
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/20/3252581

1 Buttercross Lane, Epping, Essex CM16 5AA

- 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 Robert Shaw (on behalf of ARA Homes Ltd) against the decision of Epping Forest District Council.
 - The application Ref EPF/2447/19, dated 30 September 2019, was refused by notice dated 1 April 2020.
 - The development proposed is to demolish the existing house and replace with 6 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 policies DM2, DM7 and DM22 cited in the decision notice. Significant weight can therefore be accorded to these policies in the emerging plan in the determination of this appeal.
3. My attention has been drawn to a previous appeal on the site (reference APP/J1535/W/19/3220974. In the interests of clarity I have considered the proposal, the subject of this appeal, on its own merit.

Main Issues

4. The main issues are the effect of the proposal on (a) the character and appearance of the Epping Conservation Area (ECA) and the setting of the Listed Building at no. 269 High Street; and (b) protected areas of environmental sensitivity.

Reasons

Character and appearance

5. The appeal site lies within the ECA and relates to a two-storey detached house on the western side of Buttercross Lane. I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the ECA and the nearby Listed Building by attaching considerable importance and weight to that desirability.
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6. According to the ECA Character Appraisal and Management Plan 2009 (the Appraisal), the special architectural and historic interest of the ECA derives from the historic layout of the settlement and the large number of historic buildings. The majority of the ECA is taken up by Epping High Street; a long wide busy street lined with shops. The ECA also includes several lanes and roads leading off the High Street, including Buttercross Lane which according to the Appraisal is a quiet residential cul-de-sac with a slightly quaint and charming character.
7. The site is prominent within the streetscene, being one of the first plots seen after entering Buttercross Lane from the junction with the High Street. As such, whilst the Appraisal deems it of neutral value and not of particular historical significance in its own right, the site nevertheless forms part of the transition from the higher-density commercial properties fronting the High Street to the more spacious arrangement of mainly detached dwellings on Buttercross Lane.
8. The appeal scheme is to replace the existing dwelling with a significantly larger building of 6 flats. Although it would have a similar width and front building line as the existing property, the flatted development would be taller and extend further to the rear.
9. The significant mass and bulk of the building, the deep-plan form and extent of crown roof would result in a dominant form of development that would be at odds with the more modest proportions of the existing residential buildings along Buttercross Lane. Introducing a new building of this footprint, position and height would therefore result in an incongruous feature in the context of the neighbourhood.
10. The front elevation would be utilitarian in nature and contain few articulating features to break up the bland facade. The arrangement of windows and the front door is slightly asymmetrical and offset from centre, which to my mind further exacerbates the jarring appearance.
11. I acknowledge that there are buildings in the area which are similar in height or taller than the proposal, including flatted developments. However, these developments are more closely associated with commercial properties on the High Street and therefore do not contribute to the character and appearance of Buttercross Lane and the ECA in the same way as the appeal site for the reasons given. I also recognise that landscaping could soften the building to a degree. However, given the mass, height and bulk of the appeal scheme in close proximity to the road frontage, the screening would need to be of a height and density that of itself would look unusual or out of place in the street scene.
12. Overall, the appeal scheme would be detrimental to the ECA. It would also be deleterious to the setting of the Grade II listed building at no. 269 High Street when viewed from Buttercross Lane towards the High Street. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), whilst the harm caused to the significance of the ECA and the Listed Building would be less than substantial, it is a matter of considerable weight and importance. I am aware of the Council's housing land supply situation and that the proposal would provide a net gain of 6 dwellings on previously developed land, but these public benefits do not outweigh the harm.
13. I conclude that the proposal would have an adverse effect on the character and appearance of the ECA and the setting of the Listed Building at no. 269 High Street. Consequently it would fail to comply with the requirements of policies

CP7, DBE1, HC6, HC7 and HC12 of the Epping Forest District Local Plan January 1998 and Alterations 2006 (LP) and policy DM7 of the Epping Forest District Local Plan Submission Version 2017 (LPSV). Together these seek to ensure proposals relate to surrounding development, meet high standards of design, and protect the character of conservation areas and the setting of listed buildings. The appeal scheme would also be inconsistent with the Framework, which states that good design is a key aspect of sustainability and requires new development to make a positive contribution to local character and distinctiveness.

Special Protection Areas

14. The Council has published a Habitats Regulations Assessment to support the LPSV. This is to mitigate the impacts of increased pressures from new residential development on the Epping Forest Special Area of Conservation (EFSAC) under the Conservation of Habitats and Species Regulations 2017. These regulations require that I, as the competent authority, must ensure that there are no significant effects from the proposed development (either alone or in-combination with other projects) that would adversely affect the integrity of the EFSAC.
15. The appellant has submitted a Unilateral Undertaking agreeing to make a financial contribution towards mitigation measures. The accompanying plan clearly identifies the appeal site and the Undertaking is dated, signed and witnessed. The Council has not raised an objection to the Undertaking, subject to the provision of infrastructure such as electric vehicle charging points, which could be secured through the imposition of a condition.
16. 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). Nevertheless, as the appeal is being dismissed for the reasons outlined above, it is not necessary to consider this issue further.

Other Matters

17. I note the third-party objections to the proposal in relation to, amongst other things, loss of trees, access and parking provision. These issues have been addressed in the planning officer's report. Therefore, whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.

Conclusion

18. For the reasons set out above I conclude that the appeal should be dismissed.

C Hall

INSPECTOR