
Appeal Decision

Site visit made on 20 September 2016

by L Fleming BSc (Hons) MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/J1535/W/16/3152186

46 Stradbroke Drive, Chigwell, Essex IG7 5QZ

- 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 Robert Davis against the decision of Epping Forest District Council.
 - The application Ref EPF/2987/15, dated 25 November 2015, was refused by notice dated 3 February 2016.
 - The development proposed is demolition of 46 Stradbroke Drive and the erection of a new building with 5no flats.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of 46 Stradbroke Drive and the erection of a new building with 5no flats at 46 Stradbroke Drive, Chigwell, Essex IG7 5QZ in accordance with the terms of the application Ref EPF/2987/15, dated 25 November 2015, subject to the conditions set out in the Schedule to this decision.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is a large detached dwelling set in a generous plot, in a residential area characterised by large detached properties set in spacious plots positioned a similar distance back from the road behind parking and front gardens with space between the buildings. These features together with street trees, trees and hedging in front gardens give the area a relatively formal, spacious and leafy character and appearance.
4. A similar proposal was dismissed at appeal in May 2016¹. The Inspector found that scheme would be very wide within its plot at 30 metres, with little space between the building and its side boundaries. The Inspector noted that as a result, the gap between the proposed development and the neighbouring properties would be around the smallest amount possible, and particularly narrow with No 44 Stradbroke Drive (No 44). Furthermore, the Inspector stated that the proposal would also result in the building having a particularly large and dominant presence in the street scene.

¹ APP/J1535/W/16/3142876

5. However, the proposed building although wider than the building it would replace would be some 26.9 metres wide and would be set in from its side boundaries with the neighbouring buildings, such that a gap of some 6.2 metres would remain between the proposed building and No 44. Furthermore, the proposed building would be set in from the boundary with Nos 48-52 Stradbroke Drive, such that when viewed from the road the proposed building would leave a gap of some 1.65 metres from the shared boundary.
6. On my site visit, I noticed varying separation distances between other buildings nearby, some comparable and others substantially less than that proposed. On this basis, I find the space between the proposed building and neighbouring building is comparable to that of other buildings in the area thus the proposed development would not appear out of place.
7. I note the change in levels on Stradbroke Drive and that parts of the front elevation would sit further forward of the line of the neighbouring buildings. However, the proposed building is only marginally taller than the building it would replace. Moreover, the proposed front elevation would have a number of changes in depth, such that at the points closest to the side boundaries it would sit behind the line of the front elevations of both neighbouring buildings, thus adding to the feeling of space between the buildings. Furthermore, the majority of the trees within the appeal site would be retained, which together with the street trees would soften the impact of the proposed building on the street scene.
8. Overall, I therefore find that the proposed development would not appear cramped or overly dominant within the street scene nor would it comprise a form of development that would be out of character with the layout of development in the area.
9. Furthermore, even though the proposed building would accommodate five flats and the other buildings in the area are predominantly single dwelling houses, there are other flats nearby and the proposed flats would have a single main entrance and appear similar in character to other buildings in the area. Thus, I find the proposed building's use as flats would not harm the character or appearance of the area.
10. In reaching these conclusions, I have noted the concerns with regard to the proposed development setting a precedent for other similar forms of development in the area. However, I have assessed the appeal on its merits and in this case there is no substantive evidence before me to suggest that buildings in use as flats would be harmful to the character or appearance of the surrounding area or would result in any other harm to the area or residents living conditions.
11. I have also considered Council decision reference EPF/0073/15 and appeal decision APP/J1535/A/12/2183105. However, the full details of those schemes are not before me and I have considered the proposal on its merits with regard to the character and appearance of the area in the immediate vicinity of the appeal site. Even though, I note the Inspector's comments with regard to the suburban character of the area, I have found the proposed building would be in keeping with the character of the area.
12. For these reasons, I find that the proposed development would not harm the character or appearance of the area. It would therefore accord with the

development plan, specifically, saved Policies CP2 and CP7 of the Epping Forest Local Plan Alterations (2006) and saved Policies DBE1 and DBE11 of the Epping Forest Local Plan (1998) and the National Planning Policy Framework which taken together, aim to ensure good design and that new development does not harm the character and appearance of an area.

Other Matters

13. I have noted the concerns with regard to the impact of the proposed development on the living conditions of the occupants of No 44 with particular regard to light and privacy. However, the front and rear elevations of the proposed building would be stepped, which together with the separation distance between the appeal proposal and No 44 and that any views towards No 44 would be from an oblique angle, I consider that the scheme would not materially harm the living conditions of the occupants of No 44 in terms of light or privacy.
14. I also note the concerns with regard to the impact of the proposed development on trees. However, even though, some the trees within the appeal site will require pruning and felling, I am satisfied that with the proposed tree protection measures in place the majority and the most significant trees within the appeal site and on adjacent land will be unaffected by the proposed development. For the same reasons, I am satisfied the proposed development would not harm ecology in the area. Nonetheless, I have imposed a planning condition which requires an appropriate landscaping scheme to be agreed and implemented.
15. I have also considered the concerns with regard to the increase in overall activity as a result of the appeal site accommodating five dwellings. However, the building which would be demolished is a substantial property, which could also be more intensively used and there is no substantive evidence to suggest that the proposed development would generate any harm to nearby residents living conditions with particular regard to noise and disturbance.
16. With regard to parking, I note this matter is not contested between the main parties, nevertheless I find that the provision of two car parking spaces per flat is sufficient for there to be no risk to highway safety or the flow of traffic in the area.
17. I also acknowledge the concerns with regard to contractors parking, materials deliveries and general disturbance associated with construction. However, I consider that due to the relatively small scale of the development these effects would be relatively short term and could be appropriately managed.
18. I have also considered the comments that the proposed units of accommodation would not be suitable for families or capable of being adapted to changing needs over time. However, there is no substantive evidence before me which suggests the proposed flats would not meet the housing needs of the area. Furthermore, the proposal would provide a net increase in four dwellings adding to the supply of housing in the District.

Conditions

19. The conditions imposed are those which have been suggested by the Council but with some variation in the interests of clarity and precision having regard

to the advice on imposing conditions in the Framework and the Planning Practice Guidance.

20. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed conditions which require materials, landscaping and boundary treatments to be agreed in the interests of safeguarding the character and appearance of the area.
21. Furthermore, a condition is also necessary to ensure appropriate parking provision is put in place and retained thereafter in the interest of highway safety. Moreover, as requested by the Council conditions are necessary to ensure the development and its occupants are safeguarded from the risks associated with flooding and contaminated land.
22. Given the excavations necessary for the proposed basement, a condition is also necessary to ensure the excavated materials are removed from site in the interests of safeguarding the living conditions of residents living nearby. For the same reasons a condition is also necessary to limit the hours of construction.
23. Finally, in the interest of encouraging more sustainable modes of transport than the private car a condition is necessary to ensure sustainable travel packs are provided to future occupants.

Conclusion

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

L Fleming

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FKS_001 Site Location Plan; FKS_101 Existing Plans and Elevations revision A; FKS_105 Existing Site Survey; FKS_201 Proposed Plans revision D; FKS_202 Proposed Elevations revision D; FKS_203 Existing and Proposed Overlays revision D; FKS_204 Proposed Site Plan revision A; FKS_205 Proposed & Existing Street Elevations & Site Plan revision B; FKS_206 Proposed Basement Plan with Parking revision B; FKS_208 Existing and Proposed Building Footprints revision A; Tree survey of 19 August 2015 by Philip Wilson Arboriculture with addendum of 23 November 2015 and Tree Position and Constraints Plan to accompany 150801 v1; and, Design and Access Statement.
- 3) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the local planning authority, in writing. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the local planning authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. The development shall be carried out in accordance with the approved details.
- 5) The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles
- 6) A flood risk assessment and management and maintenance plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. The assessment shall include calculations of increased water run-off and the associated volume of storm water detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the

development and shall be adequately maintained in accordance with the management and maintenance plan.

- 7) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non- soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 8) All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the local planning authority.
- 9) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07:30 and 18:30 Monday to Friday and 08:00 to 13:00 hours on a Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the local planning authority.
- 10) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include five one day travel vouchers for use with the relevant local public transport operator.

END OF SCHEDULE