
Appeal Decision

Site visit made on 15 January 2020

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/J1535/W/19/3238605

81 High Road, Buckhurst Hill IG9 5SN

- 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 Rashpaul Singh Pawar against the decision of Epping Forest District Council.
 - The application Ref EPF/1748/19, dated 14 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is the extension to the existing basement; a 2.5m rear 2-storey extension; infill extension at first floor; and enlargement and alterations to roof to facilitate creation of an additional 3 flats including 4 bicycle parking spaces, bin storage area, landscaping and re-provision of retail floor space.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are
 - a) the effect of the development on the character and appearance of the locality;
 - b) its impact on the living conditions of future occupiers and neighbouring residents and
 - c) whether it would have a likely significant effect on the integrity of the Epping Forest Special Area for Conservation (SAC).

Policy

3. The emerging local plan is at a relatively advanced stage. However, the policies cited from that document in relation to Issues (a) and (b) reflect those identified in the currently adopted *Epping Forest District Local Plan* (the Local Plan). As such, there has been no need for me to refer to them in my reasoning.

Reasons

Character and appearance

4. This appeal concerns a building on the corner of Gladstone Road and High Road in a residential area. It is 2 storeys high with a basement and is currently used as a small shop with 2 flats. The property seems to have been subject to incremental alterations over the years that have given it a somewhat disjointed

- appearance. Its corner location, its siting forward of the houses that front High Road, its side elevation abutting the pavement and the land levels falling away on Gladstone Road all mean it is a prominent building in the locality.
5. The proposal is to extend the property in 4 ways – at basement level, with a rear extension, with an infill at first floor level on the front corner and at roof level. These would allow it to be used for 5 flats and a shop unit.
 6. The basement works would not be readily apparent, and I raise no objections to them. Moreover, when seen from High Road the infill extension would ‘balance up’ the building’s frontage.
 7. However, when looking from the south on High Road, the roof works and the front and rear extensions would cumulatively increase the scale and extent of the side elevation by an appreciable amount. In my opinion, and when its prominent location is taken into account, these aspects of the proposal would result in a development that was of a discordant scale when seen in the context of the houses along High Road. As a result, as an alien and dominant feature it would cause harm to that streetscape.
 8. From Gladstone Road the bulky side elevation would be readily apparent as it would abut the pavement at the top of the hill. Moreover, in this view the rear elevation would also have a large and striking presence in the streetscape, principally as a consequence of its roof works. The impact of this rear elevation would be exacerbated by the open parking area (allowing unfettered views), the limited landscaping and the building’s elevated position. When compared to the smaller houses on the north side of this road, these factors mean the property would appear dominant, overwhelming and incongruous from here, detracting unacceptably from the street scene.
 9. I acknowledge that the building is of poor visual quality now but that does not justify works of this nature. Moreover, the large block of St John’s Court on the south side of Gladstone Road is a purpose-built flat development in open grounds and so its impact on the area is not comparable.
 10. The refuse storage facilities appear insufficient to accommodate the refuse from these 5 flats and from the layout plan it is not apparent where additional storage could go. I therefore find this too would be likely to result in further harm to the character and appearance of the area. However, the shop seems to store refuse at the front now and so the absence of refuse storage at the rear does not offer a basis to resist this proposal.
 11. Accordingly, I conclude the proposal would detract unacceptably from the character and appearance of the locality, in conflict with Policies CP7 and DBE3 in the Local Plan, which broadly seek to safeguard character and appearance. It would also conflict with paragraphs in the National Planning Policy Framework that seek high quality design.

Living conditions

Future occupiers

12. The proposed basement flat would be served by high level windows only. I consider this would create an unreasonably poor living environment for its future occupants as a consequence of the limited outlook it would provide, and the general sense of enclosure that would be created. While I accept that high

level windows can often be found in new developments, in my experience that tends to be for secondary windows to habitable rooms or to serve bathrooms, stairwells and so on. To my mind it therefore does not justify the extensive use that is proposed in this instance.

13. Four of the flats would have balconies. Although these would not be large, they would be on the south-facing elevation with an open aspect across the road and would give a sense of airiness to the occupiers. The balcony for one flat would be only slightly above the pavement and so could be vulnerable with regards to security. Whilst this is clearly a material consideration, having doors, amenity space and similar near to an area with public access is not uncommon and it is a situation an occupier could appropriately manage.
14. The bin store would be immediately adjacent to the entrance to the flats, and, as stated above, it would be too small. There is therefore a reasonable likelihood that there will be odour issues as residents enter and leave the premises.
15. There is no outside amenity space for the future occupiers other than the 4 small balconies. However, given the proximity to nearby open space, this is not a justification for resisting the scheme.

Neighbouring residents

16. To the north is 83 High Road, which is a 2-storey property with a rear wing that is separated from the boundary by a passageway. The proposed rear extension would not project as far as the end of the rear wing at that neighbouring property. As a result, I consider the effect of the extension on the outlook from or daylight to any windows on this elevation would not be unacceptable.
17. The scheme proposes numerous windows at ground and first floor levels on the side elevation of No 81, looking towards 83 High Road. However, these would mainly be to bathrooms, staircases and similar. One would serve a kitchen and another a bedroom, but these could be obscured as neither are the sole windows to their respective rooms. In contrast there are no primary windows in the side of 83 High Road, while the passage between the buildings seems to have a functional use only. I therefore consider there would not be any unreasonable effect of overlooking, whether actual or perceived. Issues of trespass can be addressed under other legislation, and I have no basis to consider the neighbouring property would experience structural damage because of the basement works.
18. As the houses on the opposite side of High Road would be separated from the development by the public road of significant width, those residents would not experience unacceptable overlooking.
19. To the rear is 83 Gladstone Road, a bungalow that is set at a lower level than the appeal property. This has its main living room looking towards the back on No 81 and whilst the Council says it would be some 17m away from the rear extension now proposed the appellant says the separation would be 22m. Mindful of the scale of the scheme, the number of windows to be in the east-facing elevation, the elevation's overall height and the difference in land levels, even if the separation is to be 22m I consider this arrangement would give rise to undue overlooking and an unacceptable level of overdominance for those

neighbouring residents in their bungalow. Although they are currently overlooked from the appeal property, the interface is now greater, the windows are fewer, and the appellant's building is lower than proposed. As such, what is before me would be an unreasonable worsening of the situation, and while the garage at No 81 is to be demolished, thereby opening the aspect from this neighbouring bungalow, that would not offset this harm.

Conclusions on this issue

20. Accordingly, I conclude the proposal would result in unacceptable living conditions for future occupants by reason of the window treatment to the basement flat and the inadequacy of the refuse store. It would also cause unacceptable harm to the living conditions of those at 83 Gladstone Road by reason of a loss of privacy and an overdominating effect. As such, it would conflict with Local Plan Policies DBE3 and DBE 9, which seek to ensure suitable living conditions.

The impact on the SAC

21. The site is within the core zone of influence of the SAC. As the decision-maker, it would have been for me to undertake an Appropriate Assessment of the impact of the development on the integrity of the SAC, and, if harm would have been caused, whether it could have been addressed through mitigation. Had I had been minded to allow the appeal, it would have therefore been necessary for me to go back to the parties to seek further information in order to undertake this Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Other matters

22. The appellant contended that the existing flats provided poor accommodation. Even if this was so, to my mind it does not justify the scheme in the light of the identified harm.
23. It was also said the building was underutilised. That was not apparent from my visit though, and while the appellant may well be of the view that there is opportunity to make more of the site, again I consider that doing so in the manner now proposed is not an acceptable solution.
24. This would be providing additional housing in a District that has a very high proportion of Green Belt. Even if there was a moderate shortfall in the Council's housing land supply, I nonetheless find that any benefits from these 3 further units is significantly and demonstrably outweighed by the adverse effects referred to above.

Conclusions

25. For the reasons given above I conclude the appeal should be dismissed.

J P Sargent

INSPECTOR