

Appeal Decision

Site visit made on 18 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/J1535/W/16/3159754

53 Queens Road, Buckhurst Hill, Essex, IG9 6DN

- 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 Howard Winston against the decision of Epping Forest District Council.
 - The application Ref EPF/0837/16, dated 24 March 2016, was refused by notice dated 24 August 2016.
 - The development proposed is conversion and extension of existing premises. Retention of Class A1 retail unit on street frontage. Change of use of first floor from use ancillary to A1 use to Class C3 (a) residential. Rear part of existing retail unit to change use from A1 to Class C3 (a) residential.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing premises. Retention of Class A1 retail unit on street frontage. Change of use of first floor from use ancillary to A1 use to Class C3 (a) residential. Rear part of existing retail unit to change use from A1 to Class C3 (a) residential at 53 Queens Road, Buckhurst Hill, Essex, IG9 6DN in accordance with the terms of the application, Ref EPF/0837/16, dated 24 March 2016, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of (a) the proposal on the character and appearance of the area and (b) the proposed parking arrangement on highway safety.

Reasons

Character and appearance

3. The buildings along Queens Road respond to the change in levels along it. The extension that would form the flats would increase the height of the building. The Council are concerned about the impact on the group of buildings and the wider street scene. The design approach of the extension has been redesigned. The approach would be simple with the roof sloping away from the road and the use of well-proportioned dormer windows. In addition it would be constructed from suitable materials.
 4. The frontage of the building and the roof would be visible within the wider street scene, albeit the views would be limited. The main view would be looking up the hill from the south and east. From this perspective a small amount of the side elevation would be visible. It would be seen within a roof
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scape that is varied. It would sit within the gable projections and No 51 and No 55 which are within the existing street scene. This would serve to lessen its impact. Overall, for these reasons, the addition would not be unduly prominent.

5. Overall views of the scheme would be within the context of a varied roof scape that contains a number of existing additions and different roof forms. Given the design approach and proposed facing materials shown on the plans I do not consider that the architectural form proposed would be out of place or harmful to the character and appearance of the area.
6. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with policies CP2, CP7 and DBE1 of the Epping Forest Local Plan (LP) in so far as they seek new developments to respect their setting in terms of scale and proportion.

Highway safety

7. There is no dispute that the schemes would not provide parking on site for either the retail floor space or the new residential units. The plans show that an area to the rear of the site is within the same ownership and the Council suggest that it should be used to provide parking.
8. The Council's decision refers to the Essex County Council Parking Standards (2009) (EPS) and LP policy ST6. The applicable standard would require a minimum of one space per dwelling. However, the parking standards allow for a reduction if the development is located within an urban area that has good links to sustainable transport.
9. Considering the application site area the minimum amount of parking would not be met on site. Consequently I consider whether there is available on street parking for use by future residents of the development or if there are alternative means of transport available with good public accessibility that would allow the development to be occupied without the need to have a car.
10. The officer's report identifies that the site lies on the end of a designated 'District Centre'. It is in close proximity to other shops and services. It would not be possible to park on the street in front or to the rear of the site. Parking on the surrounding streets is generally controlled. However, the site is within walking distance of an underground station. The officer's report also notes that the site is within a location '*...close to public transport and a wide range of local services...*'
11. Provision for the extended building would not be made on the site. In addition it is clear that there would be limited options to park on street close to the site. Nevertheless, the site could be accessed means other than private car. In addition services would be available to future residents without the need to use a car. I note that the use of on street car parking would not be a realistic option. However, it would be close to the site and could be available should customers of the commercial unit require parking.
12. Therefore, overall, I consider that the combination of the site location and access to public transport alongside the availability of on nearby paid on street car parking lead me to the conclusion that, overall, the development could be accessed without the need to use a car and should future customers or occupiers chose to use a car there would not be a significant increase in

parking pressure that would lead to a highway safety issue. I therefore conclude that the development proposal would not have a harmful effect on highway safety. As such it would not be in conflict with LP policy ST6 or the EPS.

Other matters

13. Whilst not a reason for refusal the effect on the living conditions of existing occupiers is raised by interested parties. The Council's officer report identifies that due to the orientation of the building and the separation there would not be a harmful effect. I have no reason to disagree.

Conditions and Conclusion

14. The Council have not attached a list of conditions to the questionnaire. The committee report for the application includes conditions and I have considered these. Conditions are necessary that relate to the standard time limits and a condition regarding the identification of the approved plans is required for the avoidance of doubt. In the interests of the character and appearance of the area conditions to secure appropriate materials and the detail of refuse and cycle storage would also be necessary. A condition to control the times of construction works is also suggested. Given the location of the site in close proximity to its neighbours such a condition would be reasonable in this case.
15. The Council suggest a condition to control the use of the commercial unit. It is identified that the size of the unit would be in demand. Therefore it would be reasonable to apply a condition in this case.
16. Therefore, for the above reasons and having regard to all other matters raised, including the fact that the parish council objected, I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 53QR/16/P 001; 002; 003; 007; 008; 009.
- 3) The materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the local planning authority.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 5) No development shall take place until details of the storage of refuse and cycle storage areas shown on the approved plans have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to occupation of the residential units.
- 6) The ground floor commercial premises shall be used for A1 and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).