The Planning Inspectorate

Appeal Decision

Site visit made on 11 July 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/J1535/W/17/3173140
Cornerways, Turpins Lane, Chigwell IG8 8BA

- 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 Unilux Homes Ltd (Mr S Khan) against the decision of Epping Forest District Council.
- The application Ref EPF/2390/16, dated 8 September 2016, was refused by notice dated 1 March 2017.
- The development proposed is the demolition of existing dwelling and garage and construction of eight residential units, with associated parking and landscaping.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - the effect of the proposal on the character and appearance of the area;
   - whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to the proposed external space.

Reasons

Character and Appearance

3. The appeal site occupies a prominent location at the junction of Turpins Lane and Manor Road. It accommodates a two storey detached dwelling with a frontage and access onto Turpins Lane. There is a substantial separation between the existing building and 32 Manor Road. The site's Manor Road frontage is enclosed with planting.

4. The appellant has referred to flats, schools and commercial buildings in close proximity to the site. However, with the exception of the school in Turpins Lane, the prevailing built form in the area which provides the setting for the appeal site comprises single household dwellings. Most are detached and set behind well screened front gardens. Whilst there is some variety in their appearance, typically, they have a suburban character with plain tiled, hipped roofs and elevations finished mainly brickwork. The majority of the buildings are two storeys in height and present a single frontage to the road. Although a number of the dwellings in Manor Road have three storeys, the extra storey is accommodated within the roof space and does not add significantly to the scale

of the buildings. Whilst, the existing dwelling on the appeal site is smaller than some, its layout, scale and form is generally consistent with the pattern of development in the area. Collectively, the layout, scale and form and appearance of the appeal building and its neighbours contribute positively to local distinctiveness.

5. The proposed apartment building would be three storeys in height, with a contemporary appearance, including a flat roof and a curved corner feature on its front elevation. This feature would sit between elevations presenting angled frontages onto Turpins Lane and Manor Road. The Manor Road frontage would extend to some 1m from the boundary with No 32 at ground floor level. The new building would, therefore, have a significantly larger footprint than the existing building. By virtue of its dual frontage and three storey height, its scale and prominence would also be substantially greater others in the area, including the larger properties at 32 to 36 Manor Road. I recognise that the front of the new building would follow the Turpins Lane and Manor Road building lines. Nevertheless, the layout, form and scale of the proposed building would be out of keeping with the prevailing pattern of development.

6. The overall height of the proposed building would be no greater than some of its neighbours. Moreover, the upper floors would be stepped back. However, the top of the flat roofed second floor level would be much broader and deeper than the hipped roof forms which characterised the existing building and its neighbours. Consequently, notwithstanding the overall height of the proposed building, its bulk at second floor level would appear considerably greater than neighbouring buildings, including those at 32 to 36 Manor Road.

7. The appellant has referred to examples of flatted developments at Hainault Road, 114-116 Manor Road, 144 Manor Road and 46 Stradbroke Drive. However, my concerns are specific to the appeal site and its immediate surroundings and each of the cited developments is a significant distance from the appeal site. As such, I consider that they do not provide a robust justification for the appeal proposal.

8. Most of the area in front of the new building would be given over to hard surfacing, including parking for eight vehicles. The grassed area in front of the Manor Road elevation would be too narrow to offer meaningful visual relief or provide an attractive setting for the proposed building. The boundary planting around the roadside boundaries of the site would filter views of the hard surfacing and parked cars to a degree. However, I consider that the space available would not be deep enough for the planting to provide an effective screen. Nor would it prevent views through the proposed access. I recognise that there is extensive hard surfacing in front of some other properties in the area. However, none are as prominently located or extend across two frontages in the same way as the appeal proposal.

9. These considerations are reflected in the density of the proposed development, which the Council puts at 80 dwellings per hectare, compared with the prevailing pattern of development which is closer to 30 dwelling per hectare. The intensity of the proposed built development accentuates the contrast between the domestic, suburban form and materials of adjoining buildings and the more angular and assertive appearance of the proposed building. In addition, the proposed fenestration, including the full height glazing and

projecting balconies, would be at odds with the domestic window patterns of nearby buildings.

10. Although Framework paragraph 60 advises that planning decisions should not impose architectural styles, it also states that it is proper to seek to promote or reinforce local distinctiveness. In this case, the layout, scale, form and appearance of the proposed building, in combination with its prominent location, would cause significant harm to the character and appearance of the area. Conditions could be used to control the external materials of the building and hard landscaping. However, even if complementary materials were used, I consider that they would not overcome the concerns identified above.

11. Consequently, I find that the proposal would conflict with Epping Forest District Local Plan Alterations 2006 (LPA) Policies CP2(iv), CP3(v) and CP7, insofar as they seek to safeguard and respect the character of the urban environment, ensure that the scale of development respects the character of the locality and presume against over-development. It would also be contrary to Epping Forest District Local Plan 1998 (LP) Policy DBE1 which requires new buildings to respect their setting in terms of scale, siting, massing and detailing and to be of a size appropriate to their position in the street scene. The proposal would also conflict with LP Policy DBE6 which requires car parking to be located so that it does not dominate the street scene. Nor would the proposal accord with the design policies of the National Planning Policy Framework (the Framework) to the extent that they have similar aims.

Living Conditions

12. Policy DBE8 of the LP requires residential development to provide external space which is easily accessible from the relevant dwellings and of a size, shape and nature which enables reasonable use. The supporting text advises that an area of 25sqm per unit will be sought in communal spaces for flats, although it also recognises that there will be exceptions where it may be appropriate to relax the standards (paragraph 15.52).

13. The ground floor dwellings would have modestly sized private terraces. The remaining five units would share a communal garden area to the rear of the proposed building. The Council puts the size of this garden at 100 sqm. As such, the amount of space provided would not meet the LP standard. The appellant has referred to Essex Design Guide standards, which it says would result in the need for slightly less provision. However, the appeal proposal would not fully satisfy the requirements of this policy either. Moreover, the proposed communal area would be awkwardly shaped. In particular, the narrow, southern end would have limited usability, especially having regard to the enclosing effect of the proposed building and private terraces on one side and the substantial boundary planting on the other side.

14. The appellant argues that the appeal site is located in close proximity to a number of areas of public open space, a golf course, gyms and recreational facilities. Some of these facilities are not freely publicly accessible. The closest accessible open space is at the junction of Manor Road and Cross Road. This is around a five minute walk from the site along a busy road. As such, I consider that none of the facilities identified are very conveniently located so as to provide an attractive alternative to the on-site provision of external space.

15. Therefore, even allowing for flexibility in the application of the standards, I consider that the proposal would not provide adequate external space to satisfy the needs of future occupiers. It would, therefore, conflict with LP Policy DBE8 as well as Framework paragraph 17 which requires proposals to achieve a good standard of amenity for future occupiers.

Other Matters

16. The appellant has drawn my attention to the officer's report which recommended approval of the appealed application. I also note that concern has been expressed locally about the way in which officers dealt with the application. Whilst I have had regard to the officer's assessment, Councillors are entitled to come to their own conclusions on applications provided that they are based on planning matters. I have determined the appeal based on its planning merits.

17. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Overall Conclusion

18. The Council has not disputed the appellant's contention that the District does not have a five year supply of housing land. The figure is put at 1.35 years, which amounts to a considerable shortfall. In these circumstances Framework paragraphs 49 and 14 advise that 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 taken as a whole.

19. I have found that the proposal would be harmful to the character and appearance of the area and would not provide satisfactory living conditions for future occupiers. These considerations are supported by relevant Framework and development plan policies. There is nothing to suggest that the development plan policies directly affect the supply of housing or are otherwise inconsistent with the Framework. They can, therefore, be accorded substantial weight. As such, the proposal would have significant and demonstrable adverse impacts on the environmental and social roles of sustainability.

20. In accordance with Framework paragraph 47, the provision of additional dwellings in a District would there is a sizeable shortfall in housing land amounts to a considerable benefit of the proposal. The proposal would also accord with LPA Policy CP7 which seeks to make full use of land within urban areas for new development. In this regard, it would contribute to the social dimension of sustainability. That said, the net gain of seven new dwellings would be modest in the context of the housing needs of the District as a whole. This limits the weight I attach to this housing benefit of the proposal. I have not been made aware of other benefits.

21. Overall therefore, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and that the proposal does not benefit from the presumption in favour of sustainable development. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR