
Appeal Decision

Site visit made on 26 April 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

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

Decision date: 09 June 2016

Appeal Ref: APP/J1535/W/16/3143162
51 High Road, Loughton, Essex IG10 4JE

- 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 Spring Grove Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/1973/15, dated 10 August 2015, was refused by notice dated 25 November 2015.
 - The development proposed is the demolition of the existing dwelling and construction of eight residential flats with associated car parking spaces, amenity space and refuse collection area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the development on the living conditions of future occupiers of the building with particular regard to outdoor amenity space and of neighbouring residents with regard to outlook and privacy;
 - the effect of the development on highway safety with particular regard to car parking provision;
 - whether the loss of a non designated heritage asset can be justified.

Reasons

Character and appearance

3. The appeal site is occupied by a large detached late Victorian/early Edwardian dwelling and is located in a prominent corner at the junction of High Road and Spring Grove, Loughton. Spring Grove is residential in character with large semi detached and detached properties of various architectural styles, constructed in a range of materials including brick, render and timber boarding. Properties have front gardens bounded by low walls with mature landscaping. The part of High Road in the vicinity of the appeal site is more mixed in character with older Victorian terraced cottages and more modern flat roofed
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- three storey flats together with open land bounded by fences and vegetation forming either part of the playing fields to Oaklands School or part of Epping Forest.
4. The appeal proposes a large part three storey part two storey development of a traditional design and materials with gable features, balconies and roof lights to be constructed in brick with render and a tiled crown roof. Having regard to the mixed character of High Road and variety of architectural style on Spring Grove, I consider that the overall design of the appeal building and use of materials would be in keeping with the character and appearance of the area.
 5. The building would be sited approximately one metre back from the plot boundary with High Road and at its closest point approximately the same distance back from Spring Grove. In relation to the High Road frontage, other neighbouring properties are set close to the highway, particularly the Victorian cottages which have a small frontage area bounded by railings. Other more modern substantial buildings such as The Willows flat development are set further back to allow for boundary planting and screening. In the case of the appeal proposal, this would form a large development on a prominent corner site. The close proximity of the building to High Road results in a limited ability to provide screening to create a setting to the building. This would accentuate the building's scale and prominence in the street scene. In an area where, with the exception of the historic cottages, buildings are set back from the highway with significant mature boundary planting, I consider that the proposal would not maintain the quality of the built environment in this locality.
 6. In relation to existing properties on Spring Grove, the appeal proposal would be positioned much closer to the highway with little frontage planting. This would be at odds with the character of this area with properties set back from the road with landscaped front gardens. I therefore consider that the development would not be in keeping with the established pattern of development on Spring Grove and would not respect the prevailing character of the area.
 7. The Council has raised concern about the proposed crown roof, that it may not be successful in appearing as a hipped roof when viewed from Spring Grove. However as a result of the level differences, with Spring Grove sloping up to the appeal site and High Road, I consider that the crown roof would be effective. The Council has also commented about the position of the terrace balcony to Flat 3 facing High Road and the relationship of this to the narrow strip of boundary planting and boundary wall detail on this frontage. This close relationship would, in my view, accentuate the lack of visual setting and landscaping to the building and result in a cramped appearance detrimental to the street scene.
 8. The appellant has commented that the provision of landscaping could be the subject of appropriate conditions should the appeal be allowed. However it is my view that in this case, landscaping cannot be left to be resolved by conditions because of the importance of ensuring that the proposed development would not have an adverse impact on the street scene and character of the area.
 9. Bringing the above points together, I consider that the appeal proposal would cause harm to the character and appearance of the area. The scheme would conflict with saved policies CP2(iv), CP7, DBE1(i), LL10 and LL11 of the Epping

Forest District Local Plan and Alterations 2006 (LP) which amongst other things seek to achieve buildings of high quality design, appropriately landscaped, respecting their setting, and improving, maintaining and conserving the quality of the built environment. I consider these policies to be generally consistent with the National Planning Policy Framework (the Framework), in particular paragraphs 17 and 56 which aim to secure high quality design.

Living conditions

10. The appeal proposal does not provide communal outdoor amenity space but instead each flat has a terrace or patio area, varying in area from around 20 sq metres for the ground floor Flats 1 and 2 to approximately 3 sq metres for the single bed Flat 5. The Essex Design Guide requires 25 sq metres of outdoor amenity space for a 2 bedroom flat. It welcomes a similar provision for single bed flats but recognises that the occupants of such accommodation may be happy to forgo this amenity and make use of other local open space. In terms of the appeal proposal, a development of two 3 bed flats, five 2 bed flats and a one bed flat, the level of provision proposed would be below that recommended.
11. The appellant has provided evidence to demonstrate that there are areas of public open space, including Epping Forest within 200 metres of the appeal site. It is not uncommon for flat developments to have little or no communal amenity space but to have private balconies or terraces providing private amenity space. The Council has raised concern that many of the proposed balconies would be open to public view and not particularly private; however this is very often the case in this type of development.
12. I consider that having regard to the above points, the proposed amount of outdoor amenity space to serve the future occupiers of the development would be acceptable and would not result in harm to their living conditions.
13. Turning to the impact of the development on the outlook of neighbouring properties, the appeal proposal would provide a building occupying much of the site. The three storey element of the building would extend no further into the site than the existing dwelling. It would be set back approximately one metre from the common boundary with No. 53 High Road where it neighbours the dwelling itself and would then be set back into the site by approximately 3 metres. The building then continues at two storey height and because of the angled nature of the side boundary at this point, would be between 2 and 3 metres from the boundary with the neighbouring property.
14. No.53 has a long but very narrow rear garden. I consider that the three storey element of the proposed building would have little additional impact than the existing dwelling on the neighbouring property in terms of outlook. However, the appeal proposal would result in two storey built development in close proximity to and extending along most of the side boundary with No.53. I consider this would result in a significant enclosing and overbearing effect, particularly in relation to the narrow rear garden. This poor outlook would adversely affect the living conditions of the occupiers of the property.
15. With regard to privacy, the proposed window openings on the north east elevation of the building overlooking the garden of No. 53 would serve either bathrooms or storage rooms and are proposed to be fitted with obscure glazing or would be high level windows serving circulation areas. I therefore consider

that there would be no loss of privacy for the occupants of the neighbouring property.

16. I note the sunlight and daylight evidence put forward by the appellant that demonstrates that the development would comply with BRE guidelines in terms of daylight, sunlight and overshadowing. This is not disputed by the Council.
17. In summary whilst I have found that the appeal proposal would provide adequate outdoor amenity space for future occupants and would not result in the loss of privacy for adjoining neighbours, I consider that it would result in harm to the living conditions of the occupants of No.53 High Road in terms of outlook. The development would therefore conflict with saved LP Policies DBE2 and DBE9 which aim to safeguard the amenity of neighbouring properties. I consider these policies to be generally consistent with the Framework in particular paragraph 17 which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Highway safety

18. The proposed development includes undercroft car parking providing 8 spaces, one per flat. The Council have raised concern that this level of parking would be insufficient and would be below the minimum 19 spaces required by the Essex Parking Standards 2009. In the submitted Transport Statement the appellant suggests a parking level of 15 spaces would be required, however it appears to me that parking for visitors has not been included in this assessment. The Standards allow for a reduction in car parking where a site is located within an accessible urban area. High Road is a bus route with regular services to Walthamstow, Loughton, South Woodford and Debden. The site is also within walking distance of Loughton Underground Station and the shops and facilities that Loughton provides. The appeal site can therefore be considered to be in a sustainable location.
19. I have also noted the appellant's parking survey assessing the parking stress within 200 metres of the site. This concludes that 22 vehicles were parked within 129 available spaces, an average parking stress of 17%. I note that Spring Grove the closest road to the appeal site exhibited significant on street car parking with a parking stress level of over 90%, however Newham Close an adjoining side road had a very low stress level of around 16%. The Council has not disputed the survey results and I note the lack of objection to the proposal from the Highway Authority.
20. Having regard to the sustainable location of the appeal site, together with the car parking survey results, I consider that the 8 parking spaces proposed would be adequate to serve the development. Additional demand for on street parking would be modest and would be absorbed onto surrounding streets without severe impact on highway safety.
21. I consider the appeal proposal to be acceptable in terms of highway safety and in compliance with saved LP Policy ST6 which aims to ensure adequate car parking in line with the adopted standards, a policy generally consistent with the Framework.

Non designated heritage asset

22. The Framework in paragraph 135 states that the effect of an application on the significance of a non designated heritage asset should be taken into account in

determining the application. It also states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Council considers that the loss of the appeal building, a non designated heritage asset, would be harmful to the character and appearance of the area and that it can only be justified if it is replaced by a development of high quality design.

23. The appeal building forms an attractive late Victorian/early Edwardian Arts and Crafts style property. It is not a building on the Council's Local List of heritage assets. I have been provided with very little evidence, such as a heritage statement, to explain the significance of this building. I observed on my site visit that the dwelling, whilst being attractive, forms a typical property of its age and I have sympathy for the Council's view that it would be preferable for the building to be converted and extended.
24. I have also had regard to the Council's view that the loss of the dwelling could be justified if the building that replaces it would be of a high standard of design. Bearing in mind my findings that the proposal would cause harm to the character and appearance of the area, I consider that the proposal would not be of a sufficiently high quality design to justify the loss of the building. It would therefore conflict with saved LP Policies CP2 (iv) and CP7 which seek to maintain the environmental quality of the urban area and the objectives of the Framework to conserve and enhance the historic environment.

Conclusion

25. I have found that the appeal proposal would not cause harm to the living conditions of future occupants with regard to the provision of outdoor amenity space and that it would be acceptable in terms of highway safety and the provision of car parking. Whilst these factors weigh in favour of the proposal they do not significantly or demonstrably outweigh the harm I have identified to the character and appearance of the area, the living conditions of the occupants of the neighbouring property at No. 53 High Road and the lack of justification for the loss of the building, a non designated heritage asset.
26. For the reasons given above and having regard to all matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR