



Appeal Decision

Site visit made on 6 June 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/J1535/W/22/3311645

74 and 76 Honey Lane, Waltham Abbey EN9 3BS

- 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 Trevor Anderson against the decision of Epping Forest District Council.
 - The application Ref EPF/0104/22, dated 14 January 2022, was refused by notice dated 5 September 2022.
 - The development proposed is conversion of 2 x 5 bedroom houses into 4 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the planning application, it has adopted the Epping Forest District Local Plan 2011-2033 Part One (EFDLP). The policies in the EFDLP supersede saved policies from the Epping Forest District Local Plan 1998 and Alterations 2006, which were included in the Council's reasons for refusal of the planning application. I have therefore determined the appeal based on the current applicable policies in the EFDLP.
3. The address given on the planning application form is No 74 Honey Lane. However, the appeal relates to Nos 74 and 76 Honey Lane.
4. The Council made its decision based on the following plans and drawings: ELA/1 Rev A Existing Layout & Elevations; ELA/2 Rev D Proposed Layout & Elevations; and ELA/4 Rev C Block Plan & Location Plan. In addition to proposing the conversion of the two existing houses at Nos 74 and 76 Honey Lane into two flats each, these plans show both houses to be extended to the rear at ground floor level with alterations to provide new side doors and windows. I observed on my site visit that the ground floor extensions and alterations had been completed at both houses. This appears to be in accordance with the plans before me.
5. The plans also show the subdivision of the land to the rear of the two houses into four separate gardens and a parking area for four cars. I observed on my site visit that the land to the rear of the houses was divided into two separate gardens and a parking area. This was not in accordance with the plans before me.
6. I have therefore considered the appeal on the basis that the ground floor extensions and alterations have already taken place but the subdivision of the land to the rear into four gardens and four parking spaces has not.

Main Issues

7. The main issues are:

- i. Whether the proposed development would provide adequate living conditions for future occupiers, with particular reference to external amenity space.
- ii. The effect of the proposed development on the character and appearance of the existing semi-detached pair of buildings and surrounding area.

Reasons

Living conditions

8. The proposal would provide private amenity space for each of the ground floor flats with direct access from each flat's living/kitchen area through a French window. The size of the space would be adequate for day-to-day activities such as hanging washing and sitting out. It would also allow passive surveillance of children's play by adults in proximity using the living/kitchen areas.
9. The private amenity space proposed for each of the two upper floor flats would be divided into two areas, one at the front of the house and the other to the rear. The front areas would face Honey Lane, which is a moderately busy road. The spaces would also be affected by traffic noise and fumes, and there would be little privacy, even with some screening. Their usable area would be restricted by bin stores, steps and paths leading to front doors. For these reasons, these front areas would offer limited scope for activities such as sitting out, hanging washing or children's play.
10. The rear external amenity spaces would be accessed independently of each other by leaving the building through a front door, walking across the front gardens and using one of the side pathways on either side of the houses to reach a gate giving entry. The proposal suggests occupiers would need to use the side pathway on the opposite side of the building from their flat. This would be inconvenient, but I accept this arrangement could be reconfigured through a condition, were the appeal to be allowed. I also acknowledge that concerns about privacy for the occupiers of the ground floor flats from people walking past the side windows could be addressed through obscured glazing, also secured by condition were the appeal to be allowed.
11. However, these rear amenity spaces would be some distance away from the family-sized flats they are intended to serve. Whilst they would provide some opportunity for cultivating plants, sitting out and hanging washing, there would be risks to younger children wishing to play in them without an adult present. These risks would arise from the need to leave the building independently; to use pathways that would be very difficult to secure fully from public access; and to play under distant supervision through a first or second floor window. Were an accident to occur or a danger to arise, a child may have difficulty alerting an adult, who would in turn take several minutes to reach the child, even assuming they were able to leave their flat unattended.
12. For these reasons, the proposed arrangement would not be practical for families with young children. The problems identified could not be addressed through reconfiguration of the rear spaces secured by condition because it

would not be possible to create a fully private access route, reduce the distance between the flats and their gardens, or improve scope for effective adult supervision. I note the appellant has also suggested a condition to prevent use of the front spaces as private amenity space if they are not considered appropriate for this purpose. Even if such a condition were considered necessary, this would not mitigate the harm to living conditions resulting from the deficiencies in the rear amenity spaces.

13. Policies DM9 and DM10 of the EFDLP do not specify a minimum area of private amenity space for new dwellings. However, these policies do specify qualitative requirements for external amenity space as set out below.
14. For the above reasons, I conclude the proposed development would not provide adequate living conditions for future occupiers, with particular reference to external amenity space. This is contrary to Policies DM9 and DM10 of the EFDLP, which require development proposals to take account of the privacy, amenity, comfort and wellbeing of the occupiers. They also require family housing on upper floors to have access to a balcony and/or terrace of a usable size or to shared communal amenity space and children's play space. It is also contrary to the Framework, where it seeks a high standard of amenity for future users.

Character and appearance

15. The area surrounding the appeal site is residential and comprises a mix of mainly terraced and semi-detached dwellings. There are some more recent developments amongst older groups of houses, so building styles, plot sizes and garden sizes vary. Nos 74 and 76 Honey Lane are a pair of large, older semi-detached houses on the corner with Patmore Road. House types, ages and sizes on this side road are particularly varied, with car parking accommodated in a mix of on-street and off-street spaces.
16. The rear extensions and associated alterations change the appearance of the existing semi-detached houses when viewed from the side and rear from Patmore Road. Nevertheless, the extensions are in proportion with the host properties and do not appear conspicuous within the already varied street scene, so this change is not harmful.
17. Conversion of the two existing houses into flats would involve internal alterations to the buildings that would have little further effect on their external appearance, notwithstanding the intensification of their use by more households. There would be visible changes to the rear gardens of the houses, resulting from the creation of the four off-street parking spaces and subdivision of the remaining space into four private amenity spaces. However, there is a comparable arrangement immediately opposite the appeal site on the other side of Patmore Road, where off-street parking spaces have been created to the rear and side of residential gardens. There are other off-street spaces further along the road. Therefore, the proposed layout would not appear out of place.
18. I accept the size of the four private amenity spaces would be smaller than the typical longer gardens associated with older dwellings in the area. Nevertheless, given the existing diversity of plot and garden sizes nearby, including in Patmore Road from which they would be most visible, this layout would not detract unduly from the surrounding pattern of development. In any

case, boundary treatments would be likely to conceal the subdivision of the amenity spaces from most public viewpoints. The area of land to the rear of Nos 74 and 76 is relatively large and the proportion of this used for amenity space would be about twice that used for parking. Consequently, the parking spaces would not be dominant, and their appearance could be softened through carefully chosen surfaces and boundary treatments, which could be secured by condition were the appeal to be allowed.

19. For the above reasons, I conclude the proposed development would not have a harmful effect on the character and appearance of the existing building and surrounding area. Accordingly, I find no conflict with Policy DM9 of the EFDLP, which requires new development to contribute to the distinctive character of the local area and relate positively to its context. I also find no conflict with the Framework, where it seeks to ensure developments are sympathetic to local character.

Other Matters

20. The proposal would make a modest contribution of two net additional dwellings to the supply of housing, which could be delivered relatively quickly and would help to meet local housing needs. The proposed development would also contribute to local economic growth during the construction process and through future occupiers' use of local services and facilities. This accords with the Framework where it seeks to increase the supply of housing and support economic growth. These social and economic benefits of the proposed development are considered in the overall planning balance below.
21. The Council has raised no concerns with the living conditions of future occupiers of the proposed flats in relation to internal living space, or with the quantity of parking spaces proposed in principle. I see no reason to disagree with their conclusion on these points. However, compliance with the development plan in these respects is a neutral factor.

Planning Balance

22. For the reasons set out above the proposal would conflict with Policies DM9 and DM10 of the EFDLP. The proposal may comply with other policies of the development plan. Nevertheless, I conclude this conflict means the proposal conflicts with the development plan as a whole.
23. Even if the Council can demonstrate a five-year supply of deliverable housing sites, the appellant points out that its most recent Housing Delivery Test result was 35% and the Council has not disagreed. This means the delivery of housing in the Epping Forest District Council area was substantially below the housing requirement over the previous three years, as set out in footnote 8 of the Framework. Consequently, according to the Framework, the policies most important for determining the appeal are out of date. In these circumstances, Paragraph 11(d)(ii) of the Framework applies.
24. The harms resulting from the conflict with the development plan as a whole also result in conflicts with the Framework for the reasons given above. I attribute limited weight to the contribution to housing supply and limited weight to the economic growth identified as benefits of the proposed development in other matters. However, I consider the adverse impacts of the proposal arising from the harm to living conditions would significantly and

demonstrably outweigh these benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

25. For the above reasons I conclude that, while the proposal does not harm the character and appearance of the existing building and surrounding area, the harm to the living conditions of future occupiers, with particular reference to external amenity space, is determinative. Therefore, having had regard to the development plan, the Framework and all other matters raised, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR