



Appeal Decision

Site visit made on 12 January 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2023

Appeal Ref: APP/J1535/W/22/3302261

2 Crossing Road, EPPING, CM16 7BG

- 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 James & Christian Luckin against the decision of Epping Forest District Council.
 - The application Ref EPF/3139/21, dated 29 November 2021, was refused by notice dated 10 March 2022.
 - The development proposed is the conversion of a two-storey, 4-bedroomed house into a 2.5 storey dwelling with 3 flats consisting of 1x three bedrooms, 1x two bedrooms and 1x one bedroom. Also adding a new roof and providing 3 car parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the conversion on:
 - The character and appearance of the area around Crossing Road, and
 - The living conditions of the occupiers of the proposed flats by way of amenity space.

Reasons

3. No 2 is a detached house situated on the eastern side of Crossing Road. No 2 is located between the long rear gardens of properties on Brook Road and Allnutts Road. The dwelling at No 2 is set well back in its plot, such that the rear elevation is only around 3 metres from the boundary with the adjacent garden to the rear, but the front elevation is around 11 metres from the front boundary with the road. The proposed development would include the construction of a full-width front extension around 4 metres in depth, and an 'infill' side extension at the north-eastern corner of the building. The extended building would then be converted from a single house into three flats.
4. Policy DBE8 of the Council's Local Plan (LP) indicates that new residential developments will be expected to provide private amenity space that will usually be at the rear of dwellings or flats and be of a size, shape and nature which enables reasonable use. Policy DBE10 indicates that a residential extension will be required to complement and, where appropriate, enhance the appearance of the street-scene and the existing building, and that this will be achieved by close attention to, amongst other things, its scale and form.

5. Policy DBE11 of the LP indicates that the subdivision of residential properties to flats will be granted planning permission provided the development will not be likely to result in such an intensification of use which would detract from the character of the surrounding area, or involve the loss of important garden space in order to create the requisite number of car parking spaces.
6. Policy DM9 of the Emerging Local Plan (ELP) indicates that all new development must achieve a high specification of design and contribute to the distinctive character and amenity of a local area, by way of responding positively to the context of their locality, and taking account of the privacy and amenity of its users and neighbours. Policy DM10 indicates that ground-floor family housing must provide access to private garden/amenity space, and family housing on upper floors should have access to a balcony and/or terrace, subject to acceptable amenity, privacy and design considerations, or to shared communal amenity space and children's play space. In the light of the advanced stage of production of the ELP, I afford it substantial weight.
7. The Council contends that the proposal would represent overdevelopment and, by reason of its design, would be a cramped form of development in relation to the rest of the site. It would be detrimental to the character and appearance of the existing building and wider street scene. In addition, the proposed private residential amenity space would be insufficient and would not be suitable to the units they serve.
8. The appellants contend that the proposal is acceptable in terms of its design and does not form a cramped appearance. Moreover, the parking to the front meets the current requirements, as confirmed by the Council, and the amenity area is not unreasonable for flats within the area. They also contend that all flats have a good amount of external space, and that the site is on the edge of open countryside and therefore there is adequate space for residents to use the open space for walking and enjoyment.

Character and appearance

9. The area around Crossing Road, Brook Road and Allnutts Road is characterised by a mix of terraced, semi-detached and detached houses in large plots. The houses immediately to the north and south have long rear gardens, as do the semi-detached houses opposite, across Crossing Road. In the case of the appeal property, the rear/side yard-type garden area is very small with a more substantial semi-private garden space to the front. The front garden currently helps to maintain a characteristic open feel to the property, in keeping with the generally spacious nature of the surrounding area.
10. The proposed front extension would result in almost the whole of the current front garden of the property being taken up with car parking and pedestrian circulation space, while the proposed extension to the north-eastern corner would take up most of the small side amenity area. The only significant open space remaining would be a narrow strip of amenity space at the rear of the building. The proposals would also involve the raising of the height of the building by almost 2 metres, and whilst this would not, in itself, be out of keeping with the general heights of other houses in the vicinity, it would add to the apparent bulk of the extended property.
11. The proposal would result in the extended building occupying a significant proportion of the overall plot. It would be taller and substantially deeper than

the existing dwelling, and it would require almost the whole of the semi-private front garden being taken up with three parking spaces and pedestrian access. There would be very little effective space for landscaping. In addition, I have concerns that the built-in bin storage would be too small to house all of the bins for three flats, and that this would necessitate external bin storage in an area already limited in usable space. Similarly, the built-in cycle store would also seem, on the face of it, to be too small for the number of cycles that the development might generate.

12. In conclusion on this issue, I find that the proposal, by way of front and side extensions and increased height, would result in a building that would appear cramped on its plot. It would be harmful to the prevailing open character and appearance of the surrounding area and would fail to respect the context of the existing character of its own plot. As such it would not enhance the appearance of the street scene or the existing building.

Living conditions

13. The proposal would result in an existing four-bedroomed house being extended and converted to form three flats. There would be one, family-sized, three-bedroomed flat on the ground floor, with a two-bedroomed flat on the first floor and a one-bedroomed flat in the extended roof area. Each of the two upper-floor flats would have amenity space of around 5-6 sq metres by way of a balcony at the front, although the proximity to the public realm would reduce privacy to a degree. I also note that the balcony of the one-bedroomed flat would have restricted headroom over part of its area.
14. The ground-floor flat would have an external private amenity space at the rear, although this would effectively be only around 30 sq metres in extent, and this would be in the form of a narrow 3 metre strip of space running across the whole of the width of the plot. The rest of the outside space would be for circulation and/or of a size and shape that would render it ineffective for family amenity use. I consider the usable amenity space to be inadequate for a three-bedroomed, family-sized flat, particularly given the lack of any semi-private space at the front of the property.
15. I note that there is countryside and other recreational land within a short distance of the appeal site, but some of this is apparently allocated for development and, in any case, this would not compensate for lack of effective private amenity space at the property itself.

Other Matter

16. The appellants contend that the proposal would result in additional housing in an area where there would appear to be a shortfall in housing. I have no figures to support this claim or otherwise, but in any case, the increase in housing would be minimal and this is not a reason to permit housing that is uncharacteristic in the area and which does not provide adequate private amenity space.

Conclusion

17. I find that the proposal would be harmful to the character and appearance of the area surrounding Crossing Road, and would appear cramped on its own plot. As such it would conflict with Policies DBE10 and DBE11 of the LP, along with Policy DM9 of the ELP. It would also result in harm to the living conditions

of the occupiers of the property by way of private amenity space that would not be of a size, shape and nature which enables reasonable use, and which would involve the loss of important semi-private garden space. On this basis, it would conflict with Policies DBE8 and DBE11 of the LP, as well as policies DM9 and DM10 of the ELP. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR