



Appeal Decision

Site visit made on 18 February 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2020

Appeal Ref: APP/J1535/W/19/3239698

43b Charles Street, Epping CM16 7AU

- 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 Paul Macatonia against the decision of Epping Forest District Council.
 - The application Ref EPF/1029/19, dated 17 April 2019, was refused by notice dated 16 September 2019.
 - The development proposed is change of use of garden to commercial vehicle parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For the banner heading above, I have substituted the description on the application form for that shown of the Council's Decision Notice, which describes the application more accurately. Neither party is prejudiced by this change.
3. I have omitted the use of the word 'retrospective' as under Section 55 of the Act, development is described as the carrying out of a building operation, and not retention.

Main Issues

4. The main issues in this appeal are:-
 - The impact of the proposal on the character and appearance of the area;
 - The impact of the proposal on the living conditions of adjacent residents, and;
 - The impact of the proposal on the Epping Forest Special Area of Conservation.

Reasons

Character and Appearance

5. The appeal site comprises of a detached bungalow located off an access from Charles Street. It has a large front garden area that has been sub-divided into a number of parking spaces. The area is residential in character although a railway line runs alongside the boundary of the site.

6. Policy DBE3 of the Epping Forest Local Plan (1998) (the LP) states that development should ensure that spaces around buildings are functional, attractive and safe for intended users, whilst Policy CP7 of the Epping Forest Local Plan Alterations (2006) (the LPA) states that new development that result in unsympathetic change or loss of amenity will not be permitted.
7. Whilst the property could have a number of cars in use and parked in the front garden area, this proposal introduces a commercial aspect which does not sit well with the residential nature of the surroundings. It fails to respect the context of the character and appearance of the area and the with the introduction of the business use and despite being set to the rear of residential properties, so not in the immediate views of the street scene, the comings and goings of vehicles utilising an informally laid out car park, not limited to timescales, is harmful to the character and appearance of a quiet residential area.
8. Therefore, the proposal is contrary to Policy DBE3 of the LP and CP7 of the LPA in that it is not an attractive space for intended users and is an unsympathetic change to the residential area.

Living Conditions

9. The use of the garden area as a car park would generate additional vehicle movements using the access road at close proximity alongside existing residential properties, as well as the pedestrian movements that would accompany the use, as users made their way to an intended destination, causing further disturbance to the owners of the residential dwellings.
10. No restriction in times is proposed, and anecdotal evidence from residents suggests that there are vehicles arriving early morning, and leaving late at night, which does not appear to be disputed. In addition to there being no presence of security or otherwise, this would cause harm to the living conditions of local residents from noise and disturbance as stated above and would not be in keeping with the residential outlook of the locality.
11. As a result, I find that the proposal would be harmful to the living conditions of adjacent residents, and would be contrary to Policy DBE3 of the LP and Policy DM9 of the Epping Forest Local Plan Submission Version (2017) which amongst other matters, states that proposals should take account of the privacy and amenity of neighbours and address issues that could arise from the development, including noise and fumes.

Special Area of Conservation

12. I have noted the Council's concern in relation to the potential effects on the Special Area of Conservation, but given the distance from the site, and the specific impact that this site could have, I am not convinced that any mitigation or assessment is required. Therefore I am satisfied that the proposals are not in conflict with Policies CP1 and CP6 of the LP and LPA, and Policies DM2 and DM22 of the Epping Forest Local Plan Submission Version (2017) which set out the basis of protection for the Special Area of Conservation.

Other Matters

13. I have noted the benefits of the proposal in the location for commuters, and the sustainability benefits that it could bring. However, I do not find that this outweighs the harm to the character and appearance of the area, and the living conditions of local residents from the introduction of the commercial use. In addition, there would be no benefits in allowing a time limited consent, due to the harm identified.

Conclusion

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

Paul Cooper

INSPECTOR