of Epping which is a sustainable location, close the town centre with its shops, employment and transport links. Therefore, the principle of residential development at the appeal site is acceptable.
4. The bungalow at 15a has a flank elevation facing the appeal site which contains three windows, one of which is obscurely glazed. A parking area for 15a is also provided on this side and a timber fence with interlocking concrete panels of some 2m in height forms the boundary between the sites.

5. The development would be sited some 4m from the flank elevation of 15a. The development has been designed with a hipped roof and part of the second floor would have a flat roof where its height is reduced to lessen the impact on the adjoining property. The appellant submitted details of the 45 degree line from the side and rear windows of 15a, which indicates that the flank windows would be only slightly breached. In addition, no windows are proposed in the side elevation facing 15a. Taking all the above factors in to account, I do not consider that there would be an overbearing impact or a material loss of privacy, sun or daylight such as to unacceptably diminish the amenity that the occupiers of 15a currently enjoy.
6. I conclude that the proposed development would not harm the living conditions of adjoining occupiers. The development is in compliance with Policy DBE9 of the Epping Forest District Local Plan (1998) which seeks to ensure, among other things, that development proposals do not harm the living conditions of adjoining occupiers.

Other Matters

7. The proposed building would contain 5 flats. The Officer's committee report confirms that there is no objection to the appearance of the building which, although constructed over 3 storeys, would be marginally higher than the block of flats adjacent to the site. The design reflects the local vernacular and is acceptable in this regard.
8. The site also lies adjacent to the Epping Conservation Area. The Officer's report concluded that the proposed development would not be harmful to the character and appearance of the locality. From my site visit I also find that as a result of the scale and appearance of the proposed development, it would preserve the character and appearance of the Epping Conservation Area.
9. The site does not provide sufficient parking to meet the Essex County Council Vehicle Parking Standards (ECCVPS). However, the site is a sustainable location, within walking distance of the town centre and its amenities and transport links. In such circumstances, the ECCVPS allow a reduction in parking standards.
10. I also noted the location of the proposed development in relation to properties to the rear of the site at Nicholl Road, in particular No. 12. Given the separation distances of some 15 m at first floor and 19 m at second floor, I am satisfied that the development would not have an overbearing impact and that the privacy of the adjoining occupiers would not be materially affected. There is no right to a view across third party land. Also, as the appeal site is at an oblique angle to No. 8 Nicholl Road, overlooking is unlikely to occur to unacceptable levels.

Conditions

11. The Council has suggested a number of conditions if I am minded to allow the appeal. I have reworded them where necessary in the interests of concision and enforceability. Taking account of the nature of the site and its residential surroundings it is necessary to restrict the hours of construction. To ensure a satisfactory appearance details of materials are required. In the interests of highway safety a condition is needed to ensure that parking areas are retained at the site. To ensure satisfactory provision and disposal of surface water,

details of drainage are also required. The approved plans should be specified to provide certainty.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Graham Wyatt

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 16019_001, 16019_002 Rev: A, 16019_003, 16019_004 Rev: A
- 4) Demolition or construction works shall take place only between 0730 to 1830 on Mondays to Fridays, and between 0800 and 1330 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) The dwelling shall not be occupied until the secure cycle storage has been provided and space has been laid out within the site in accordance with drawing no.16019_002 Rev A for 3 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 6) No development shall take place until details of surface 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.