
Appeal Decision

Site visit made on 10 March 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/J1535/D/19/3242551

8 Paradise Road, Waltham Abbey EN9 1RL

- 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 Ms Jerneva Cowell against the decision of Epping Forest District Council.
 - The application Ref EPF/1391/19, dated 29 May 2019, was refused by notice dated 18 September 2019.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the Waltham Abbey Conservation Area.

Reasons

3. The appeal property is a 2 storey mid-terrace 20th Century dwelling, which is located within the Waltham Abbey Conservation Area (the CA). The terrace, which the appeal property forms a part, has a simple form and includes a tiled pitched roof.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 193 of the Framework states that "*great weight should be given to the [designated heritage] asset's conservation*".
5. The special architectural and historic interest of the CA derives from the surviving historic settlement pattern and the historic buildings of varying architectural styles. Whilst the appeal property does not contribute to the architectural or historic significance of the CA, the medieval Grade I Listed Church of the Holy Cross and St Lawrence creates a focal point for views along Greenyard and the rear elevation of the appeal property is seen in this context.
6. The proposed rear dormer at approximately 5.5 metres wide and 2.3 metres tall would cover most of the rear roof slope of No 8. It would appear bulky and would not respect the form or scale of the pitched main roof. Furthermore, the proposed rear dormer would appear prominent in the Greenyard street scene, which would exacerbate its visual impact in the surrounding area.

7. The appellant has drawn my attention to other loft conversions in the area, including Silver Street and Nos 9 – 12 Cornmill. Nevertheless, details of the planning history and circumstances of the developments highlighted are not before me. In any event, the fact that such loft conversions may have been permitted is not, in itself, a reason to allow unacceptable development. I have determined the appeal before me on its own planning merits.
8. For the reasons given above, I conclude that the proposed development would cause significant harm to the character and appearance of the Waltham Abbey Conservation Area. The proposal would therefore be contrary to Policies HC6 and HC7 of the Epping Forest District Local Plan Alterations July 2006, which, amongst other things, state that development will be required to be of a high standard and should be sympathetic to the character and appearance of the conservation area. In addition, I have been referred to Policies DM7 and DM9 of the Epping Forest District Local Plan Submission Version 2017 which have similar objectives. There would therefore be conflict with these emerging policies.
9. The appellant's statement indicates that the proposed loft conversion would provide separate accommodation for a relative to provide care for the disabled occupant, which is a matter that weighs in favour of allowing the proposed development. In considering this matter, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
10. The above matter must be weighed against my conclusion on the main issue that the proposed development would cause significant harm to the character and appearance of the CA. In this case, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that harm to the character and appearance of the CA would be avoided. Consequently, whilst I acknowledge the personal circumstances referred to in the appellant's statement, I conclude that this is not a matter that outweighs the significant harm that would be caused by the proposal in respect of my conclusions on the main issue.
11. I note that no objections to the proposed development were received from the Town Council or local residents, however this does not outweigh the harm that I have identified.

Conclusion

12. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR