



Appeal Decision

Site visit made on 10 August 2023

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/J1535/W/22/3303883

105 Manor Road, Chigwell, Essex IG7 5PN

- 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 Chigwell Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/2316/21, dated 20 August 2021, was refused by notice dated 24 March 2022.
 - The development proposed is described as proposed demolition of existing property and erection of a development comprising 1 x 1 bedroom flat and 4 x 2 bedroom flats (Revised scheme to EPF/1798/18 with the addition of a 2 bed unit within loft space and alteration to gable projection).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description on the application form is different to the appeal form and decision notice. I have taken the description of the development in the banner heading from the decision notice and appeal form as this more accurately reflects the proposed development and have determined the appeal accordingly.
3. Since the decision was issued, the Epping Forest District Local Plan 2011-2033 (LP) has been adopted superseding the 1998 Epping Forest District Local Plan and the Epping Forest District Local Plan Alterations (2006). The main parties have had the opportunity to comment on the situation. I have had regard to their responses and determined the appeal according to the adopted development plan at the time.
4. At the time of my site visit, a building was under construction. The development on-site was smaller in size and did not reflect the design of this appeal. Accordingly, in the interests of fairness, I have considered the appeal on the basis that the development is proposed as shown on the application drawings.

Main Issues

5. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and
 - Highway safety.

Reasons

Character and appearance

6. The appeal site occupies a prominent corner plot at the junction of Manor Road and Fencepiece Road. The wider area is predominately residential, but the immediate area has a more mixed character. To the north of the site is a petrol station, and to the east is Sherrell House, a 3-storey building in use as a care home. To the south are two-storey residential properties on Fencepiece Road. To the west lies Manor Court, a large four-storey apartment building. There are also a number of other flat developments in the wider area. The built form found nearby therefore results in a range of architectural styles, including both traditional and modern designs and the use of a variety of materials. Notwithstanding the variety of the built form found in the vicinity, the immediate character of the area is that these buildings are set back from the footway, which gives the area a spacious and open feel.
7. In terms of design, the Council's primary concern relates to the height and narrow width of the gable facing Manor Road. The introduction of a narrow gable would, in part, reflect the design found on the adjacent building at Manor Court. However, the height of the proposed gable matching the ridge height of the main roof would not reflect the development found nearby and would result in a bulky discordant addition to the roof of the host building. In contrast, the gable on Manor Court is set well below the ridge of the roof and has a more subordinate appearance on the host building.
8. Furthermore, as the appeal site is located on the junction and the proposed building would be located close to the footway it would be highly prominent in the street scene when viewed along Manor Road. Having regard to the setback of existing built development nearby, the location of the proposed scheme closer to the footway would result in the introduction of an incongruous form of development. The height of the gable matching the ridge of the host building would be at odds with the prevailing design of development found on this section of the road and would have a harmful adverse effect on the character and appearance of the street scene.
9. The appellant has drawn my attention to application ref: EPF/1798/18. Whilst I do not have full details of this scheme, from the drawings provided, I do not find the increase in gable height would be slight such that the proposed scheme could be considered near identical, or the previously approved drawings do not accurately reflect the approved scheme. Similarly, whilst I note the Inspector under appeal APP/J1535/W/18/3204578 found no harm to character and appearance, that was for a building of a different design. In this regard, the previous approvals are materially different to this appeal scheme, and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
10. Given the above, the proposed scheme would therefore be contrary to LP Policy DM9, which requires, amongst other things, development to contribute to the distinctive character of the local area and relate positively to its context. It would also be contrary to the National Planning Policy Framework (the Framework) in so far as it seeks development to be sympathetic to local character and adds to the overall quality of the area.

Highway Safety

11. Access to the proposed parking spaces would be taken from the existing access on Manor Road. As identified on the accompanying plan¹, the proposal would see four parking spaces provided for the flats.
12. This side of Manor Road, closest to the appeal site, is served by an adequately sized section of footway unlikely to cause difficulty for pedestrians, including the use of prams or those with limited mobility. There is also a signalised pedestrian crossing located closer to the junction. This section of the road is fairly wide, with double yellow lines which run some distance to the west.
13. At my site visit, which I appreciate is only a snapshot in time, I observed a heavy number of motor vehicles, including cars and vans, passing the site from both directions along Manor Road.
14. The parking spaces approved under the previous application² allowed for one parking space per flat. The proposed development would result in an additional flat removing the capacity for each flat to have a dedicated parking space within the curtilage of the site.
15. The location of the four spaces and the limited space to turn and manoeuvre within the site would increase the opportunity for conflict between users/vehicles in the parking area. This is because there may be times when different occupiers are entering or exiting the site, and there would not be a dedicated parking space per flat. This would, in turn, likely lead to vehicles waiting in the highway or reversing onto the highway. These waiting and reversing vehicles would cause an obstruction, restricting the movement of vehicles within the site and on Manor Road and therefore cause a conflict between vehicles which would be harmful to highway safety. This would also result in a severe impact on the free flow of traffic on this busy section of Manor Road.
16. To overcome the Council's concerns with regard to highway safety, the appellant has put forward two suggested conditions. The first would see details of painted parking restrictions and details of signs specifying fines for unauthorised parking to be submitted to and approved by the Local Planning Authority (LPA). Similarly, details of the future occupier lease agreements, stating details of specified parking, would need to be submitted to and approved by the LPA.
17. However, even if the signage and painted parking restrictions were agreed there is no substantive evidence before me to demonstrate how they would be managed or enforced to ensure they are adhered to throughout the lifetime of the development. Without such detail, I cannot be sure future occupiers would keep to the designated parking bays. Furthermore, I do not find that requiring the LPA to agree on details contained within future occupier lease agreements would satisfy the tests for imposing conditions as required by the Framework and Planning Practice Guidance. For these reasons, the imposition of the appellant's proposed conditions would not suitably overcome my above concerns with regard to highway safety.

¹ Ref: MIEF/21/01

² Ref: EPF/1798/18

18. The appellant has drawn my attention to applications ref: EPF/3177/17 and EPF/1798/18. I note that the examples given proposed four flats, unlike the current proposal, which is seeking consent for five flats. In this regard, the examples given are materially different to the appeal proposal, and therefore I cannot draw any direct comparison that weighs in favour of the proposal.
19. Accordingly, the proposed development would have an unacceptable harmful effect on highway safety. Therefore, the proposal would fail to comply with LP Policy T1, which amongst other things, seeks to ensure new development does not compromise highway safety. It would also conflict with the provisions of the Framework with regard to highway safety.

Other Matters

20. The site is located within the Zone of Influence for the Epping Forest Special Area of Conservation (SAC) which is subject to pressures from air pollution and recreational disturbance. However, as the appeal is being dismissed on grounds related to character and appearance and highway safety, an Appropriate Assessment under Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 is not required. A planning obligation was submitted in this regard, but this would have mitigated harm and would not have amounted to a benefit. For these reasons, I have not considered this matter further.

Planning Balance

21. The Council considers that it can now demonstrate a 5-year supply of housing and the appellant has not provided any substantive evidence to the contrary. I also note the Council's comments regarding the proposed scheme only delivering one additional flat. However, the appeal scheme before me is for five flats, and there is no substantive evidence that the other flats have been delivered. As such, I have determined the appeal on the basis that the proposal would provide five units to the Council's housing stock in an established residential area, with access to nearby facilities and services. There would also be social and economic benefits associated with employment during construction and as future occupants would buoy up the local economy. However, given the scale of the scheme these benefits would be small and the adverse effects of the proposal would significantly outweigh the benefits.

Conclusion

22. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, sufficient to outweigh the identified harm and associated development plan conflict. The appeal should therefore be dismissed.

A Hickey

INSPECTOR