



Appeal Decision

Site visit made on 24 September 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2019

Appeal Ref: APP/J1535/W/19/3232117

**St. Leonards Farm, St. Leonards Road, Nazeing, Waltham Abbey, Essex
EN9 2HG**

- 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 William H Wood against the decision of Epping Forest District Council.
 - The application Ref EPF/3376/18, dated 14 December 2018, was refused by notice dated 28 March 2019.
 - The development proposed is described as the “continued use and occupation of existing building for residential purposes”.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refer to policies within the Epping Forest Local Plan Submission Version 2017 (the LPSV) which has been the subject of examination with the Inspector’s final conclusions awaited. Thus, while it forms a material consideration, the plan may be the subject of further changes and I afford it limited weight in this appeal.

Main Issues

3. The main issues are the effect of the development on
 - the character and appearance of the area; and
 - the living conditions of adjoining occupiers with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal site forms a single storey building with accommodation in its roof space that lies within a small group of dwellings arranged around a shared courtyard. The dwellings within the development face into the courtyard with private amenity areas located to the rear of each unit. The proposal seeks the continued use of the building as a garage on the ground floor and a self-contained flat within the roof space to be used for residential purposes.
5. The Council’s objection to the development essentially stems from the resultant appearance of the development following the enclosure of land to the front of

the building to provide parking and amenity space for the flat. Although the appellant argues that no such space is necessary, an amended plan¹ was provided which shows an amenity area of some 45 m² to the front of the building along with two parking spaces.

6. The introduction of an amenity space to the front of the appeal building would alter the open appearance of the courtyard, thereby reducing the amount of space available within the development and resulting in a cramped and discordant form of development. This would harm the spacious character that the courtyard currently provides which would be clearly visible from the surrounding properties.
7. Thus, the development would result in material harm to the character and appearance of the area. It would be in conflict with Policies CP2, DBE1 and DBE4 of the Epping Forest District Council Local Plan 1998 (the Local Plan) which seek, amongst other things, to ensure that developments respect their setting and reflects local character.

Living Conditions

8. The pedestrian entrance into the appeal building is via a flight of four steps that are sited adjacent to a fence that serves Ash Cottage. The Council argue that on accessing the building, it would be possible to look over the fence and into the rear garden and rooms of Ash Cottage and to a lesser degree, Chestnut Cottage. Furthermore, a ground floor window in the flank elevation of the appeal building would also allow views across the neighbouring property's garden area.
9. While this elevated area is not likely to be used as frequently as other areas within the building, visitors to the appeal site would nonetheless be conspicuous over the fence and would also have views across the garden area and habitable rooms of Ash Cottage. This would result in a loss of privacy and thus, harm the living conditions of adjoining occupiers at Ash Cottage.
10. However, given the distance from Chestnut Cottage, I am not persuaded that the proposal would harm the living conditions that the occupiers of this property currently enjoy to a significant degree. With regard to the window in the ground floor flank elevation, this serves the garage and is set further back from the boundary than the access steps and as a result is unlikely to allow significant views across adjoining land.
11. Consequently, the development would result in material harm to the living conditions of adjoining occupiers at Ash Cottage. It would be in conflict with Policies DBE2 and DBE9 of the Local Plan which seek, amongst other things, to ensure that developments do not cause excessive loss of amenity for neighbouring properties.

Other Matters

12. The appellant states that the use of the building as residential accommodation has taken place for a period exceeding four years. However, this particular issue is not for my consideration as part of this appeal as other mechanisms exist to resolve such matters.

¹ Rev A 20.02.2019

13. Although I note the planning history of the land has allowed residential development, none of those permitted are comparable to the proposal before me. As such, they do not represent a reason to find in favour of a development that would otherwise cause harm to the character and appearance of the area.
14. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

15. For the above reasons, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR