

Appeal Decision

Site visit made on 15 September 2016

by J A B Gresty MA MRICS

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

Decision date: 22 September 2016

Appeal Ref: APP/J1535/D/16/3154349
58 York Hill, Loughton, Essex IG10 1JA

- 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 Mrs Sharon Weston against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0241/16, dated 26 January 2016, was refused by notice dated 20 April 2016.
 - The development proposed is off street parking area with perimeter retaining walls and additional landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues in this case. Firstly is the effect of the proposed development on the character and appearance of this part of York Hill and secondly is the effect of the proposed new driveway on the safety of users of the highway.

Reasons

Character and Appearance

3. This part of York Hill is a narrow road where it is difficult for two vehicles to pass each other in places. The land rises to the west of the road and the appeal property's front garden is a metre or so above the level of the road. There are hedges on the sides of the road in places whose prominence in the local landscape is emphasised where growing on higher ground next to the road. The appeal property is in the York Road Conservation Area and the York Hill Conservation Area Character Appraisal and Management Plan identifies the hedges as providing a strong sense of enclosure and forming an important visual feature of the Conservation Area. The roadside hedging of the appeal property and nearby contributes to this part of York Hill having an attractive, leafy and enclosed character and appearance which complements the character and appearance of the Conservation Area as a whole.
 4. Whilst there are no mature hedging shrubs growing in the middle part of the appeal property's front hedge, the roadside embankment and vegetation
-

growing on it combine with the existing hedging to contribute towards the leafy and enclosed character and appearance of this part of York Hill.

5. The proposal includes excavation of a significant part of the appeal property's front garden to create a parking space which would be accessible through a new vehicular entrance from York Hill. The works would result in the loss of much of the vegetated roadside bank at this point and, whilst the existing hedging would be largely unaffected and additional planting and landscaping is proposed, the hard surface of the driveway and the brick built surrounds would stand out prominently as stark features which would detract from the character and appearance of this part of the road.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this case the proposed development would harm the leafy character and appearance of this part of York Hill and it would neither preserve nor enhance the character or appearance of the Conservation Area.
7. Further, the National Planning Policy Framework (the Framework) indicates that where a development causes less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the degree of harm to the Conservation Area as a whole would be modest and the parking area would be of personal benefit to the appellant, evidence has not been presented to demonstrate that particular public benefit would be realised. Therefore, overall, I conclude that the development would fail to meet the requirements of the Framework with regard to its effect on the character and appearance of the Conservation Area. Nor would the proposed development accord with the general thrust of saved Policy LL10 of the Epping Forest District Local Plan and Alterations (LP.)
8. In its decision notice the Council refers to save LP Policy HC6 which concerns works to trees in a conservation area. It is unlikely that the roadside hedging shrubs on the appeal property's boundary would be affected by the proposed development. Therefore, I attach limited weight to LP Policy HC6 in this case.

Highway Safety

9. The appeal proposal does not include visibility splays on either side of the proposed new vehicular access. Because of the restricted nature of the site and the tall hedging on this side of the road, a driver of a car would have restricted very views along the road when leaving the parking area and a large proportion of a vehicle would have to be on the carriageway before its driver could see in either direction along the road. Although the road is narrow and in most cases vehicles are likely to be passing the appeal property at relatively slow speeds, the narrowness of the road limits the scope for users of the highway to manoeuvre out the way of a vehicle entering or leaving the parking area.
10. The appellant indicates that a mirror could be installed on the other side of the road to provide improved visibility along the road. However, this is unlikely to overcome fully the lack of direct views from the proposed access. Therefore, I conclude that use of the proposed new access would result in undue risk to the safety of users of the highway, including pedestrians and cyclists, contrary to the requirements of LP Policy ST4.

Conclusion

11. At the heart of the Framework is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development and it should make places better for people. In this case the proposed development would be out of keeping with the character and appearance of the York Hill Conservation Area and its use would result in undue risk to the safety of users of the highway. Consequently, the proposed new parking area and access would fail to achieve the aims of good design or make places better for people as sought by the Framework and in these respects it would not represent sustainable development. Whilst the proposed development would provide significant benefit to the appellant, on balance and for the above reasons, I conclude that the appeal should be dismissed.

J A B Gresty

INSPECTOR