



Appeal Decision

Site Visit made on 10 March 2021

by H Miles BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 APRIL 2021

Appeal Ref: APP/J1535/W/20/3250472

Station House, 114 High Road, Chigwell, IG7 6NT

- 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 T Rounce against the decision of Epping Forest District Council.
 - The application Ref EPF/1621/19, dated 14 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed is demolition of existing buildings and the erection of 6 residential units alongside associated access, open space, landscaping and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised plans which include changes to elevations, windows, and new balconies have been submitted within the appellant's evidence. The appeal process should not be used to evolve a scheme. These drawings include revisions which were not before the Council at the time that they made their decision and interested parties would not have been made aware of these revisions. Therefore, in the interests of fairness and openness these revised plans will not form any part of this assessment.
3. A Unilateral Undertaking (UU) has been submitted which includes a mechanism to contribute towards mitigation of the effects of the proposed development on the Epping Forest Special Area for Conservation (SAC). I will return to this matter later in this decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Station Road faces the Green, and the properties along this road, including the appeal site, are highly prominent in public views across and from within this open space. The road is mainly characterised by two storey semi-detached dwellings with pitched roofs. The property adjoining the appeal site differs in that it is detached, nonetheless it shares the two-storey height and moderate scale of the adjoining properties. This results in a pleasant, modest, domestic character to this edge of The Green.
6. High Road has a more varied and urban character. Adjoining the site is Chigwell Underground Station, a brick building with a two storey appearance.

On the other side of the road and set away from the site is Brook Parade, a three storey row of properties with commercial uses at ground floor. This results in a very different character to the western edge of The Green. These clear differences are a positive characteristic of this area.

7. Opposite the appeal site is a 4 storey building which appeared to be under construction at the time of my site visit (EPF/1919/16). I understand it will include retail use at ground floor with residential above. Given this commercial use at street level, it has a closer relationship with Brook Parade than with the residential development opposite, including Station Road.
8. The appeal site is on the corner of Station Road and High Road. Although it faces the High Road, its use and position directly adjoining 1 Station Road mean that it is seen as part of the row of dwellings on Station Road forming the southerly edge of The Green. However, the separation across the road and commercial character means that, notwithstanding their proximity, Brook Parade and 185 High Road do not form its immediate context.
9. The proposed development would be three storeys. It would be noticeably larger than others in the Station Road streetscene in terms of its height and also its massing as evidenced by an uncharacteristic large expanse of flat roof. This would result in an overly large building which would be harmfully dominant in this highly visible position.
10. The site is a corner plot. However, taking into account the context described above, I am not persuaded that this in itself means that a taller building would be appropriate. I note the design features including balconies and materials which seek to break up the elevations. Nevertheless, this does not overcome the harm in relation to the height and bulk of the proposed building.
11. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. As such, in this respect, the proposed development would be contrary to Policies CP3 and CP7 of the Epping Forest District Local Plan Alterations Adopted July 2006 and DBE1 of the Epping Forest District Local Plan January 1998 which together require high quality design which respects the character of the locality, amongst other things.

Other Matters

12. The fact that the development would use brownfield land in an accessible location is not in dispute between the main parties. This is in accordance with the decisions drawn to my attention at 185 High Road (EPF/1919/16) 152 High Road (EPF/0410/16) and Land at the junction of High Road and Hainault Road (EPF/0909/82) in relation to these matters. However, the site specific character and appearance of the appeal site differs and I have considered the scheme before me on its individual merits.

Planning Balance

13. It is not in dispute between the main parties that the Council cannot demonstrate a 5 year housing land supply. It is put to me that there is somewhere between 1.58 and 3 year supply. Therefore, notwithstanding whether or not Policy H1A of the Local Plan is out of date, paragraph 11(d) of the Framework is engaged.

14. The proposed development would provide an increase of 5 dwellings which would be located very close to shops, services and transport links within the existing settlement boundaries. It would make efficient use of a brownfield site, and future residents would contribute to the vitality and viability in Chigwell. Furthermore, the development would generate a New Homes Bonus for the Council. These benefits weigh in favour of the scheme, although due to the size of the proposed development (6 dwellings) they are modest in their scale.
15. The development would also provide economic benefits during the construction phase although these would be temporary. Whilst new occupants would be required to pay Council Tax this would pay for the services required for the increased population and therefore has limited weight as a benefit of the proposals.
16. However, there would be environmental harm arising from the permanent harm to the character and the appearance of the area in such a highly visible position. Therefore, even if the housing land supply is at the significant level of shortfall as has been put to me, the adverse effects of the proposal significantly and demonstrably outweigh the modest benefits, when considered against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case.

SAC

17. The Epping Forest SAC is a habitats site that has a high level of protection. It is designated for the purpose of protecting beech forests on acid soil, European dry heaths and North Atlantic wet heaths with crossleaved heath and the Stag Beetle. The Council has a mitigation strategy that seeks to mitigate the recreational impacts on the SAC site arising from residents of new dwellings, but I am not presented with a strategy to mitigate the adverse impact on air quality.
18. The appellant has provided mitigation in the form of a financial contribution towards the maintenance, improvement, management, access management and monitoring of the SAC. Notwithstanding this, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

19. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR