

Appeal Decisions

Site Visit made on 26 August 2021

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal A Ref: APP/J1535/W/21/3266420

2 Walnut Way, Buckhurst Hill, IG9 6HX

- 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 Ruslan Barabash against the decision of Epping Forest District Council.
 - The application Ref EPF/0888/20, dated 30 April 2020, was refused by notice dated 1 September 2020.
 - The development is Proposed new detached house within the curtilage of the property.
-

Appeal B Ref: APP/J1535/W/21/3272989

2 Walnut Way, Buckhurst Hill, IG9 6HX

- 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 Ruslan Barabash against the decision of Epping Forest District Council.
 - The application Ref EPF/0200/21, dated 9 December 2020, was refused by notice dated 18 March 2021.
 - The development proposed is new detached house built in the curtilage of No. 2 Walnut Way.
-

Decisions

1. The appeals are dismissed.

Preliminary Matters

2. The site visit was originally arranged with access required to the site, however, no-one was present to facilitate this. Nevertheless, due to the nature of the main issues, and the location of the site, I was able to observe everything that was necessary without specific access, and therefore I was able to conduct a full site visit.
3. Following the submission of the appeals, a revised National Planning Policy Framework was published. The main parties have been consulted in relation to this matter, and any comments received have been factored into my assessment of the appeals.

Main Issues

4. The main issue common to both appeals is the effect of the proposal on the character and appearance of the area.
 5. With regard to Appeal A, an additional main issue is whether the proposal makes adequate provision for car parking, and if not, the effect of any under provision.
-

Reasons

Character and Appearance

6. Walnut Way principally consists of semi-detached dwellings with modest but comparable gaps between buildings. The appeal site is a parcel of land situated to the side of 2 Walnut Way, a semi-detached dwelling that is prominently located at the junction of Walnut Way and Buckhurst Way. The site bounds the footpath of Buckhurst Way and is currently enclosed by a brick wall and close boarded fencing.
7. Both proposals would introduce a detached dwelling between the flank wall of No 2 and the adjacent footpath. In both instances, the width of the proposed dwelling would be broadly comparable with one half of the semi-detached properties, however, due to its detached nature, the proposals would be distinctly at odds with the prevailing development pattern of the road. Moreover, due to the limited space available between the footpath and the existing dwelling, the proposal would almost abut the site boundary. This would have the effect of introducing a tall and imposing flank wall with little to no space to act as a buffer to the adjacent footpath.
8. Consequently, due to the detached nature of the houses proposed in both appeals, and the limited size of the site, in both instances the proposed dwelling would appear cramped and in sharp contrast with the otherwise pleasing suburban environment, particularly at the mouth of the junction whereby the property opposite has space between the flank elevation and adjacent footpath. The dwellings would appear unduly dominant in the street and due to the highly prominent location, they would have a demonstrably harmful effect on the visual qualities of the existing built environment.
9. I note that the roof for the proposed dwellings would differ between Appeal A and B, and that Appeal B would introduce a more sympathetic hipped roof design. The proposals would also provide a road frontage with rear garden consistent with the prevailing development pattern. However, in my judgement, the cramped nature of the proposal in such a prominent location would be to the detriment of the street scene and it is for this reason that I conclude that for both appeals, the proposals would harm the character and appearance of the surrounding area. Accordingly, they would fail to comply with Policies CP2, CP7, DBE1, DBE2, DBE4 and DBE9 of the Epping Forest District Local Plan Alterations (2006) (LP) and Policies DM9 and DM10 of the Epping Forest District Local Plan Submission Version (2017) (SV). Taken together, these seek amongst other things high quality design which is respectful to local character.

Car Parking

10. Appeal A would provide one parking space to the rear of the appeal site with the consequence that either the existing or proposed dwelling would not be provided with off-street car parking. Accordingly, the Council are of the view that the proposal could lead to inappropriate kerbside car parking which could lead to a highway safety concern.
11. Despite this however, no substantive evidence has been put before me to demonstrate that there are existing car parking or highway safety concerns in the locality. For example, no parking survey information has been provided and

no evidence regarding accident history is before me. Parking restrictions in the form of double yellow lines and residents' permits are both applicable to the immediate surroundings and consequently, the ability for future residents to park on the road would be restricted.

12. I note the Council's desire for the proposal to be provided with off-street parking and I agree that the proposal would result in an under-provision. However, in the absence of compelling evidence, I conclude that the under provision would not be harmful to highway safety. Accordingly, the proposal would comply with Policies ST4 and ST6 of the LP, Policy T1 of the SV, and the Highway Authority's Development Management Policies. Taken together, these establish parking requirements and seek development that will not be detrimental to highway safety.

Other Matters

13. The proposals would make a small but important contribution to local housing supply. They would also bring with them economic benefits through construction jobs as well as ongoing additional expenditure for the local economy. However, due to the scale of the development, these matters only attract limited weight in favour of the appeals and do not alter or outweigh my findings set out above.
14. The appeal site is also located within the Zone of Influence of the Epping Forest Special Area of Conservation (SAC). However, due to my findings in relation to the main issues, the appeal has failed. As a consequence, I do not need to assess the proposal against the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

Conclusion

15. Although I have found that Appeal A would not harm highway safety, this would not be a direct benefit of the proposal and therefore it only weighs neutrally in my assessment of the appeal. However, both appeals would have a harmful effect on the character and appearance of the surrounding area, and this is a matter of fundamental concern. Accordingly, Appeals A and B should be dismissed.

Martin Chandler

INSPECTOR