
Appeal Decision

Site visit made on 11 January 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/J1535/W/20/3257155
74-76 High Street, Epping CM16 4AE

- 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 Ozgur Arslan against the decision of Epping Forest District Council.
 - The application Ref EPF/0741/20, dated 4 April 2020, was refused by notice dated 1 June 2020.
 - The development proposed is described as single storey front extension to the existing restaurant (A3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Both parties have referred to the Council's emerging Local Plan, which is at an advanced stage of examination with no evidence of unresolved objections to the relevant policy, DM9, cited in the decision notice. Significant weight can therefore be accorded to this policy in the emerging plan.

Main Issue

3. The main issue is the effect on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the nearby Epping Conservation Area.

Reasons

4. The site lies a short distance outside of the Epping Conservation Area (the CA), but is part of a row of commercial properties that extends into the CA. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a CA special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
5. The CA is principally focused on the High Street and some neighbouring properties. Its significance derives from the commercial nature of the area, and from the character of the buildings within it. Nearby properties in the CA on the same side of the High Street are typically two storeys or more in height, where the appeal property is a single-storey building. There are houses set amongst these nearby commercial properties, while the appeal property is in the middle of a row of commercial properties. Given these differences in character and the

- separation distance from the site to the CA, the development proposed would not be harmful to its character or appearance.
6. Within the row of commercial properties along this side of the High Street the appeal property is unique in that its forecourt has been formally enclosed with fencing. This enclosed forecourt provides a defined seating area for customers at the restaurant with some screening from a roller blind. The development proposed would allow this area to be used in all weathers.
 7. However, the extension would project a significant distance from the existing front wall of the restaurant, and due to the increased height and addition of a roof it would be a substantial and prominent feature in this street scene where properties are set back a consistent distance from the pavement edge. While it would be of relatively lightweight and glazed construction mainly comprising guillotine windows and a retractable roof, the appellant states that the development proposed would provide customers better protection during inclement weather. The retractable elements would be opened when the weather is good but given the typical climate in the area it is probable that the windows and roof would be closed much more often than they would be opened. The proposed extension would, as a result, usually appear as an incongruous feature projecting forward of the common building line within this row of properties.
 8. The development proposed would enable additional customers to dine at the restaurant even in inclement weather. This would be of benefit to the local economy, and to the vitality and viability of the High Street and town centre. However, this would not outweigh the harm identified that would result from the extension.
 9. My attention has been drawn to the presence of the large and principally windowless elevation of the Tesco supermarket opposite the site. No evidence has been provided regarding the planning history of that property and, while prominent in the street scene, it does not form part of a continuous parade from which it projects prominently. It therefore attracts limited weight in the determination of this appeal. I have also been invited to consider the Brick Lane Bagel Co. hut located at the end of the commercial parade within the grounds of the Duke of Wellington public house. However, this is a much smaller and less prominent feature in the street scene, and also therefore attracts limited weight.
 10. The appeal proposal would result in unacceptable harm to the character and appearance of the area although it would not be harmful to the character or appearance of the nearby CA. It would conflict with Policy DBE1 of the Epping Forest Local Plan 2006 (the LP) and Policy DM9 of the emerging Local Plan. These policies require, amongst other things, that new buildings respect their setting in terms of scale, siting and massing and that they contribute to the distinctive character of the local area.

Other Matters

11. The Council's reason for refusal refers to Policy DBE2 of the LP. This policy relates to the protection of neighbouring or surrounding properties in either amenity or functional terms. It is not clear how this policy relates to the reason for refusal. The Council's appeal statement further refers at one point to policy CP3 of the LP. No further reference is made to the policy or any relevance it

may have to the appeal proposal. I have therefore not given weight to these policies in determining this appeal.

Conclusion

12. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR