



The Planning
Inspectorate

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Your Ref: PL/EPF/1407/11
Our Ref: APP/J1535/A/12/2172425/NWF
Date: 18 September 2012

Dear Ms Parker

**Town and Country Planning Act 1990
Appeal by Ms Wendy Catton
Site at Former Moor Hall Stables, Moor Hall Road, Old Harlow, CM17 0LP**

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Amanda Baker

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You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 24 July 2012

by **Nigel Burrows BA MRTPI**

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

Decision date: 18 September 2012

Appeal Ref: APP/J1535/A/12/2172425

Former Moor Hall Stables, Moor Hall Road, Old Harlow, Essex, CM17 0LP

- 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 Ms. Wendy Catton against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/1407/11, dated 6 July 2011, was refused by notice dated 9 November 2011.
 - The development proposed is described as 'Change of use & conversion of former stables building to provide a 2 – bedroomed dwelling.'
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Decision

1. I allow the appeal and grant planning permission for development described as 'Change of use & conversion of former stables building to provide a 2–bedroomed dwelling' at Former Moor Hall Stables, Moor Hall Road, Old Harlow, Essex, CM17 0LP in accordance with the terms of the application Ref PL/EPF/1407/11, dated 6 July 2011, and the plans submitted therewith, subject to the conditions set out in Schedule 1 attached to this decision.

Background

2. The appeal relates to a former stable building¹ situated within the Moor Hall Estate, which lies in open countryside to the east of the Churchgate Street area of Old Harlow. The site lies in the Metropolitan Green Belt. However, the Council has refused planning permission for a single reason only, namely that the proposal 'would result in an unacceptable loss of residential amenity' to the occupants of a neighbouring dwelling. I have therefore focussed my consideration on the main controversial issue in dispute.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of Morgans Farm, with particular reference to their privacy and outlook.

Reasons

4. The appeal site extends to about 0.2 ha and incorporates the former stable building, which is bounded on its south side by a paddock and on its north side by a part-cobbled yard adjoining the boundary with the neighbouring dwelling, Morgans Farm. The site also includes a weatherboarded stable building to the northeast, which abuts the eastern end of Morgans Farm. The site is approached via a shared right of access with the adjacent dwelling; the entrance from the main road is secured by metal gates.
5. The proposal involves the conversion of the former stable building into a two-bedroom dwelling. According to the Planning Officers' report, the proposal includes 'the reinstatement of the former pitched roof' of the building, which would allow the

¹ Now apparently used for storage purposes

insertion of a partial mezzanine floor. The Council indicates the height of the building would be raised by about 2.1m. The existing window openings on the south elevation of the building would be utilised and new window/door openings would be inserted, plus conservation-type rooflights. On the north elevation facing Morgans Farm, the existing window openings would be utilised. An arched door opening would be retained and glazed; what appears to be a carriage entrance would also be retained and provided with full height glazing. Extensive glazing would be inserted on the east flank elevation whilst an existing window on the west flank elevation would be retained.

6. The application drawings were evidently amended during discussions with the Council's Officers. The area on the south side of the building is to be utilised as private amenity space, whilst the main entrance would be on the north side of the building. A parking area is proposed in front of the weatherboarded stable building to the northeast.
7. The main facade of Morgans Farm is orientated towards the former stable building. According to the Council these buildings are separated by a gap of about 20.8m. The intervening boundary is defined by a timber fence approximately 1.8m high, which appears to be surmounted by trellis on the side facing Morgans Farm. The submissions for the Council and the occupiers of Morgans Farm indicate the front garden of this dwelling is used as its main amenity space; however, this is disputed by the appellant. Be that as it may, I observed that part of this area is used for parking and visitors also have to pass through this area in order to reach the front entrance of Morgans Farm.
8. The Council says the scheme does not comply with the recommendations of the Essex Design Guide, which indicates a gap of 25m should be provided between opposing rear walls of dwellings and 15m between the rear wall of a dwelling and a shared boundary. However, it is by no means clear this guidance is intended to apply to proposals for the re-use of rural buildings. In any event, the only upper floor windows facing Morgans Farm would be low level windows serving bedroom 2, which should not afford any significant overlooking of the neighbouring property. In other respects, the ground floor windows of the proposed dwelling would not impinge on the privacy of the neighbouring residents to an unacceptable degree; although they might be visible from the first floor windows of Morgans Farm, any mutual overlooking aspect would be filtered by the intervening boundary enclosures, which could be reinforced by planting.
9. The Council also alleges the new pitched roof would result in the building becoming more dominant, thereby impinging on the outlook of the neighbouring residents. I acknowledge the new roof would add to the visual bulk and massing of the building. However, it would have a shallow pitch and would be clad with natural slates. The outcome would be a more attractive and well proportioned building, which in terms of scale would remain subordinate to Morgans Farm. It would not appear overly dominant or otherwise create an oppressive sense of enclosure to the neighbouring residents.
10. The Council is also concerned that the proposed entrance to the dwelling would adjoin the main amenity space of Morgans Farm. The inference is the coming and goings of future residents and their visitors would create noise and disturbance to the occupiers of the adjacent property; this part-cobbled area might also be used as the main amenity space of the new dwelling. Nevertheless, the proposal involves a comparatively benign re-use of the building as a single dwelling. I appreciate from the neighbours' point of view this might be a relatively tranquil rural location. However, this is also a quality that might be valued by the future occupiers of the proposed dwelling. In any event, I do not consider the proposal would lead to an increase in domestic activities on the site to the extent that it would seriously harm the living conditions of the neighbouring residents. The proposed parking and manoeuvring areas would also be configured to minimise any potential impact upon Morgans Farm.
11. As matters stand, I conclude the proposal would not harm the living conditions of the occupiers of Morgans Farm to an unacceptable degree. It would not be inconsistent with the objectives of 'saved' policy DBE9 of the Epping Forest District Local Plan

(1998), which seeks to ensure that a change of use or new development does not result in an excessive loss of amenity to the occupiers of neighbouring properties.

12. In view of my conclusions on the main issue, I intend to allow the appeal. I have taken into account all the other matters raised in the representations, including the concerns of the adjoining residents about their health, security and property values, but I find they do not alter or outweigh the main considerations that have led to my decision.

13. I have considered the conditions suggested by the Council in the light of Circular 11/95². Conditions relating to materials (including glazing) and hard/soft landscaping are necessary to ensure the conversion can be successfully assimilated into its context. The removal of permitted development rights for extensions and alterations is reasonable in this instance in order to protect the amenity of the neighbouring residents and bearing in mind the proposal is partly justified on the basis that it involves the re-use of a rural building. The removal of permitted development rights for the provision of structures/enclosures within the curtilage of the dwelling is necessary to safeguard its rural setting. I agree the parking area should be provided prior to the occupation of the dwelling in the interests of highway safety. I also agree the stable building to the northeast should only be used for this purpose (unless otherwise agreed with the Council) in order to protect the amenity of the neighbouring residents. A condition is also necessary to ensure the proposal is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

Nigel Burrows

INSPECTOR

² 'The Use of Conditions in Planning Permissions'



Schedule 1: Planning Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following submitted plans; drawing numbers 1116/P/01, 1116/P/02 Rev A, 1116/P/03 Rev A, 1116/S/01 and 1116/S/02 Rev A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including glazing details, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The plans and particulars to be submitted shall include details of any existing trees and hedgerows on the land, including those to be retained, together with measures for their protection in the course of development. All hard landscaping and tree protection works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed with the local planning authority.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, or in accordance with a programme agreed with the local planning authority; any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations of the dwelling hereby approved, including additions or alterations to the roof of the building shall be carried out (other than those expressly authorised by this permission), nor shall any buildings, enclosures swimming or other pools be provided within the curtilage of the property.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with the approved drawings for cars to be parked and for vehicles to turn so that they may enter and leave the site in a forward gear, and these facilities shall thereafter be retained for these purposes.
- 8) The stable building situated to the northeast of the proposed dwelling shall only be used for stabling purposes incidental to the enjoyment of the dwelling hereby approved, unless otherwise agreed in writing by the local planning authority.