



Appeal Decision

Site visit made on 19 February 2018

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2018

Appeal Ref: APP/J1535/17/3179668

King Harold Court, Sun Street, Waltham Abbey EN9 1ER

- 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 Fifteenth Developments Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/0713/17, dated 7 March 2017, was refused by notice dated 17 May 2017
 - The development proposed is the “subdivision of previously approved flats to create three new flats”.
-

Decision

1. The appeal is allowed and planning permission is granted for the subdivision of previously approved flats to create three new flats at King Harold Court, Sun Street, Waltham Abbey EN9 1ER in accordance with the terms of the application, Ref EPF/0713/17, dated 7 March 2017, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the development on the living conditions of future occupiers with particular regard to internal space, outlook, light and privacy.

Reasons

3. The site forms a substantial building that lies within the town centre of Waltham Abbey. The building is a Grade II listed building which has an extant listed building consent and planning permission¹ for its conversion into 10 residential units. Subsequently, Listed building consent² has been granted for the creation of a further three residential units within the building. However, planning permission for the extra three units was refused and is the subject of this appeal.
4. The building has a central courtyard which it is developed around. The external walls of the building are glazed on three sides and by default, allow overlooking into the rooms opposite each other across the courtyard. For example, the living and eating space for flat 2 would overlook the living and eating space for flat 3. However, it is difficult to see how any overlooking between properties could be avoided given the nature of the accommodation. Moreover, I note

¹ Planning Permission EPF/0928/14 and Listed Building Consent EPF2304/14

² Listed Building Consent EPF/0724/17

that the extant permission at the site proposed kitchen and bedroom areas that would overlook each other.

5. Furthermore, the accommodation to be provided would be new and in each case, the potential occupants of the flats would be aware of the overlooking that could occur across the courtyard. Consequently, I am satisfied that given the unique nature of the development, overlooking is unavoidable and therefore acceptable in this instance.
6. Turning to space within the flats, it is clear that flats 1, 2 and 3 fail to meet the space standards as set out within the Technical Housing Standards³ (the THS). The appellant confirms that the shortfall in space would be 1 sq. m for flat 1, 5 sq. m for flat 2 and 4 sq. m for flat 3.
7. The Government issued its Written Ministerial Statement in March 2015 (WMS) that affects how housing standards should be approached. The WMS states that "Decision takers should only require compliance with the new technical standards where there is a relevant current Local Plan policy". As I have not been directed to any local standards in relation to minimum dwelling sizes, I only afford the THS little weight. Furthermore, the shortfall in space standards is relatively minor and flats 1, 2 and 3 would provide a satisfactory level of accommodation in terms of space.
8. With regard to outlook and light, the development seeks to maximise the space within the building. While some of the spaces may not be considered perfect in terms of its restricted outlook and light, the development is constrained and limited by its location within the town centre and the arrangement of external windows. I am not persuaded that the outlook and light afforded to the bedrooms of flat 1 and 8 and the limited light and outlook to the living room of flat 13 should render the entire development as unacceptable. Overall, having viewed the accommodation from inside, the rooms would be spacious and of a high standard and those areas where outlook and light are constrained is minor in comparison to the entire development proposed.
9. Therefore, the development would be in compliance with Policies H3A and DBE11 of the Epping Forest Local Plan 1998 and paragraph 17 and chapter 7 of the National planning Policy Framework (the Framework) which seeks, amongst other things, to ensure that developments do not result in a harmful intensification of residential uses and secure a good standard of amenity for future occupiers.

Conditions

10. The conditions suggested by the Council have been considered in light of the advice within the Planning Practice Guidance and the Framework. I have reworded them where necessary in the interest of concision and enforceability. To ensure the living conditions of adjoining occupiers are not affected by the development, the hours of construction should be restricted. In the interest of sustainability, the developer is obliged to provide a Travel Pack detailing sustainable transport modes available to occupiers of the flats to reduce the need to travel by car. The approved plans should be specified to provide certainty.

³ Technical housing standards – nationally described space standard March 2015

11. With regard to a full photographic survey of the building by a specialist architectural historian, I do not find this condition necessary or reasonable as the building already has permission to be converted into flats and works have begun.

Conclusion

12. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be allowed.

Graham Wyatt

INSPECTOR

Schedule of 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: 980: 001, 04 Loft Area, 04 Sections, 006, 007, 008, 009, 010, 011 Rev B, 012 Rev C, 013 Rev D, 014, 015, 017, 018, 019, 020 and 021
- 3) Prior to the 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.
- 4) 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 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays.