



Appeal Decision

Site visit made on 18 November 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/J1535/W/24/3345763

Beech Hill House, Pynest Green Lane, Waltham Abbey, Essex, EN9 3QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Laurie Payne against the decision of Epping Forest District Council.
- The application Ref is EPF/0448/24.
- The development proposed is described as demolition of existing house, cottage and garage. Erection of replacement family dwellinghouse. House to be two storeys and basement, with balconies and terrace.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing house, cottage and garage. Erection of replacement family dwellinghouse. House to be two storeys and basement, with balconies and terrace at Beech Hill House, Waltham Abbey, EN9 3QL in accordance with the terms of the application, Ref EPF/0448/24, subject to the conditions in the attached schedule.

Main Issues

2. The site is in the Green Belt, and the main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework; and,
 - The effect on the character and appearance of the area, including the settings of the non-designated heritage assets Wordsworth House and Tennyson House.

Reasons

Whether inappropriate development

3. The appeal site is within the Green Belt. The National Planning Policy Framework (the Framework) defines the essential characteristics of Green Belts as their openness and their permanence. It further states that inappropriate development is, by definition, harmful to the Green Belt, the purposes of which include assisting in safeguarding the countryside from encroachment. Policy DM4 of the Epping Forest District Local Plan (the Local Plan) identifies certain types of development which are not inappropriate in the Green Belt. This includes the replacement of a building, provided the new building is of the same use and not materially larger than the one it replaces. This is consistent with provisions in the Framework.

4. The appeal property comprises a 1.5 storey house on a sprawling footprint, with a subordinate single storey cottage and detached double garage to either side. The proposed redevelopment would create a two-storey house on a significantly smaller footprint, with the detached cottage and garage demolished as part of the development.
5. The appellant calculates that the development would amount to an 8% reduction in volume on a 35% smaller footprint than the existing built form. The council has not disputed this. Such figures are not wholly conclusive. The proposed house would be taller than the existing with a deeper footprint, and the existing built form includes the two detached buildings in addition to the central house. However, given the more compact built form on balance the proposal would not overall be materially larger than the existing.
6. The council has referred to the original house first built on the site around the middle of the last century. The house was significantly extended, resulting in the current built form on site. However, neither policy DM4 nor the Framework refer to the original building in assessing whether a replacement would be materially larger.
7. I note the Inspector's findings in relation to a previous appeal¹ at this site. However, the current proposal is for a house of reduced height in comparison to that proposal and would not be larger than the existing. Accordingly, it differs materially from that earlier appeal so that decision does not alter my findings in relation to this proposal.
8. The appeal proposal would therefore not be inappropriate development in the Green Belt, so would accord with the identified criteria of policy DM4 of the Local Plan, and with the Framework.

Character and appearance

9. The existing house is close to Wordsworth House and Tennyson House. These are 19th century buildings originally constructed as a coach house and stable block associated with the Beech Hill Park stately home that once stood on the appeal site. These houses are locally listed and derive their significance in part from their historic association with the former stately home. The existing houses, including the appeal property, share a common driveway and a clear physical relationship due to their proximity. However, each has a separate access from the driveway, and the presence of mature landscaping provides a distinct visual separation between the appeal site and the locally listed buildings.
10. The proposed new house would occupy broadly the same footprint within the site as the existing, and the existing vehicular access and landscaping would be retained. The house would also sit on the site of the former Beech Hill Park stately home. It would therefore reflect the established and historic relationship between the 3 houses. This siting would prevent the new house from appearing overly dominant or intrusive within its setting.
11. The proposed house would be of neoclassical design. The previous Inspector found that a well-detailed and appropriately scaled pastiche building could be sympathetic as a replacement dwelling. I see no reason to disagree. The proposed house would be of a proportionate scale for this site, and its location

¹ APP/J1535/W/20/3265758

would maintain the established relationship with the neighbouring locally listed houses.

12. The appeal proposal would therefore not be harmful to the character and appearance of the area, including the setting of Wordsworth House and Tennyson House. It would therefore accord with the requirements of policies DM7 and DM9 of the Local Plan. Taken together these require that heritage assets and their settings be preserved in a manner appropriate to their significance and that new development achieve a high quality of design.

Other Matters

13. Concerns have been raised regarding potential disruption during construction works at the site. I have imposed conditions to limit the impact of the development on neighbouring occupiers. Given the relatively modest scale of development, which relates to the replacement of a single dwellinghouse on a substantial plot, I have not imposed conditions relating to utilities, the communal gates at the end of the driveway or to management of construction traffic.
14. The site lies within the zone of influence of the Epping Forest Special Area for Conservation (the SAC). Typically, mitigation would be required for new residential development within the zone of influence. However, the proposal is for a replacement dwelling of similar scale to the existing accommodation on site. It would therefore not be likely to result in a significant adverse effect on the integrity of the SAC through increased recreational activity.

Conditions

15. The council has suggested conditions, which I have considered against the tests set out in the Framework and national planning practice guidance. Where relevant, I have amended the wording in accordance with these tests.
16. I have imposed conditions in relation to the commencement of development (1) and specifying the approved plans (2) for the sake of certainty. A condition requiring approval of external materials (3) is necessary to ensure that the appearance of the replacement house is acceptable.
17. Conditions relating to wheel washing and hours of work (4, 5) are reasonable and necessary to prevent disruption to neighbouring occupiers during construction work. It is necessary for this reason that the wheel washing facilities be available on site prior to any development commencing. A condition relating to flood risk and surface water management (6) is necessary as the development will create a basement level. Given the age of the existing house and the sensitivity of future users a condition relating to potential unsuspected contamination at the site is considered reasonable (7).
18. I have imposed conditions relating to tree protection, landscaping and the management of excavated material (8, 9, 10, 11) to ensure that the contribution of the grounds of the property to its setting and that of the neighbouring locally listed buildings is protected. Given the importance of the existing landscaping to the character of the site and the wider setting, it is necessary for protective measures to be in place prior to commencement of development. A condition restricting domestic permitted development rights (12) is reasonable in this instance given the scale of the proposed house.

19. I have imposed a condition requiring installation of an electric vehicle charging point (13) at the property in the interests of encouraging sustainable travel. Conditions relating to obscured glazing and privacy screens to the balcony (14, 15) are reasonable given the potential for increased overlooking of the neighbouring property. A condition requiring demolition of all existing buildings from the site (16) is reasonable and necessary to preserve the openness of the Green Belt.

Conclusion

20. For the reasons given above the appeal is allowed.

M Chalk

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos: TCA-2-001, TCA-2-101, TCA-2-102, TCA-2-103, TCA-2-104, TCA-2-111 and TCA-2-112
3. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
4. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the local planning authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
5. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 7:30am to 6:30pm Monday to Friday and 8am to 1pm on Saturday, and at no time during Sundays and Public/Bank Holidays.
6. The development shall be carried out in accordance with the Flood risk Assessment and Sustainable Drainage strategy, Ref 402.10503.00001, version 1, March 2020 submitted with the application.
7. Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
8. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the local planning authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the local planning authority gives its written consent to any variation.
9. If any tree, shrub or hedge shown to be retained in the submitted arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the local planning authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes

seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

10. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.
11. Prior to any above ground works, all material excavated from the below ground works hereby approved shall have been removed from the site.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken.
13. Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
14. Prior to first occupation of the development hereby permitted the windows in the west flank elevation(s) at first floor level and above, shall be fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.
15. Prior to the first occupation of the development hereby permitted privacy screens no lower than 1.7 metres high shall be installed at both edges of the balcony in accordance with details that been submitted to and approved in writing by the local planning authority. The privacy screens shall thereafter be retained in accordance with the approved details.
16. Within one month of substantial completion of the new dwelling the existing house, cottage and garage shown to be demolished on drawing no. TCA-2-101 shall be removed from the site.

End of schedule