
Appeal Decision

Site visit made on 22 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/J1535/W/20/3254986
179 Queens Road, Buckhurst Hill IG9 5AZ

- 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 R Hopkins against the decision of Epping Forest District Council.
 - The application Ref EPF/0842/20, dated 24 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is office building fronting Westbury Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and,
 - The effect of the proposed development on the living conditions of the occupiers of the first floor flats at No 179 Queens Road and neighbouring properties at Nos 175 and 177 Queens Road, with particular regard to outlook and noise.

Reasons

Character and appearance

3. The appeal site includes a 2 storey end-of-terrace building fronting Queens Road, which consists of commercial use at ground floor and residential at first floor. The rear yard of the premises backs on to Westbury Lane. The adjoining residential properties at Nos 175 and 177 face Queens Road and have rear gardens, including ancillary single storey buildings, adjoining Westbury Lane. The plot depths increase further to the east, and some commercial properties have low level buildings with pitched roofs facing Westbury Lane. As the gap between Queens Road and Westbury Lane increases further, the southern side of Westbury Lane sees residential properties that are generally of 2 storeys.
4. The appeal site is in a location where the gap between Queens Road and Westbury Lane narrows. The depth of the plot is therefore quite limited. The proposed building would be set into the ground and at a height lower than the existing building on the appeal site. Nevertheless, the 2 storey scale of the proposed building, together with the limited set back from Westbury Lane and

its position close to the existing building, would appear cramped and dominant in relation to the immediate surroundings. Furthermore, the proposal includes a large wall adjacent to the footpath that connects Queens Road and Westbury Lane, which would cause an increased sense of enclosure. The footpath would feel hemmed in and so it would be a less inviting route for pedestrians.

5. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore be contrary to saved Policies CP2, DBE1 and DBE2 of the Epping Forest District Local Plan Alterations 2006 (the Local Plan) and emerging Policy DM9 of the Epping Forest District Local Plan Submission Version 2017 (the LPSV). Amongst other things, these policies seek new buildings that respect their setting; provide high quality design; and contribute to the distinctive character and amenity of the local area. The proposal would also conflict with chapter 12 of the National Planning Policy Framework (the Framework), which, along with other things, seeks the creation of high quality buildings and places.
6. Whilst the Council's decision notice did not refer to Policy DBE1 of the Local Plan, having regard to my findings with respect to the scale and siting of the proposed building, the appeal scheme would be contrary to this Policy.
7. Policies DBE4 and DBE9 of the Local Plan are not relevant to the first main issue because they relate to new buildings in the Green Belt and the amenity of neighbouring properties respectively. Policy DM10 of the LPSV is not relevant because it relates to housing design. However, this would not alter my conclusion on the first main issue.

Living conditions

8. No 179 Queens Road includes first floor habitable windows serving 2 no flats. The proposed building would maintain a reasonable level of separation to the windows. The first floor position of the neighbouring windows and the separation provided by the proposed building would ensure that the habitable rooms of the first floor flats would not experience a significant loss of outlook.
9. The neighbouring property at No 177 Queens Road has a two storey rear outrigger and a single storey rear extension which adjoins the boundary with the appeal site. The dwelling also has a small courtyard garden and a single storey garage to the rear. Having regard to the two storey scale of the proposed building and its position close to the boundary, it would cause an unacceptable sense of enclosure and loss of outlook to the neighbouring garden. I appreciate that there is an existing single storey outbuilding that would be demolished as part of the proposal, however the proposed building would appear significantly more imposing.
10. The proposed development would be further from No 175 Queens Road and so it would not cause a significant loss of outlook to this property.
11. I note the Council's concerns with respect to noise and disturbance. Nevertheless, office use would not generate a high level of noise due to its nature and there is no substantive evidence before me that the proposed development would cause noise and disturbance to neighbouring properties.
12. For the above reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of No 177 Queens Road with respect to loss of outlook. The proposal would therefore be contrary to saved

Policy DBE9 of the Local Plan, and emerging Policy DM9 of the LPSV, which, amongst other things, seek to protect the amenity of neighbouring properties, taking into account factors including visual impact. The proposal would also be contrary to paragraph 127 of the Framework, which, along with other things, seeks to create places with a high standard of amenity for existing users.

Other Matters

13. The Council states that the development is located within the 3km Epping Forest Special Area of Conservation ('EFSAC') Zone of Influence. EFSAC is a European site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Regulation 63(1) of the Habitat Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.
14. The appellant sought pre-application advice from the Council which was generally supportive of the proposal. Nevertheless, pre-application advice is not binding and does not prejudice the determination of a planning application. This matter does not alter my findings on the main issues.

Conclusion

15. For the above reasons I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR