



Appeal Decision

Site visit made on 25 January 2023

by **M Russell BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/J1535/W/21/3286646

Land adjacent to 26 Maypole Drive, Chigwell IG7 6DE

- 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 J Oddi against the decision of Epping Forest District Council.
 - The application Ref EPF/1398/21, dated 14 May 2021, was refused by notice dated 20 September 2021.
 - The development proposed is conversion of the existing structure into a self-contained 1-person studio flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The policies referred to in the Council's decision notice include policies of the Epping Forest Local Plan (Submission Version) 2017 (LPSV). The LPSV has not yet been adopted by the Council as part of its development plan. However, the LPSV has been through the examination process and has reached an advanced stage. I am not aware of any unresolved objections to the policies of the LPSV so far as they relate to this appeal. Therefore, I have attached significant weight to these emerging policies but not the full weight of an adopted Local Plan.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the area;
 - (ii) whether acceptable living conditions would be provided for occupiers of the proposed studio flat with particular regard to internal space, parking provision and private outdoor space; and
 - (iii) the effect of the proposal on the Epping Forest Special Area for Conservation (SAC).

Reasons

Character and appearance

4. Maypole Drive is mainly characterised by two-storey, terraced and semi-detached dwellings with gable sided roofs. There is much consistency in terms of the scale of the dwellings and the front building lines which are set

behind open plan frontages. The principal elevations of the dwellings on Maypole Drive incorporate front doors and are orientated to face the street. The semi-detached dwellings on the street are often interspersed with paired side garages. These defining characteristics give a pleasant sense of order and consistency to the street scene.

5. There is a subtle shift in the character of the streetscape where the appeal site is located due to the long, high garden fence on the east side of the street and the more distant presence of the houses on Gravel Lane. The appeal building differs from the prevailing form and scale of housing in the street, it being a single storey detached building with a hipped roof sited close to the boundary with the footway. The Inspector that dealt with a similar appeal in 2016¹, which also sought to convert a double garage on the site to a dwelling, took similar factors into account.
6. As was observed by the Inspector in 2016, the houses which encircle the end of the cul-de-sac, and which stand directly opposite and to one side of the appeal site, share a similar set-back of their front building line from the street, which is enhanced by unenclosed front gardens. I agree with the previous Inspector that this unequivocally determines the character of the street scene as being open and it is in these environs where the appeal site is most readily appreciated. The existing building with its roller shutter doors also displays a servile character thereby adopting a significance in the street scene appropriate to its use.
7. However, the design and layout of the studio flat would not positively reflect the characteristics of other residential properties in the street. As was the case in the appeal in 2016, no front door is proposed and the front wall would almost connect with the back edge of the footway, only separated by a grassed area of very limited depth. The front window proportions on the front elevation and the associated parking space would reveal its use as an individual domestic entity and not an outbuilding. For these reasons, I have similar concerns to the Inspector in 2016. More specifically, the studio flat, with its front wall so close to the street, with a side garden, would disrupt the ordered and consistent pattern of development of the surrounding houses which characterise this street.
8. Notwithstanding the description on the 2016 appeal decision which refers to 'the conversion of double garage', the appellant suggests that particular proposal related to a replacement building for a one-bedroom dwelling for up to two persons. In any case, even if that scheme was for a larger building and might have led to marginally higher levels of activity, for the reasons set out, the design and layout of the current proposal would similarly undermine the coherent townscape of houses set behind open, relatively deep front gardens.
9. My attention has been drawn to a studio bungalow at No 4 Doves Cottages which was granted planning permission at appeal in 2009². From what I have seen, that particular building is partially offset from the boundary with the street, behind boundary treatments. Together with its timber panelled facing materials and modest street facing door and window, it appears as a subservient residential outbuilding at the end of a rear garden as was envisaged by the Inspector that dealt with that case. Therefore, this example

¹ Appeal Ref APP/J1535/W/15/3137118

² Appeal Ref APP/J1535/A/09/2098595

does not persuade me that the appeal proposal would be acceptable having regard to its site-specific design and context.

10. I conclude, the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard, it would conflict with the visual, design and character requirements of Policies CP2 (Protecting the quality of the rural and built environment), CP7 (Urban form and quality), DBE1 and DBE9 of the Epping Forest Local Plan (1998) and Alterations (2006) (LP). For the same reasons, the proposal would also conflict with the design requirements of Policy DM9 (High Quality Design) of the LPSV and the National Planning Policy Framework (the Framework).

Living conditions

11. The Council has applied the minimum space standards for a two-person unit as they suggest that there is no planning control that could guarantee occupation by a single person. However, in this particular case, the modest internal open plan arrangement is akin to what one would usually expect for a one-person studio flat. Therefore, I find it reasonable to apply the relative standards for such a unit in this instance.
12. The Gross Internal Area (GIA) at approximately 42 square metres (sq m) would exceed the minimum GIA requirements for a one-bedroomed, one-person single storey dwelling in the government's 'Technical housing standards – nationally described space standard' (the national standard). Furthermore, there is no evidence to suggest that the ceiling heights would not also meet the minimum requirements of the national standard. On this basis, I am satisfied that the internal living environment would be acceptable for the proposed use.
13. The Inspector in 2016 identified that the amenity space in that instance would be separated from the house by a parking space and area for storing bins and bikes and this was a critical point in their findings. In contrast, the areas of paving and grass before me would not be displaced by the proposed parking area and would be directly adjacent and easily accessible to the flat. These areas would provide an uninterrupted private space which would be suitable, for example, to sit out and to hang out washing. The plan provided also indicates the outdoor space could accommodate bin storage and space for a shed. The area would also be level, would include planted borders and would have a clear aspect to light from the west.
14. There is no suggestion that the quantum of parking spaces proposed would be unacceptable for a single person unit. The Council's suggested requirements to increase the size of the parking space would only marginally reduce the private outdoor space and could be secured by condition.
15. I accept that the irregular shape of the private external space and its position to the side of the dwelling means that there would be some tension with the requirements of Policy DBE8 of the LP. However, this policy states that developments will usually meet its criteria rather than being a prescriptive checklist. Having regard to the other factors set out above, I am satisfied that the quantum and quality of the private external space would be acceptable for the intended one-person unit in this instance.
16. I conclude, the development would provide acceptable living conditions for a one-person studio flat with particular regard to internal space, parking

provision and private outdoor space. In these respects, it would generally accord with the requirements to meet the nationally described space standard and to provide private amenity space in Policy DBE8 of the LP, Policy DM10 (Housing Design and Quality) of the LPSV and the Framework.

17. The reason for refusal in respect of these matters also refers to Policy CP2 of the LP. However, that policy does not relate to living conditions and therefore does not alter my findings under this particular main issue.

Epping Forest SAC

18. The evidence before me indicates that the site is located within the zone of influence for the Epping Forest SAC which is a European designated site. The Conservation of Species and Habitats Regulations 2017 (the Habitats Regulations) require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected site, either alone or in combination with other plans and projects. This responsibility falls to me in the context of this appeal. However, I have not been provided with enough information on the SAC in terms of its qualifying features or specific vulnerabilities to determine any likely effects of the development upon it and so cannot fulfil my statutory duty under the Habitats Regulations.
19. Notwithstanding the above, I have seen the Council's concerns that the development has the potential to result in an increase in traffic in close proximity to the SAC, which on its own or in combination with other plans or projects, could lead to impacts on the SAC in terms of air quality. The appellant has provided an air quality assessment which amongst other things suggests that there would be a reduction in traffic movements from the site. However, I share the Council's concerns that there is no detailed evidence to suggest that the site is currently generates any significant traffic movements particularly when compared with the proposed occupation of the site and its potential day-to-day vehicular movements.
20. The appellant has also indicated that they would be willing to make a contribution of £335 towards air quality mitigation and that this would be in line with the Epping Forest Interim Air Pollution Mitigation Strategy (2020). However, any requirements for a monetary contribution could not be appropriately secured by condition. An undertaking through a planning obligation has not been provided as part of the appeal submissions. Therefore, even if I were in a position to undertake an appropriate assessment, and this were to confirm that any likely significant adverse effects on the integrity of the SAC could be addressed through a mitigation payment, there is no certainty that such a contribution would be made, and I would have no means by which to secure it.
21. I conclude, I cannot be certain that the proposal would not have a likely significant adverse effect on the integrity of the Epping Forest SAC and, in the event that it would, that any necessary mitigation could be secured. In the circumstances, there is the potential that the proposal would conflict with the sustainable development objectives and the requirements to protect SACs, minimise impacts upon the environment and to provide compensatory measures to off-set such impacts in Policies CP1 (Achieving Sustainable Development Objectives), CP6 (Achieving Sustainable Development Patterns) and NC1 of the LP. In that event, the proposal would also conflict with the air

quality and nature conservation requirements DM22 (Air Quality) of the LPSV, the Framework and the Habitats Regulations.

Other Matters

22. I accept that the re-use of the existing building would have a reduced carbon footprint relative to a new build dwelling. Together with the proposals to install an electric vehicle charging point, to install an air source heat pump and for planting to be provided within the garden, these factors would all contribute to the proposal's positive albeit modest sustainability credentials.

Conclusion

23. The Council has conceded that it cannot currently demonstrate a five-year housing land supply. In the circumstances, paragraph 11d of the Framework and the presumption in favour of sustainable development is engaged. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

24. In the context of the Government's objective to significantly boost the delivery of housing, a one-person studio flat would make a very limited but important contribution towards the provision and mix of housing in the area. I also attach positive weight to the sustainability credentials identified as well as the potential for some modest social and economic benefits through the conversion of the building and its future occupation.

25. However, the proposal would result in significant harm to the character and appearance of the area. In this regard the proposal conflicts with the policies of the Framework as a whole and the adverse impact of the development would significantly and demonstrably outweigh the benefits identified.

26. In addition, insufficient information has been provided to determine the effect of the proposal on the Epping Forest SAC and, in the event that there would be any likely significant effects on the integrity of the SAC, that appropriate mitigation could be secured. This is a matter which further weighs against the proposal.

27. Therefore, the appeal is dismissed.

M Russell

INSPECTOR