



Appeal Decision

Site Visit made on 28 September 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2021

Appeal Ref: APP/J1535/W/21/3269889

1 Stonards Hill, Epping CM16 4QE

- 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 A Conway (Stonards Hill Limited) against the decision of Epping Forest District Council.
 - The application Ref EPF/1952/20, dated 4 September 2020, was refused by notice dated 29 October 2020.
 - The development proposed is described as the “development of an underused piece of land of a single house, replaced with a new building consisting of 7 accessible apartments”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appellant’s appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and I have taken any subsequent responses into account in reaching my decision.
3. I note the references within the Council’s decision notice to the Epping Forest District Local Plan Submission Version 2017 (LPSV), which is at an advanced stage of examination. I am not aware of any unresolved objections to Policies DM2, DM7, DM9, DM10, DM22 and H1 cited on the decision notice. Significant weight can therefore be accorded to these policies in the determination of this appeal.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area including the setting of the Epping Conservation Area (ECA),
 - housing mix,
 - the living conditions of adjoining occupiers with particular regard to privacy and outlook at 3 Stonards Hill,
 - highway safety, and,
 - the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and Appearance

5. The appeal site forms a single storey dwelling that has additional living accommodation provided with its roof space through the provision of dormer windows on its front and rear elevations. The property is set back some distance from the road with a large parking area to the front. Levels within the site rise so that the existing property is set above road level, similar to the adjoining properties at 3 and 5 Stonards Hill that lie to the east of the site.
6. The area is generally residential in character and contains a variety of style and size of property, including flatted development such as that at Redgrove House to the west of the appeal site. The proposal seeks to demolish the existing property and replace it with a four storey building that would contain seven flats, the size of which would be two bed unit and a further one bed unit. Parking and turning areas would be provided to the front of the building. Flat 1 would benefit from a private courtyard whilst a further amenity area would be provided for occupiers of the remainder of the accommodation.
7. The proposal seeks to reduce levels within the site so that the first floor would be at a similar level to the ground floor of No. 3 Stonards Hill (No. 3). Consequently, as a result of the sunken design of the development, a level access onto the highway would be created. The building itself would be constructed of brick with stone detailing and timber sash window with accommodation to be provided within the mansard style roof. A featured portico would be positioned centrally at ground floor level with the remainder of the building having a symmetry created through the arrangement of window openings.
8. Whilst I accept that there is a large building at Redgrove House, the character of Stonards Hill changes markedly as one travels east. Redgrove House is a dominant building on the corner of Stonards Hill and creates a transition between the lower density development to its east, which includes the appeal site which has a more open and spacious character, reinforced by the presence of the recreation ground. Moreover, the existing dwelling is barely appreciable east along Stonards Hill as a result of it being smaller in scale than the adjoining properties which are also set further forward, giving them a greater presence within the street scene.
9. In contrast, the proposed development would be much larger in scale than the building it replaces and sited forward of No. 3. It would be seen as a very large four storey building within the street scene, dominating the buildings that flank it and perceived as a development that has been sandwiched between the three storey building at Redgrove House and the two storey building at No. 3. Moreover, the eaves of the proposal would be set above No. 3 and given the gradient of Stonards Hill, the roof is likely to be visible over Redgrove House with the regrading of the site to create a level access, further emphasising the scale of the development as it would sit lower and higher than No.3.
10. Additionally, notwithstanding that the appellant considers the dwellings to the east to be two utilitarian buildings, the overall scale and design of the proposal fails to contribute towards local distinctiveness by creating a very large and imposing building, which, notwithstanding the properties on the other side of Stonards Hill, would result in a discordant and jarring development that would

dominate the adjoining properties and disrupt the more open pattern of development along this part of Stonards Hill as it rises to the east.

11. The appeal site is located immediately adjacent to the ECA, the significance of which as a designated heritage asset, as a whole, includes its historic buildings and layout. The setting of the conservation area includes those areas in close proximity to it, including the appeal site, which are part of the surroundings in which the heritage asset is experienced. The setting, including the appeal site, contributes to the significance of the ECA by providing a transition between the presence of period architecture within the conservation area and the other non-statutory designated land beyond.
12. However, the appeal building would be sited adjacent to Redgrove House which the Council considers to have a neutral impact¹ on the ECA. Although I find the proposed development to be harmful to the overall character and appearance of the area through a jarring development in relation to its position within Stonards Hill, I am not persuaded that this translates to more than a neutral effect on the setting of the ECA and would be acceptable in this regard. Thus, the development would not conflict with Policy HC6 of the Epping Forest Local Plan and Alterations 1998-2006 (LP) and Policy DM 7 of the LPSV.
13. Nevertheless, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies CP3, CP7, DBE1 and DBE3 of the LP, Policies DM 9 and DM 10 of the LPSV and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments respect their setting in terms of scale, proportion, siting, massing and height.

Housing Mix

14. Policy H 1 of the LPSV seeks, amongst other things, to resist the loss of bungalows and specialist accommodation in order to provide a range of accommodation for people with accessibility needs, including the current and future needs of older people. The existing building on the site is described by the Council as a chalet style bungalow which contains accommodation within its roof space. The drawings of the existing building confirm that bedrooms and a bathroom are provided within the roof space that are accessed via a staircase.
15. The Council state that it has been determined that the term chalet bungalow meets the definition of a bungalow in respect of Policy H 1 of the LPSV. However, I have nothing before me to clarify how this decision has been reached and it is evident that the existing dwelling does not provide all of its accommodation across the ground floor. Therefore, even if the building is considered to be a bungalow, it is evident that to function as an accessible dwelling the building would require modifications for disabled users or those that require mobility assistance to access the bedrooms and bathroom.
16. Therefore, taking into account the specific limitations of the existing building through the layout of the accommodation across the two floors, it has limited potential to assist in providing accessible housing. Thus, the loss of the chalet bungalow would not have a significant adverse effect on the availability of local housing choice for older people or those with accessibility needs, nor would it undermine the objectives of Policy H 1 of the LPSV in this respect.

¹ Appendix 3. Townscape Survey - Epping Conservation Area Character Appraisal 2009

Living Conditions

17. The development proposes a number of windows within the kitchen/living areas that would face onto the side elevation of No. 3. The proposed drawings indicate that these windows would be obscurely glazed. Although the side elevation of No. 3 that faces into the appeal site contains windows in the first floor elevation, these are also obscurely glazed. Therefore, given that both properties would contain obscurely glazed windows, I am not persuaded that harmful overlooking, or indeed the perception of overlooking, would occur to a significant degree.
18. Furthermore, the development indicates that a degree of separation between No. 3 and the proposed building would be provided, with the depth of the proposal largely following that of its neighbour. Therefore, I am also not persuaded that the development would have a harmful effect on the outlook that the occupants of No. 3 currently enjoy.
19. Thus, the proposal would not result in harm to the living conditions of adjoining occupiers at No. 3. It would not be in conflict with Policy DBE9 of the LP, Policies DM 9 and DM 10 of the LPSV and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments do not result in excessive loss of amenity for neighbouring properties.

Highway Safety

20. The proposal seeks to utilise the existing access onto Stonards Hill and would provide seven parking spaces within the site. Five spaces would be provided parallel to the road with a further two tandem spaces. Essex County Council (ECC) as Local Highway Authority objected to the development on the grounds that the appellant has failed to demonstrate that adequate visibility splays can be provided and that the tandem spaces are too small.
21. The appellant has provided an amended site plan² which demonstrates that visibility splays of some 2.4m x 43m can be achieved in both directions. Additionally, the parking within the site has also been revised so that tandem spaces 6 and 7 measure some 6m x 2.9m. I have considered the revised drawing in accordance with Wheatcroft³ and am satisfied it does not change the proposal to a significant degree. Moreover, ECC has had an opportunity to consider its revisions and state that it has overcome its objection to the development⁴. From the evidence that has been submitted, I see no reason to disagree with ECC.
22. Therefore, I am satisfied that the development would provide adequate parking within the site and adequate visibility splays at the access to ensure that highway safety is not harmed. Thus, it would not be in conflict with Policies ST4 and ST6 of the LP and Policy T1 of the LPSV which seek, amongst other things, that developments will not be detrimental to highway safety.

Epping Forest SAC

23. The site falls within the zone identified by Natural England as being likely to result in harm to the Epping Forest SAC. The appellant has provided a

² Drawing 21/139/01 Dated Feb 2021

³ Bernard Wheatcroft Ltd v SSE & Harborough DC [1982] P&CR 233

⁴ Appendix 5.3 of appellant's written statement

unilateral undertaking to provide a financial contribution towards mitigating the effect of the development on the SAC, which principally derives from recreational pressure and air pollution.

24. Had the proposal been acceptable in planning terms, as the competent authority it would have been necessary for me to undertake an Appropriate Assessment (AA), including any suitable mitigation measures. However, the Conservation of Habitats and Species Regulations 2017 indicates the requirement for such an assessment is only necessary where the competent authority is minded to approve planning permission. As the appeal is being dismissed on other substantive matters, it is not necessary for me to consider this matter further, including the need to undertake an AA.

Other Matters

25. I note that representations were made by local residents, some of whom raise additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Planning Balance and Conclusion

26. The Council acknowledges that it cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. I acknowledge that the proposal would remove what the appellant considers to be a poor quality structure. It would also intensify development at the site, providing additional units of accommodation that would boost the supply of housing in the District and contributing towards the Council's housing needs. It would also result in economic benefits as a result of construction and once the development is completed, its occupiers are likely to contribute to the local economy. The site is also well related to Epping town centre and close to its services, amenities and transport links. As a small windfall site, the development is also likely to be built out relatively quickly. However, as the proposal is for seven units, these benefits are modest and therefore afforded limited weight.
28. Nonetheless, good design and its impact on the character and appearance of an area is recognised by the Framework. Accordingly, given my findings outlined above concerning the resultant harm to the character and appearance of the area, the proposal would fail to meet the environmental dimension of the Framework. Consequently, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Thus, the application of the tilted balance in paragraph 11 of the Framework does not indicate that planning permission should be granted.
29. For the reasons given above, the appeal is dismissed.

Graham Wyatt

INSPECTOR