



Appeal Decision

Site visit made on 20 February 2024

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/J1535/W/23/3324030

27A Honey Lane, Waltham Abbey, Essex EN9 3AS

- 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 Seyhan Kalayci against the decision of Epping Forest District Council.
 - The application Ref is EPF/0613/23.
 - The development proposed is erection of a detached, 2 storey 3 bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the refusal of the application by the Council, a new version of the National Planning Policy Framework (Framework) was published. There have been no significant alterations that affect the proposed scheme.

Main Issues

3. The main issues of the appeal are:
 - Whether the proposal would provide appropriate living conditions for future occupiers, with regard to outdoor space,
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on highway safety,

Reasons

Living conditions

4. No development plan requirements for outdoor space have been put to me and the London Plan does not apply. The proposed rear garden area would be rectangular in shape. However, it would be small in size given the proposal is for a 3-bedroom property and its usability would be further limited by the cycle storage area. As a result, the outdoor area would feel uncomfortably cramped and would not be sufficient to provide appropriate space for the facilities needed for the number of potential occupiers.
5. I saw some garden areas similar in size to that proposed. Nevertheless, I do not have details of the accommodation they are associated with or the events that led to those being considered acceptable. As such, I cannot be sure they are directly comparable to the appeal scheme. Moreover, that there may be

examples where limited outdoor space is provided is not a reason to allow this scheme.

6. Therefore, the proposed development would not provide appropriate living conditions for future occupiers with regard to outdoor space. It would fail to accord with Policy DM10 of the Local Plan¹ where it requires family housing to have acceptable amenity and garden space of usable size. In addition, it would be contrary to the Framework where it seeks a high standard of amenity for future users.

Character and appearance

7. There is no consistency in the separation distance between properties in Honey Lane with the existing large gap being untypical. There are examples of small gaps comparable with those proposed in the appeal scheme in the street, such as those that the appeal property would most readily be viewed with. Therefore, the proposal would not appear cramped or incongruous with the streetscene.
8. The properties either side of the appeal site are semi-detached. Notwithstanding this, there is considerable variation in the design, scale and appearance of dwellings in the same street, and includes detached ones. The proposed dwelling would draw on the appearance and materials of the adjacent 2 storey bay window properties and be of a similar building line. Consequently, being detached and marginally narrower than those either side would not appear discordant given the variation in property scale and form in Honey Lane.
9. Some nearby dwellings have off road parking to the front for a varying number of vehicles, while others have none. Given this variation and that there is an existing driveway, the presence of a single parking space where proposed would not result in a discordant streetscene. Although existing landscaping at the site would be lost, were the appeal allowed a condition could be imposed to require a landscape scheme to compensate for this.
10. Therefore, the proposed development would not harm the character and appearance of the area. It would accord with Policy DM9 of the Local Plan where it requires new development to relate to their context. The scheme would also comply with the Framework where it states developments should be sympathetic to local character. Policy DM10 does not relate directly to this main issue and therefore, weighs neither for, nor against the scheme in this regard.

Highway safety

11. The single off road parking space would be below the minimum set in the Parking Standards Design and Good Practice September 2009 and referenced in the Development Management Policies February 2011. Although there are on street parking restrictions on Honey Lane close to the appeal site, there are none in parts of the nearby side streets and elsewhere on Honey Lane.
12. There are several examples of properties on Honey Lane that do not have off street parking and there is no clear evidence that this currently causes any highway safety concerns.

¹ Epping Forest District Local Plan 2011-2033 Part One

13. While only a snapshot in time, and it may be different at other times of day and of the week, at my visit there were on street parking spaces available within a reasonable distance of the appeal site. As such, there would be sufficient space in the area for additional vehicles to park without causing unacceptable highway safety effects. This would be the case, even if the site were currently used by existing properties for parking. Furthermore, the provision of storage would encourage cycling.
14. As such, the proposed development would not harm highway safety. It would comply with Policy T1 of the Local Plan where it seeks to ensure schemes provide appropriate parking and do not compromise highway safety. The scheme would also accord with the Framework where it states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

15. Given the scale of the scheme the contribution towards supply and mix of housing would be small. The site has reasonable access to services and facilities and there would be economic and social benefits from the build and occupation of the property. Due to the scheme being for a single unit these benefits would be small as would those from energy efficiency.
16. The appeal site is within the 3-6km zone of influence of the Epping Forest Special Area for Conservation (SAC). As I am dismissing the appeal for other reasons, the proposal would not take place and would not affect the SAC. Therefore, I do not need to consider this matter further. Even if suitable mitigation were secured, a lack of harm would only be a neutral factor. This would also be the case were I to consider there would be no harm to the living conditions of neighbouring occupiers.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole, and the Framework, and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
18. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR