



Appeal Decision

Site visit made on 2 June 2025

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/J1535/W/24/3355385

8, The Bungalow, Townmead Road, Waltham Abbey EN9 1RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by DPA (London) Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/0173/24.
 - The development proposed is described as the demolition of the existing dwelling and the erection of a block of seven flats and the conversion of the existing outbuilding to a bungalow, together with parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. In the interests of clarity, I rely upon the description as included in the application form for the purposes of the heading above.
3. The proposal seeks outline permission, with details of access and scale submitted for consideration. I have considered the appeal on this basis and have treated any plans in relation to matters of appearance, layout and landscaping as illustrative.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area including the setting of the Waltham Abbey Conservation Area (WACA); and
 - the effect of the proposal upon the living conditions of neighbouring occupiers, with regard to outlook.

Reasons

Character and appearance

5. The appeal site is located outside, but close to, the WACA. From my observations on site the significance of this part of the WACA lies, in part, in the layout and appearance of the historic residential estate which is made up of two and three-story buildings running along Fountain Place and towards Townmead Road. This layout also allows for views of the characterful The Old Spotted Cow public house

building and taller buildings in the distance, including Waltham Abbey Church, which are all within the WACA. Heading toward the appeal site away from Fountain Place, towards Townmead Road development is more modest in size and scale, being of mixed character with a variety of property types.

6. The appeal site is broadly rectangular and is occupied by a well-sized bungalow with a large outbuilding at the rear. The bungalow is set back from both the road and the adjacent three-storey block of flats but set forward of the two-storey semi-detached properties to the south. The WACA wraps around the northern and eastern boundary of the appeal site.
7. Views of the rear outbuilding are largely restricted from public vantage points, but it can be seen from the adjacent courtyard. Given the bungalow's limited scale and massing, particularly at roof level, and its setback position, it does not appear discordant within the street scene. As a result, the modest size and location of buildings on site help draw attention to the prominence of the block of flats on either side of the road.
8. These blocks of flats also help frame this section of the WACA, the buildings within it and other buildings of prominence in the distance, including Waltham Abbey Church, that form part of the wider WACA. The bungalow, therefore, while not of any significant architectural merit, makes a positive contribution to the setting of the WACA, given its position and small scale. The size and position of the outbuilding makes a neutral contribution to the setting of the WACA, given its location and limited visibility.
9. The final layout and appearance of development will be determined at the reserved matters stage. Nonetheless, there are various constraints on and near the site, such as the conversion of the outbuilding, the location of nearby dwellings and gardens, and the WACA that would need to be considered. Additionally, there would be a need to accommodate a building of the proposed scale alongside parking and amenity space. This leaves minimal potential to deliver the layout of development in a form substantially different to that set out in the illustrative plans. Moreover, the supporting evidence suggests that substantial consideration has been given to this being the preferred layout to overcome previously refused schemes¹ on the site.
10. The proposed development would see the conversion of the existing outbuilding to a bungalow. The illustrative plans also suggest that the proposed building would be set below the existing ground level bungalow and match the ridge height of the adjacent block of flats. The building frontage would also be sited in front of the existing building of the block of flats.
11. At my site visit, I observed how the existing bungalow is a subservient structure which allows for the historic form of the flatted building to be understood and appreciated as part of similarly designed buildings located on Fountain Place. The proposed building would be sited forward of the adjacent flats with a similar ridge height. However, the introduction of a building of this scale and bulk in this location would compete visually with the existing buildings within the WACA, thereby harming its setting.

¹ Ref: EPF/0629/23 and EPF/2295/23

12. Furthermore, the prominence of the proposed building in this location, with a limited separation distance from the adjacent flats, would be further emphasised should planting in the neighbouring garden be removed, die or become diseased. The result would be a visually prominent building that would appear as a discordant feature in this location. While noting that appearance is a reserved matter, the use of traditional materials would not overcome the identified harms.
13. For the purposes of the Framework, the WACA is a designated heritage asset. Within the overall context, I consider that the proposal would lead to less than substantial harm to the significance of this asset. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
14. The proposed development would deliver benefits associated with the increase in residential accommodation through the addition of 7 units to the Council's housing stock. This would be on a previously developed site where the principle of development is accepted, and at a time of a shortfall in housing completions.
15. There would also be a small increase in support for local services and facilities nearby from future occupiers, who would have access to sustainable modes of transport. There would also be some temporary economic benefits through support for construction jobs. However, the contribution would be modest given the scale of the proposal. Therefore, in this instance, the public benefits, even when taken collectively, do not outweigh the identified material harm to the designated heritage asset.
16. For the reasons set out above, the proposal would harm the character and appearance of the area, including the setting of the WACA. In these regards, it would conflict with Policies DM7 and DM9 of the Epping Forest Local Plan (LP). Together, these seek, amongst other things, development is designed to a high quality that contributes to the distinctive character of the local area and at a minimum preserves the setting of designated heritage assets.
17. Insofar as it relates to the character and appearance of the area, including the setting of the WACA, I find no conflict with LP Policy DM20. This is because Policy DM20 is primarily related to matters of low carbon and renewable energy.

Living conditions

18. From the submitted plans, the appeal scheme would have a smaller footprint than the existing building and already shares a close relationship with the adjacent flatted building. Notwithstanding this, due to the proximity of the proposed building to the flats and its increased height and bulk, it would dominate outlook from windows of the flatted building closest to the appeal site boundary. Moreover, it would also harmfully enclose a section of the courtyard at the rear, which serves as an area of communal open space for the flats and other dwellings.
19. As appearance is a reserved matter, any concerns over the inclusion of decks on the upper levels and overlooking of nearby neighbours could be considered at the reserved matters stage. I therefore find no harm in this regard.
20. For the above reasons, the proposed development would have a significantly detrimental effect on the living conditions of neighbouring occupiers due to its impact on their outlook and would be overbearing on outdoor amenity space. The

proposal would therefore be contrary to Policy DM10 of the LP. This supports new residential development, subject to acceptable amenity, privacy, and design considerations.

Other Matters

21. The appeal site falls within the zone of influence for the Epping Forest Special Area of Conservation. As the competent decision making authority, if I had been minded to allow the appeal, it would still have been necessary for me to complete an Appropriate Assessment for this scheme. However, as the appeal is being dismissed for other reasons, I have not taken the matter further. In any event, this would not have amounted to a benefit.

Planning Balance

22. Section 38(6) of the Planning and Compulsory Purchase Act provides that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise.
23. The appellant states that paragraph 11 d) of the National Planning Policy Framework is engaged (the framework). However, paragraph 11 d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a clear reason for refusing the proposal. Footnote 7 identifies designated heritage assets which includes conservation areas as such an area and therefore the presumption in favour of sustainable development does not apply in this case.

Conclusion

24. The proposal would provide seven new homes. Notwithstanding this and for the above reasons, the development would be harmful to the character and appearance of the area, including the setting of the WACA and living conditions of neighbouring occupiers. As a result, the proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
25. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR