
Appeal Decision

Site visit made on 10 June 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 JULY 2025

Appeal Ref: APP/J1535/W/25/3358536

6 Ruskin Avenue, Waltham Abbey, Essex EN9 3BP

- 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 Mr George Richardson against the decision of Epping Forest District Council.
 - The application Ref is EPF/1428/24.
 - The development proposed is the erection of a two storey dwelling on land adjacent to 6 Ruskin Avenue, Waltham Abbey.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on:
 - the character and appearance of the area;
 - highway safety with particular regard to the availability of on-street parking; and,
 - the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

Character and Appearance

3. Ruskin Avenue is largely comprised of two storey dwellings in the form of terraces and semi-detached properties. The houses typically have a small front area which is insufficient to accommodate any off-street parking although there are a few detached houses with driveways. Periodic gaps between runs of terraces also allow some dwellings to have space to the side sufficient for a driveway or garage.
4. The appeal site is part of a semi-detached pair. It has a large space to the side which is occupied by a garage and driveway area. The proposed house would effectively infill this space, whilst leaving a small side access alley separating it from the adjacent house at no. 4 Ruskin Avenue.
5. The prevailing pattern of high-density development along the street is formed from the predominance of terraces and semi-detached houses which form a generally consistent building line. There are some exceptions in the form of a single storey house and a detached house opposite the appeal site, which is set back from the main building line, however these do not significantly contribute to the prevailing pattern of development along the street as a whole.

6. Although the simple facade of the appeal proposal would reflect the style of existing nearby properties on the street, the dwelling would be much narrower and set back from established building line. Taken together, its width and position within the plot would have the effect of disrupting the established rhythm of the prevailing townscape on Ruskin Avenue, and particularly so in relation to the run of houses either side of the appeal site.
7. In conclusion on this main issue therefore, I find that the proposed dwelling, due to its narrow form and degree of set-back, would be harmful to the character and appearance of the surrounding area. The proposal would conflict with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (adopted 2023) (Local Plan). Amongst other things, it requires that new development proposals relate positively to their locality, having regard to, amongst other things, the form, scale and massing around the site, the rhythm of any neighbouring or local plot and building widths, and where appropriate, existing building lines.
8. The Council also refers to Policy DM10 of the Local Plan in its reason for refusal. As the policy relates specifically to housing standards, it is not determinative.

Highway Safety

9. The appellant has clarified that the off-street space in front of the proposed house is intended to accommodate 2 vehicles, although only a single vehicle is annotated on the proposed plan. Having had the benefit of a site visit, I agree that there would be space for 2 vehicles in the forecourt of the proposed dwelling.
10. Most of the dwellings along Ruskin Avenue do not have access to off-street parking. There is no quantitative evidence before me regarding on-street parking capacity or parking stress. At the time of my site visit on a Tuesday afternoon, there were a few spaces available on Ruskin Avenue, with more space also available on Patmore Road. However, I am aware that the time of peak demand for on-street space would not be on a weekday afternoon and is likely to be during the evening, overnight and at weekends.
11. There is little evidence before me that would lead me to conclude that the provision of 2 parking spaces for the proposed house would be sufficient to prevent an increase in the number of vehicles seeking to park on-street, since the proposed arrangement would remove the existing off-street parking for the host property at no. 6 Ruskin Avenue, leaving the occupiers to park on-street.
12. Increased parking demand in areas of limited on-street supply may lead to additional congestion as drivers seek spaces, or park illegally, which would be detrimental to highway safety. There is no evidence to suggest that such circumstances could be avoided by the appeal proposal.
13. The proposed development would be harmful to the safety of the highway due to the proposed parking arrangements resulting in additional demand for on-street parking. This would conflict with Policy T1 of the Local Plan which, amongst other things, seeks to ensure that new development will not compromise highway safety, provides appropriate parking and mitigates any impact on on-street parking provision. The proposal would also conflict with the aims of the Highway Authority's Development Management Policies, adopted as Supplementary Planning Guidance in 2011 insofar as it seeks to ensure that proposals will not be detrimental to the safety of the highway network.

Epping Forest SAC

14. The appeal site falls within the 3-6km Zone of Influence of the Epping Forest SAC, which is designated primarily for its value in respect of its beech forest, Northern Atlantic wet heaths and European dry heaths and for its population of stag beetle. The SAC conservation objectives are to achieve a favourable conservation status of the qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying features, the population and distribution of the qualifying species, the supporting processes on which the qualifying habitats and species rely, and the structure and function of the qualifying species' habitats.
15. The Council has identified two pathways of impact that are adversely affecting the health of the SAC. Research has identified that most visitors live within 6.2km of the SAC, and any new residential development within this radius is likely to result in more people visiting the forest on a regular basis, adding to recreational pressure. The second principal threat is from atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the SAC, emitting pollutants. Development proposals which would result in an increase in just one vehicle would have the potential to contribute to atmospheric pollution within the SAC.
16. There remains a probability or risk that the proposed development could have a likely significant effect on the SAC, as the proposed development due to its location would be likely to exacerbate existing recreational pressures and contribute to atmospheric pollution through an increase in traffic using roads through the SAC, either alone or in combination with other plans or projects. I am therefore required to carry out an appropriate assessment pursuant to the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). This responsibility falls to me as the competent authority in the context of this appeal.
17. I must therefore consider whether measures could be put in place to avoid or mitigate the impacts of increased recreation pressure and atmospheric pollution arising from the proposed development. The Council have produced a Strategic Access Management and Monitoring strategy to address the in-combination recreational impacts on the SAC. They comprise measures including access management schemes and monitoring. The Council indicate a tariff-based contribution scheme is established for residential development within the 3-6km Zone of Influence. The Council, though the development of an Interim Air Pollution Mitigation Strategy (IAPMS) also has a strategic, district wide approach to air quality mitigation though securing financial contributions for the implementation of mitigation and monitoring.
18. I note the willingness of the appellant to provide appropriate contributions. However, I have no detail before me regarding the amount of financial contribution required, neither is there any completed legal agreement before me that would secure any mitigation in respect of either of the mitigation strategies identified.
19. In the absence of appropriate mitigation, the scheme would have likely significant effects on the integrity of the SAC. The appellant has not demonstrated there are no alternative solutions to providing unmitigated housing at the site. Imperative reasons of overriding public interest do not exist and there are no other considerations that clearly outweigh the harm to the SAC. Given a competent authority may agree to a plan or project, only after having ascertained that it will not adversely affect the integrity of Habitats sites, Regulation 63(5) of the Regulations precludes the development from proceeding.

20. In conclusion on this main issue therefore, the appeal scheme would have likely significant effects upon the SAC as a designated habitats site. It would therefore conflict with Policies DM2, DM21 and DM22 of the Local Plan which seek to protect the district from the impacts of air pollution and ensure development secures appropriate mitigation to ensure it has no adverse effect upon the integrity of the SAC.

Other Matters

21. The Council is satisfied with matters including the layout and standard of accommodation proposed and the effect on the living conditions of neighbouring residents. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance and Conclusion

22. As a small site, this proposal could be built out quickly and would be an efficient use of land in a sustainable location. It would support the Government's aim of significantly boosting the supply of homes. However, the addition of one single dwelling would provide a limited contribution in this context and I attach limited weight to this benefit. The dwelling would be energy efficient and accessible. There would also be temporary and ongoing economic benefits from the development through construction and the future residents' use of local shops and services, but given the scale of development, those benefits would be limited.
23. The latest Housing Delivery Test indicates that the Council's delivery of housing was substantially below the housing requirement of the previous 3 years, at 66%. Consequently, paragraph 11 d) of the Framework is applicable. 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 strong reason for refusing the proposal. Footnote 7 identifies habitats sites as such an asset, and as I have found that the proposal would cause harm in this respect, it follows that the appeal proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 d) ii) of the Framework.
24. As set out above, I have concluded that the proposal would have a harmful effect upon the character and appearance of the area, that there is insufficient evidence to demonstrate that there would be no harm to highway safety as a result of the loss of existing car parking spaces to the host property. The proposal would also have the potential to adversely affect the integrity of the Epping Forest SAC, contrary to the Habitats Regulations. I give significant weight to the harm arising from these matters.
25. The material considerations in this case, including the Framework, do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR