

Appeal Decision

Site visit made on 22 February 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/J1535/W/16/3162357
105 Manor Road, Chigwell, Essex, IG7 5PN

- 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 Chigwell Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/0653/16, dated 9 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is Demolition of the existing 2no. detached dwellings and the redevelopment of the site to provide a part 2, part 3, part 4 storey building comprising 11no. self-contained flats with associated car and cycle parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the scheme on (a) the living conditions of the occupiers of existing dwellings, with particular regard to outlook; (b) the character and appearance of the area and (c) highway safety.

Reasons

Living conditions of existing occupiers

3. Nos 279 and 277 Fencepiece Road are detached two storey dwellings located adjacent to the appeal site. They have rear facing windows and the garden of No 279 shares a common boundary with the site. There is also a level change with a rise in level to the junction with Manor Road.
 4. The part two and part three storey element of the building would be located close to the common boundary with No 279. The building would project beyond the rear of No 279 and would be visible above any boundary treatment. The four storey element would be set further away again from the boundary. However, it would add to the overall depth of the building. In spite of the set in from the boundary a large proportion of this part of the building would be visible from the home and garden of No 279. Furthermore a large proportion of this would be a blank wall.
 5. Overall, a large proportion of the side elevation of the building, albeit with varying setbacks, would be visible from No 279 along the full extent of the shared boundary. In combination the various elements of the building would appear prominent and imposing. This would be compounded by the level
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change. Consequently the outlook from No 279 would be obstructed by an imposing building of significant depth and height. The effect would be overbearing. It would result in substantial harm to outlook.

6. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing dwellings, with particular regard to outlook. It would therefore be in conflict with Local Plan and Alterations (LP) policies CP2, CP7, DBE1, DBE2 and DBE9 in so far as they require new development to not have adverse effects on neighbouring or adjoining properties. It would also be in conflict with the National Planning Policy Framework (the Framework) which seeks to ensure a good standard of amenity for future occupiers of land and buildings.

Character and appearance

7. The site is located at the corner of Manor Road and Fencepiece Road. The building would be a mix of three and four storey in height. No 279 Fencepiece Road is a two storey dwelling. The submitted plans demonstrate that adjacent to No 279 the building would be three storey. It would then build up to a four storey scale, with some set back, on the corner with Manor Road. In this way the massing of the building would be focussed on the corner. Along Manor Road the building would be read in conjunction with the adjacent building at Manor Court. This building is four storeys in height and has a pitch roof form. The overall height of the proposed building would be lower. For these reasons the scale of the appeal scheme would not appear out of place within the street scene.
8. I therefore conclude that the building would not have a harmful effect on the character and appearance of the area. It would not be in conflict with LP policies CP2, CP7, DBE1, DBE2 and DBE9 in so far as they require new development to safeguard the character of the urban environment and respect their setting in terms of scale, proportion, massing and height.

Highway safety

9. The proposal would be for 11 flats. Parking would be provided in the basement which would be accessed from Fencepiece Road. The Council state that the Essex Parking Standards (EPS) would require 20 spaces and 3 for visitors. The plans show 13 allocated spaces plus 3 for visitors. As such the scheme would be 7 spaces below the standard.
10. The officer report highlights that the EPS allow for a reduction in allocation where there are good links to public transport. In this case the site is within walking distance of a station. In addition the report is clear that the Local Highway Authority (LHA) did not raise an objection to the proximity of the access to the signal controlled junction. This was on the basis that the amount of movements in peak hours would not be significant and that there would be keep clear markings put in place. I understand that the junction is sometimes busy and that there is a level change on approach. Nevertheless, I have not been provided with any qualification that the scheme would lead to the 'substantial intensification' the Council assert. Therefore with the provision of the marking the LHA recommend and appropriate conditions, I have no reason to suppose that vehicles could not safely enter the site or leave and join the traffic on Fencepiece Road.

11. Therefore, the sites proximity to a station, amount of parking provided and absence of highway safety issues arising from the scheme as proposed taken in combination allow me to conclude that there would not be a harmful effect on highway safety. In this regard the proposal would not conflict with LP policies ST4 and ST6 which seek new development that would not be detrimental to highway safety and provide appropriate on site parking.

Other matters

12. I note that the site has a lawful C3 use and would provide an additional mix of housing in a location that is generally suitable for residential development, that there are a number of flatted schemes permitted in the locality¹ and that it is close to the station and local facilities. I also appreciate that there would be no harm to trees and that within the Council's draft plan the site is identified for development, albeit for 6 dwellings. However, none of these matters alters or outweighs my conclusions on the determining issue in the appeal.

Conclusion

13. I have found that the scheme would not harm the character and appearance of the area or highway safety. However, it would lead to substantial harm to the living conditions of existing occupiers. It would be in conflict with the development plan in this regard, to which I attach significant weight. Therefore, for the above reasons and having regard to all other matters raised, including the fact that officers recommended the scheme for approval, I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

¹ Appellants' statement of case 3.0 Planning History