



## Appeal Decision

Site visit made on 4 June 2019

**by Sarah Dyer BA BTP MRTPI MCMi**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 June 2019**

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**Appeal Ref: APP/J1535/W/18/3219178**

**12 Station Road, Epping CM16 4HN**

- 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 Alex Lal against the decision of Epping Forest District Council.
  - The application Ref EPF/0282/18, dated 31 January 2018, was refused by notice dated 10 October 2018.
  - The development proposed is demolition of existing dwelling, erection of a detached building comprising 9 self contained apartments incorporating revisions to vehicular access, associated car parking and on-site amenities.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The Epping Forest District Council Local Plan (Submission Version) (2017) has been published and submitted but has yet to be examined. It only attracts limited weight in my determination of the appeal as a further material consideration.

### Main Issues

3. The main issues are the effect of the development on:
  - the character and appearance of the surrounding area with particular regard to the height, scale and massing and design of the building; and
  - the living conditions of the occupiers of 14 Station Road and 1 Nicholl Road.

### Reasons

#### *Character and appearance*

4. Station Road leads from the main shopping streets in Epping towards the station. Although there are buildings in commercial use close to its junction with High Street/High Road, Station Road is predominantly characterised by housing of a variety of types including bungalows and detached houses.
5. 12 Station Road (No. 12) occupies a corner plot at the junction with Nicholl Road which serves part of the wider residential area. The majority of buildings which front Nicholl Road are two storey houses, set back from the road with

front gardens or parking spaces adjacent to the pavement. There is a pleasant vista along Nicholl Road towards Station Road which is enclosed by an attractive building on the opposite side of the junction.

6. The existing two storey building has a domestic scale and style and presents a frontage to Station Road which is compatible with the general appearance of the street scene. A high brick wall follows the boundary of the site to Nicholl Road and this obscures views of the single storey flat roof projections to the rear of No. 12. As such the existing building on the site has a limited effect on the character and appearance of Nicholl Road, despite the extensive width of the frontage of the site to this street. Overall although the existing dwelling occupies a prominent location, its scale, height and form is such that it does not dominate the street scene.
7. The proposed building would present a much greater height and bulk to the junction between Station Road and Nicholl Road and the two-storey form with rooms in the roof would continue along the Nicholl Road frontage for a significant distance. Given its prominent corner siting and the substantial built form on the Nicholl Road frontage the new building would have a considerable impact on the street scene.
8. Whilst the increased height and bulk would not be out of character with Station Road the scale and bulk of the building and its design would jar with the domestic scale of the architecture of Nicholl Road. The consistent ridge and eaves height would not respond positively to the small-scale bungalow at No. 1 Nicholl Road and the hipped and gabled projections which would be of an inconsistent height, width and style would be incompatible with the regularity of the bay projections on the houses on the opposite side of the road. These adverse impacts would be further exaggerated by the limited space between the building and the site boundary which would not reflect the prevailing arrangement in Nicholl Road.
9. The appellant has referred to examples of flatted development in the vicinity of the site, including at the corner of Station Road and Hemnall Street. I have limited information before me regarding the details of these developments. However, in terms of their location they appear to be much closer to Epping High Street where there are generally more buildings of significant height and scale and where the mix of uses is more wide ranging than at the junction of Station Road and Nicholl Road. For these reasons the references are not directly comparable to the appeal scheme and they attract limited weight in my consideration of this main issue.
10. I conclude that the appeal scheme would harm the character and appearance of the surrounding area with particular regard to the height, scale and massing and design of the building. The development is therefore contrary to Policy DBE1 of the Epping Forest District Council Local Plan (1998) (the Local Plan) and Policies CP2 and CP7 of the Epping Forest District Council Local Plan Alterations (2006) (the Local Plan Alterations). These policies jointly, amongst other things, safeguard the character and townscape of the urban environment, support higher densities where they are compatible with the character of the area and require new buildings to respect their setting in terms of scale, massing, height and detailing.

### *Living conditions*

11. 14 Station Road (No. 14), which neighbours No. 12, is a two-storey house. It is set back slightly further into the site in comparison with No. 12 and has a two-storey projecting element to the rear. The single storey extensions to No. 12 would have a very limited impact on the living conditions of the residents of No. 14.
12. The footprint of the proposed building would not be any closer to the boundary with No. 14 than the existing house. but, where some elements of the house are single storey, the new flat block would be two-storey in height. This change has the potential to have an overbearing and visually dominant impact on No. 14. However, the layout which would align the rear wall of the closest element of new building with the rear wall of No. 14 and would step the remaining parts of the building away from the boundary, would reduce this adverse impact to a level which would not have a significant impact on the living conditions of the occupiers of No. 14.
13. 1 Nicholl Road (No. 1) shares a boundary with the appeal site. There is a narrow space between this bungalow and the boundary hedge which appears to lead to a rear garden and there are dormer windows which would face the flat block. The side elevation of the new building which would have a hipped crown roof would be set off the boundary with No. 1 and the intervening space would accommodate car parking and bin and cycle storage. Whilst the flat block would be visible from the windows in No. 1 it would not have a significant impact on the private amenity space. Given the separation distance, the new building would not have an overbearing or visually dominant impact on No. 1.
14. I conclude that the appeal scheme would not harm the living conditions of the occupiers of 14 Station Road and 1 Nicholl Road. The development is therefore in accordance with Policy DBE9 of the Local Plan which requires that new development does not result in an excessive loss of amenity for neighbouring properties.

### **Other Matters**

15. The appellant cites the benefits of the appeal scheme as the development of a site in close proximity to shops and services, direct and indirect employment associated with construction activities and the contribution to the housing supply. Whilst the accessibility of the site is clear and attracts significant weight, there is limited evidence before me to quantify the benefits of the scheme in terms of its effect on the local economy through job creation or the impact it would make on the supply of housing. Given the scale of the development these benefits are not likely to be significant, therefore they attract limited weight in my determination of this appeal.
16. The appellant considers that the Council cannot demonstrate a five-year supply of housing land (5YHLS) and the Council has not disputed this. Even if I were to conclude that there is a shortfall in the 5YHLS and that relevant policies for the supply of housing should be considered out-of-date, the adverse impact of the development which would arise from the harm to the character and appearance of the surrounding area would significantly and demonstrably outweigh the benefits which I have identified.

17. Notwithstanding the grounds set out in its reason for refusal, the Council has raised concerns about the potential for overlooking from the flats towards neighbouring dwellings in its Written Statement. This is echoed in comments from local residents. I also acknowledge the concerns raised by local people, in addition to those relating to the main issues, including additional demand on resources, traffic generation and parking. Given that I find the proposal to be unacceptable for other reasons, and any such concerns would have no bearing on my overall planning balance, it is not necessary for me to address these matters any further as part of this decision.
18. The Council has confirmed that the site is close to Epping Forest. The Forest is defined as a Special Area of Conservation (SAC) because it is an important conservation site and a SAC falls within the definition of a European site. The Conservation of Habitats and Species Regulations 2017 requires that where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, an appropriate assessment must be made in view of that site's conservation objectives. However, as I am dismissing for other reasons it is not necessary for me to consider this matter further as it could not change the outcome of this appeal.

### **Conclusion**

19. For the reasons set out above, the appeal is dismissed.

*Sarah Dyer*

Inspector