



Appeal Decision

Site visit made on 14 January 2013

by **J L Cheesley BA (Hons) DipTP MRTPI**

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

Decision date: 25 February 2013

Appeal Ref: APP/J1535/A/12/2182259
17A Hemnall Street, Epping, Essex CM16 4LS

- 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 Mr Ian A Croxford against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0843/12, dated 30 April 2012, was refused by notice dated 4 July 2012.
 - The development proposed is change of use, extension and conversion of commercial premises to four flats including ancillary works.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes that issued on the 16th January 2013.

Decision

1. The appeal is allowed and planning permission granted for change of use, extension and conversion of commercial premises to four flats including ancillary works at 17A Hemnall Street, Epping, Essex CM16 4LS in accordance with the terms of the application, Ref PL/EPF/0843/12 and the plans submitted with it subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the planning application form.
 - 3) Before the first occupation of the building hereby permitted the window in the south western first floor flank elevation of the rear section of the building shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor level of the room in which it is situated and shall be permanently retained in that condition.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 2873/1, 2873/2A, 2873a, 2873b and the Location Map.
 - 5) The parking area shall not be used for any purpose other than the parking of vehicles.
 - 6) No development shall take place until a site investigation of the nature and

extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Main Issues

2. I consider there to be three main issues:

the effect of the proposal on the living conditions of future occupiers with particular reference to amenity space and refuse storage;

the effect of the proposal on highway safety and the free flow of traffic in the surrounding area; and

whether the proposal would constitute overdevelopment to the detriment of the character of the surrounding urban environment.

Reasons

3. The proposal includes the extension and alteration of a commercial property into four flats. The appeal site lies close to the town centre within a row of primarily residential properties in an area of otherwise mixed development.
4. The proposed demolition of the existing side extension would provide little amenity space for future residents. It would not provide the level of amenity space required by Policy DBE8 in the Epping Forest Local Plan Alterations (2006). However, I note that the Council has accepted elsewhere that flats in similar urban locations can provide a low level of amenity space. From my observations, due to the proximity of public open space, the urban location of the site and the type of development proposed, I consider that the proposed small amount of outside space would be acceptable in this particular instance.
5. The proposal includes a refuse storage yard. This would be a small area, which may not be sufficiently large for all refuse storage needs on the site. Nevertheless, the limited outside space would allow for further outdoor storage if necessary and it would be reasonable to assume that refuse bins could be placed to the side of the parking area on collection days without encroaching onto the road. Thus, I consider that the proposed refuse storage arrangements would be satisfactory.
6. The appeal site lies on a one-way stretch of Hemnall Street where on-street parking is restricted. It is clear to me that being so close to the High Street, the appeal site lies within an area where there is likely to be pressure for

parking. I note that a number of residential properties in this area have off-street parking provision and further along Hemnall Street there is some on-street residents parking and restricted public parking.

7. The proposal includes retaining the existing three parking spaces at the front of the property. I note this would fall short of the nine spaces required under Local Plan Policy ST6 and the Vehicle Parking Standards (2009). The Council has accepted that a reduction in the parking standards may be considered in urban locations, but considers the proposed level to be too much of a reduction.
8. I consider that the location of the appeal site close to public transport provision and services and the nature of the development is such that the site characteristics are in accordance with the objectives of the Vehicle Parking Standards as regards an appropriate site for a lower level of off-street parking provision. In my opinion, the provision of just three car parking spaces would not be such as to have any noticeable effect on highway safety and the free flow of traffic.
9. For the above reasons, I have found that the proposal would not have an adverse effect on the living conditions of future occupiers or highway safety. Whilst the site is restricted, I consider that there would be satisfactory provision for parking, refuse storage and amenity space. Thus, I conclude that the proposal would not constitute overdevelopment to the detriment of the urban environment. Therefore, the proposal would be in accordance with Local Plan Policy CP7, which seeks to maintain the environmental quality of urban areas and prevent overdevelopment.
10. In reaching my conclusion, I have had regard to all other matters raised upon which I have not specifically commented including examples of other developments and Appeal Decisions.

Conditions

11. Apart from a standard time condition and a condition requiring conformity with the plans, the Council has suggested four conditions. In the interest of visual amenity, I consider it reasonable and necessary to impose a condition regarding conformity with the materials specified on the planning application form.
12. I consider it reasonable and necessary, in the interest of the amenity of neighbours, to impose a condition regarding restrictions to a first floor flank window.
13. I consider it reasonable and necessary to impose a condition regarding the retention of the parking area, in the interest of highway safety. I note that, due to its historic use, the site may be contaminated. Thus, I consider it reasonable and necessary to impose a condition regarding contamination remediation. I do not consider the proposed condition is enforceable. In the interest of precision and enforceability, I have amended the suggested conditions where appropriate to accord with the principles in Circular 11/95.

J Cheesley

INSPECTOR