



Appeal Decision

Site visit made on 9 May 2023

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2023

Appeal Ref: APP/J1535/W/22/3306449

The Cedars, 215 Lambourne Road, Chigwell, IG7 6JP

- 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 M Barker against the decision of Epping Forest District Council.
 - The application Ref EPF 1316/20, dated 23 June 2020, was refused by notice dated 31 March 2022.
 - The development proposed is replacement of existing single dwelling and detached garage with a purpose built block of 5 self contained apartments including private, secure off street parking, amenity space, bin and cycle store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was accompanied by a Unilateral Undertaking, dated 29 June 2023. I refer to this later in my decision.
3. Since the Council issued its decision it adopted a new Local Plan on 6th March 2023. This decision is made on the basis of this plan. As the reason for refusal referred to policies included in both the former plan and the new plan I consulted the appellant and their comments have been taken into consideration.

Main Issues

4. The appeal raises two main issues:
 - The impact of the appeal scheme on the character and appearance of the area, and
 - The effect of the development proposed on the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and appearance

5. The appeal site comprises a two storey dwelling with single storey rear addition within a spacious plot on the north side of Lambourne Road.

6. The site is surrounded by residential development of varied architectural styles. This includes small blocks of flats, detached properties and a chalet style bungalow lying to the rear of the appeal site.
7. Lying on the site's western boundary at 219 Lambourne Road is a 3 storey block of flats, Orchard End, located on the junction with Chase Lane. However, the prevailing character of the area is of 2 storey development.
8. The appeal scheme involves the redevelopment of the site as a single 3 storey block comprising 5 flats including a flat in the roof space. The roof is pitched with hipped gables. Parking would be located to the front with a communal amenity space located to the rear.
9. Policy DM9 of the Epping Forest District Plan 2023 requires development to make a positive contribution to place and that it should relate positively to its context. Policy DM10 identifies a series of design considerations related to the living conditions of future and surrounding occupiers.
10. The proposed scheme by reason of its height and relationship to Lambourne Road would appear obtrusive and discordant in the streetscene. In this it would fail to make a positive contribution to place as required by the policy.
11. I do not find conflict with Policy DM10 in how the proposed scheme would adhere to living conditions as required by policy. However, in respect of DM9 the appeal scheme takes as its principle reference the neighbouring property at 219 Lambourne Road but does not adequately relate to the neighbouring properties to its north and east. In this it fails to fully address the requirements of Policy DM9 in taking full account of its context.
12. I recognise that both Orchard End and the Manse are properties of a similar height to that proposed in the scheme before me but they predate the policies of the recently adopted local plan which is consistent with the National Planning Policy Framework's focus on design and requirement that development is sympathetic to local character.
13. I conclude therefore that the design of the appeal scheme would adversely impact on the character and appearance of the area in conflict with Policy DM9 of the Local Plan.

The Epping Forest Special Area of Conservation

14. The appellant submitted a Unilateral Undertaking dated 29 June 2023. This addressed the Council's second reason for refusal in respect of financial contributions as mitigation for the impacts of the scheme on the air quality of the Epping Forest SAC as required by Policy DM2.
15. As I am dismissing this appeal, I am not required to consider the Undertaking further.

Conclusions

16. The appellant questions whether the Council has a 5 year housing land supply. I am satisfied that with regard to the Council's submitted evidence that a policy compliant land supply exists. No evidence has been presented by the appellant to suggest an alternative figure.

17. The tilted balance is not engaged and I do not find that material considerations prevail against the policies of the recently adopted local plan.

18. For this reason the appeal is dismissed.

Stephen Wilkinson

INSPECTOR