



Appeal Decision

Site visit made on 22 September 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2023

Appeal Ref: APP/J1535/W/22/3308535

16 Howard Close, Waltham Abbey, Essex EN9 1XA

- 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 Fried of Quinata Property Group against the decision of Epping Forest District Council.
 - The application Ref EPF/0740/22, dated 29 March 2022, was refused by notice dated 6 September 2022.
 - The development proposed is construction of a 2 storey extension to extend 4 existing flats and provide 4 x 1 bed units built on a podium base above an existing car park for existing residential development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the Council have adopted the Epping Forest District Local Plan 2011 to 2033 (the LP). The Epping Forest District Local Plan 1998 and Epping Forest District Local Plan Alterations 2006 have effectively been revoked, and the Council states that they should not be used in decision making. Accordingly, this appeal is determined in accordance with the current development plan.
3. The description of development used in the banner heading above is taken from the Council's decision notice, as this more accurately describes the number of residential units to be created and extended.

Main Issues

4. The main issues are (i) the effect of the development proposed on the character and appearance of the area, and (ii) whether the development would provide an acceptable standard of accommodation for future occupiers, with particular regard to outdoor space.

Reasons

Character and Appearance

5. The entrance to Howard Close comprises blocks of similar scale and character which address and enclose the junction with Farm Hill Road. These comprise two storey brick elevations with accommodation set within a mansard roof above. Those buildings either side of the junction are L-shaped in their footprint and their elevations are subdivided by brick detailing, steps in their building line and raised party walls in the mansard level, which together break

up the continuous elevations. No.16 Howard Close addresses the junction and is of similar design to those either side of the junction. As such, it reads as a part of that group of buildings. While these buildings are not of any particular architectural merit, and have arisen in part from converted office uses, the consistency in elements of their design features creates the appearance of a coherent development, which contributes positively to this part of Howard Close.

6. The proposal would entail a continuation of the first floor and roof level of the existing building. While matching its architectural treatment, this would create an unrelieved frontage of significant width. Together with the substantial open void at the ground floor level, the proposal would appear heavily at odds with the established character of the other blocks which surround the northern part of Howard Close. The effects of its incongruous appearance would be apparent from localised views from around the junction and from Farm Hill Road.
7. The proposal would also see the bins for the building stored adjacent to the front entrance. They would be visually prominent in views along Howard Close, particularly when entering from the north and would heavily detract from the character of this part of the street. While the Council in its pre-application advice did state that a front-boundary refuse collection would be carried out, this would not negate the need for such refuse storage to also respect the character of the area. While final finishes of any enclosure could be secured by a condition, based on the evidence before me I cannot be satisfied that a visually acceptable solution exists for this position.
8. In isolation, the treatment of the end of the extension would not cause visual harm, given the appearance of the blank flank elevation which already exists to the building. However, this would not mitigate for the other harmful aspects of the proposal's design discussed above.
9. By reason of its design and the position of the bin stores, the proposal would be in conflict with Policy DM9 of the LP which requires among other things that all development relates positively to its context, drawing on the local character, and makes a positive contribution to a place. There would also be conflict with the National Planning Policy Framework (the Framework), in particular at paragraph 130, where it requires development to be sympathetic to local character.

Living Conditions

10. Policy DM9 of the LP requires that new development take account of the amenity of the development's occupiers and integrate occupier comfort and wellbeing in the design and layout. Of the net additional units proposed, two new units on the first floor would have access to private outdoor terraces to the southern and western sides of the building.
11. The additional units on the second floor would not have access to private outdoor space. These are shown to have one bedroom and would have either one or two occupants. As such, they are unlikely to provide family accommodation. While there is little evidence on this matter, I observed that there are other green spaces a short walk from the appeal site which could be used by future occupiers for relief from their living environment. As such, I am satisfied that the living conditions of the additional units would be acceptable.

The proposal would increase the size of some of the existing units and this is considered further below.

12. Insofar as this main issue is concerned, the proposal would provide an acceptable standard of accommodation for future occupants. The proposal would comply with the parts of Policy DM9 of the LP and the objectives of the Framework which relate to healthy living conditions and wellbeing.

Other Matters

13. The appeal site is close to Epping Forest, which is a Special Area of Conservation (SAC) subject to international protection for its biodiversity value. As it would entail new residential units and an increase in the local population, the proposal has the potential to have effects on the SAC. However, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.

Planning Balance

14. The proposal would cause harm to the character and appearance of the area for the reasons given. The effects of this harm would be significant and long lasting, and would result in conflict with the Framework as set out above. This harm attracts substantial weight.
15. In terms of benefits, the proposal would deliver four additional residential units, which would contribute to the local housing stock and to the national objective to boost the supply of homes. It would make use of a previously developed site in an established built up area and in a location with good accessibility to services and facilities including public transport, which is supported by the Framework. There would also be some economic benefit arising from the construction process and ongoing local expenditure by future occupants. Taken together, I ascribe these benefits moderate weight given the scale of the proposal.
16. There would also be an increase in the size of four existing residential units in the block, bringing them up to the minimum sizes of the Technical Housing Standards² for single occupancy units. One of those units would also benefit from new private outdoor space. This benefit attracts moderate weight in the absence of substantive evidence that the quality of accommodation in those units is otherwise unacceptable.
17. The extent of any New Homes Bonus is unlikely to be significant, and where the proposal would be policy compliant in other respects, these matters are neutral rather than weighing in favour of the development. Reference is made to a fall-back position, however further details are not given.
18. The Council state that since the adoption of the LP, it is able to demonstrate a 5 year land supply for housing. While this has not been disputed, the appellant raises that the Council's housing delivery has been significantly below the housing requirement of the last three years. If this were the case, and if paragraph 11d) of the Framework were to be applicable to the appeal, for the

¹ The Conservation of Habitats and Species Regulations 2017

² Technical Housing Standards- nationally described space standards 2015

reasons set out above, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such the proposal would not benefit from the presumption in favour of sustainable development.

19. Concerns are raised for the inconsistency of the Council's decision with its earlier pre application advice. However, that advice states that it contains an officer opinion without prejudice to the Council's decision. This would not therefore provide reason to alter the above judgement.

Conclusion

20. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR