
Appeal Decision

Site visit made on 1 April 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021.

Appeal Ref: APP/J1535/W/20/3252069

55 High Street, Epping CM16 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Hopkins (on behalf of Foxstones Estates Limited) against the decision of Epping Forest District Council.
 - The application Ref EPF/2919/19 is dated 3 December 2019.
 - The development is the proposed redevelopment of existing shop including new shopfront, new internal staircase to flat above and a new building to the rear to facilitate 1no new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the redevelopment of existing shop including new shopfront, new internal staircase to flat above and a new building to the rear to facilitate 1no new dwelling at 55 High Street, Epping CM16 4BA in accordance with the terms of the application, Ref: EPF/2919/19, dated 3 December 2019, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. However, the Council has provided a statement which confirms it would have approved the application subject to a legal agreement providing a financial contribution towards the Epping Forest Special Area of Conservation (EFSAC) under the Conservation of Habitats and Species Regulations 2017.
3. From the evidence before me, there are no substantive grounds of dispute between the appellant and the Council. However, there is concern from Epping Town Council about the effect of the new building on the character and appearance of the area, parking and refuse collection. Therefore, these form the main issues to be considered in this appeal.
4. I note the references to the Council's emerging Local Plan, which is at an advanced stage of examination. I am not aware of any unresolved objections to the policies cited in the Council's appeal statement. Significant weight can therefore be accorded to these policies in the emerging plan in the determination of this appeal.

Main Issues

5. The main issues are the effect of the proposal on (a) the character and appearance of the area; (b) the provision of parking facilities; and (c) the provision of refuse facilities.

Reasons

Character and appearance

6. The appeal scheme would introduce a two-storey detached building into the rear garden of the site to accommodate a single house. Changes would also be made to the layout of the existing building to form an internal passageway from High Street. This would provide access to both the existing first floor flat within the front element and the new dwelling. Cycle and bin stores would be made available between the rear walls of the refurbished shop and the new building.
7. I note that the appeal building and those within the terrace are not locally or statutorily listed and the site is not located in a conservation area. There is no prevailing architectural style and the locality is characterised by properties of various size, appearance and detailing. I am aware of a backland development that appears to have been recently constructed on the adjacent site, and the presence of the supermarket car park immediately to the rear. Overall, the vicinity is characterised by a mix of land uses and built form within an urban setting.
8. The proportions of the appeal proposal would be smaller than the adjacent backland development. Given that the site area is narrower, this would be appropriate and create subservience. I consider that the scheme would reflect the scale, dimensions and rooflines of surrounding built form. It would visually connect with the overall appearance of the site, without dominating it, and respond to other local design features. The considerable variety of built form within the locality would ensure that the new arrangement would integrate without causing undue harm to the spatial quality of the area or appearing unduly prominent.
9. I conclude that the proposal would not result in harm to the character and appearance of the area. Consequently it would comply with the requirements of policy DBE10 of the Epping Forest District Local Plan January 1998 (LP) and policy DM9 of the Epping Forest District Local Plan Submission Version 2017 (LPSV) which seek to ensure proposals relate to surrounding development, meet high standards of design and protect the character of an area. The appeal scheme would also be consistent with the National Planning Policy Framework (the Framework), which states that good design is a key aspect of sustainable development.

Parking

10. I note the Council's view that the Essex County Vehicle Parking Standards 2009 and Policy T1 of the LPSV would normally expect one off-street parking space per dwelling and 1 visitor parking space for the site, however they allow for a reduction in parking if the proposal is within 400m of an Underground Station and in sustainable locations such as Epping Town Centre. I observed many examples of flats above shops in the town centre which do not have any off-street parking provision.

11. No parking would be provided for the appeal proposal. Nevertheless there is no evidence before me of any parking stress in the area. I am not aware of any objection from the Local Highway Authority with regard to highway safety, efficiency or capacity.
12. With this in mind, I conclude that the appeal proposal would not cause material harm to parking provision in the area. The scheme would be compliant with policy T1 of the LPSV, which seeks to ensure development does not result in unacceptable increases in traffic generation or compromise highway safety.

Refuse facilities

13. The proposed ground floor plan demonstrates provision of refuse storage within the central courtyard, with access to the area via the internal passageway from the High Street. I consider that such provision would adequately address this matter and can be secured through the imposition of a condition. The development would be in accordance with policy DM11 of the LPSV that requires on-site provision for waste and recycling.

Other Matters

14. The Council has published a Habitats Regulations Assessment to support the LPSV and mitigate the impacts of increased pressures on the EFSAC from new residential development. This includes a tariff scheme in relation to the size and form of housing proposed. The appellant has submitted a Unilateral Undertaking agreeing to make a payment of £352 as a contribution towards mitigation measures. The accompanying plan clearly identifies the appeal site and the Undertaking is dated, signed and witnessed. I am satisfied that the Undertaking would meet the requirements for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

Conditions

15. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt and in the interests of proper planning.
16. To ensure a satisfactory appearance I impose a condition requiring the submission and approval of materials. Details of drainage would have regard to flooding and ensure satisfactory arrangements for the disposal of surface run-off. Conditions relating to contamination would prevent any potential impacts on human health and the pollution of the environment.

Conclusion

17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S.OS, P001, P002, P003, P004
- 3) No development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until surface water drainage details have been submitted to and approved in writing by the local planning authority, to include an assessment of the potential for flooding and the disposal of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version). The surface water disposal provision shall be implemented in accordance with the approved details and maintained thereafter.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 6) Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented in accordance with the approved details.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to

and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.