
Appeal Decision

Site visit made on 23 May 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 27th June 2017

Appeal Ref: APP/J1535/W/17/3169777

69 Farm Hill Road, Waltham Abbey, Essex EN9 1NG

- 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 Samuel Hellen against the decision of Epping Forest District Council.
 - The application Ref EPF/2596/16, dated 30 September 2016, was refused by notice dated 1 December 2016.
 - The development proposed is the demolition of existing bungalow, and construction of 8 flats, 4 x1 bed and 4 x 2 bed. Parking to the front of the building and a bike store and a bin store to the front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area.
 - The living conditions of adjoining occupiers with regard to loss of light, overlooking and outlook
 - Whether or not the development would provide acceptable living conditions for its intended future occupiers, with regard to the provision of private amenity space.

Reasons

Character and Appearance

3. Farm Hill Road is predominantly residential with a variety of dwellings and flatted development in the vicinity. Properties on the northern side of the road occupy an elevated position with large gardens and parking areas provided to the front. The bungalow is sited between a 2 storey semi-detached dwelling and a 2 storey maisonette.
4. The bungalow occupies the centre of the site with an attached garage to one side, a single storey extension on the other side and a small rear garden. The bungalow is an anomaly in that the dwellings in the immediate vicinity are all 2 storey properties. However, single storey structures do exist in the area, such as the church opposite the site and the sports and leisure club further east. While there are a various architectural types of dwellings in the area, there remains a degree of

spaciousness between and about the buildings on the northern side of Farm Hill Road, which is an attractive quality to the area.

5. The proposed building of 8 flats would be sited in line with No. 71 and slightly back from No. 67. The building would also be at a similar height to its neighbours. However, as a result of the scale and massing of the building the proposed development would fill almost the entire width of the site with little space around it, and thus appear cramped when compared to the layout of other dwellings in the vicinity. The building would dominate the site at odds with the otherwise open character of this part of Farm Hill Road and would result in an incongruous form of development. This is compounded by the small amenity spaces proposed to the rear of the flats. The development would therefore erode the spacious qualities of the area resulting in material harm to the character and appearance of the area.
6. Turning to design, the front elevation contains balconies and is stepped back at the central point which helps to break up the form of the building. The choice of materials would create a development in keeping with the surrounding properties. The design incorporates a hipped roof with a "table top" design which the Council find harmful. However, there is no prevailing roof type along Farm Hill Road with flat, hipped, crown and gable roofs in the immediate vicinity. As a result, I do not find the proposed roof to be out of character with the area.
7. The development would be set down by some 0.5 m with a 950 mm retaining wall to the rear. However, given the elevated position of the site and that the building would be set back from the main road by some distance and set between two existing 2 storey dwellings of a similar height, the limited reduction in ground levels would not be so noticeable as to have a significant impact on the street scene. While I do not find the design unacceptable, I find the scale and massing of the development in relation to its plot size harmful to the character and appearance of the area. In coming to this view I have taken into account the development at Howard Close, on the southern side of the road close to the site. This is a large development of houses and flats in contrast to the single block of flats proposed.
8. I conclude that the development would have an unacceptably harmful effect on the character and appearance of the area. The development would be in conflict with policies H3A, CP3 and DBE1 of the Epping Forest District Local Plan (1998) and Alterations (2006) which seek to ensure, among other things, that the scale and nature of development respects the character and environment of the locality.

Living Conditions - Neighbours

9. The first and second floor of the development would be some 17 m from the rear elevation of 27 and 28 Halfides. Three windows are proposed on the second floor rear elevation that will serve hallways. These areas are not likely to be used as frequently as other areas within the flats and would allow fleeting views as one passes the windows when entering or exiting the flats. Moreover, the development has been specifically designed so that the first and second floor is set back in line with neighbouring properties. Consequently, given the distance from properties to the rear and the infrequent use of the hallways, I do not find that the development would give rise to unacceptable levels of overlooking or would result in a material loss of daylight or sunlight to either the rear elevation windows or within the rear gardens of these neighbouring dwellings.
10. In addition, I do not find that the proposal would result in an overbearing development because the separation distance between the existing rear elevations and the first floor of the proposed flats to the rear would be sufficient. As such, I

do not find the proposal to unacceptably diminish the amenity that the occupiers of these houses currently enjoy.

11. I conclude that the proposed development would not harm the living conditions of adjoining occupiers. The development is in compliance with Policies DBE9 and H3A of the Epping Forest District Local Plan (1998) and Alterations (2006) which seek to ensure, among other things, that development proposals do not harm the living conditions of adjoining occupiers.

Living Conditions – Future Occupiers

12. The Council also refer to Policy DBE8 of the Epping Forest District Local Plan (1998) which requires development proposals to provide adequate amenity space for future occupiers. The proposed development would provide an amenity area to the rear for some of the units. These areas fall short of the 25 sq. m for each unit required by Policy DBE8. However, 4 of the flats would be 1 bed units and are more likely to be occupied by single people. I acknowledge that the other flats would be 2 bed units that could be occupied by young families. However, the private amenity space provided would be sufficient for activities such as sitting out and the hanging out of washing. In addition there are large areas of public amenity space within walking distance of the site, such as Larsens Recreation Ground opposite the site which could be used by families for supervised play.
13. Therefore, whilst the development would not provide amenity space at the site in line with Policy DBE8 of the Epping Forest District Local Plan (1998), I am satisfied that the proposal would result in adequate levels of private amenity space such that the living conditions of intended occupiers would not be materially harmed. In this regard the proposal is broadly in conformity with the objectives set out in Policy DBE8.

Conclusion

14. The proposal would cause no material harm to the occupiers of adjoining properties through overlooking or loss of light or outlook. I have also taken into account the site's location which is close to shops, employment and transport links and the appellant's desire to make more efficient use of land within a sustainable location. Whilst I found no harm to the living conditions of adjoining occupiers and that future occupiers of the flats would have acceptable living conditions, I have identified harm to the character and appearance of the area. This harm cannot be mitigated and is not outweighed by any other factors.
15. Therefore, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR