



Appeal Decision

Site visit made on 1 February 2013

by **Gary Deane BSc(Hons) DipTP MRTPI**

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

Decision date: 26 February 2013

Appeal Ref: APP/J1535/A/12/2184495

**Land to the rear of 74, 76 and 78 Walnut Way, Buckhurst Hill, Essex
IG9 6HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Ramsay against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0131/12, dated 15 February 2012, was refused by notice dated 25 July 2012.
 - The development proposed is described on the application form as an *outline planning* application for two semi-detached 2-storey dwelling houses.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two semi-detached 2-storey dwelling houses on land at the rear of 74, 76 and 78 Walnut Way, Buckhurst Hill, Essex IG9 6HX in accordance with the terms of the application Ref PL/EPF/0131/12, dated 15 February 2012, subject to the conditions set out in the schedule to this decision.

Procedural matters

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.
3. Although the address of the site on the application form lodged with the Council is given as 74 Walnut Way, from my inspection of the plans I consider that the land lies to the rear of 74, 76 and 78 Walnut Way. I have therefore used the *revised address in the above header and in my decision.*
4. While the main parties have described the proposal as in the above header, I have referred to it in my decision as the erection of two semi-detached 2-storey dwelling houses, which includes the act of development.
5. The application was submitted in outline form with all matters reserved for subsequent approval. I have assessed the proposal on that basis.

Main issues

6. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of nearby residential properties with particular regard to privacy.

Reasons

7. The site lies within an area of mixed character with 2-storey houses generally facing the road, a short parade of retail and commercial units with residential accommodation above, a railway station and frontage vehicle turning area, and a derelict electricity generating station, all nearby. From what I saw, no particular style, type or size of building appears to predominate in the local area with a linear pattern of housing generally facing the adjacent road.
8. The proposal is to erect a pair of semi-detached 2-storey houses on the rearmost part of the back gardens of 74, 76 and 78 Walnut Grove. In doing so, the appeal scheme would introduce a substantial built form into generally undeveloped garden space. The indicative Block Plan shows the new addition set back from Station Way with frontage parking and a garden mainly at the rear. Although layout is reserved for later approval, the width and depth of the plot would allow a new building of the size and type shown on the illustrative plan to be accommodated with sufficient space around it to maintain adequate visual separation with neighbouring properties. As such, the new addition would sit comfortably within a modest-sized plot and relate reasonably well to nearby buildings including those fronting Walnut Way. Although smaller than some nearby properties, the site would not be so restricted in size as to be uncharacteristic in the local area.
9. Some mature trees and vegetation within the site could be lost as a result of the proposal. If that is the case, replacement planting of sufficient quality, over time, could adequately compensate for any potential loss of vegetation. This matter could be considered under landscaping details yet to be submitted and approved with conditions imposed at this stage to cover additional planting, boundary treatment and surface materials. With those safeguards in place, an appropriate landscaped setting to the proposed dwellings and their relationship to the local street scene and existing houses could be secured.
10. The overall scale and height of the new addition could be considered and controlled at the reserved matters stage, as could its appearance. The appellants indicate that the broad design and scale of the proposal would be likely to reflect the general style and size of existing houses. The exact details could take account of, and ensure a complimentary relationship with, the nearby existing properties.
11. With regard to access, the Council raises no objection to the proposal on highways grounds. The appeal scheme would be likely to include on-site parking and there is no convincing evidence before me that the proposal would lead to unacceptable problems associated with on-street parking, traffic congestion or highway safety. With a condition in place to ensure pedestrian visibility at the entrance to the site, and relocation of the existing street lighting column on the Station Way frontage, if necessary, I share the Council's view that the site could be accessed safely with adequate visibility for highway users. On the information before me, and with means of access a reserved matter, I have no reason to depart from that view.
12. Taking into account all of the above points, I consider that with appropriate safeguards, the proposal could be accommodated on the site and be successfully integrated into the established pattern of development, including

the properties along Walnut Way. Subject to detailed design, the proposal would be in keeping with the character and appearance of the local area. Therefore, it would not conflict with Policies CP2 and CP7 of the Epping Forest District Local Plan and Alterations (LP). These policies seek to ensure that new buildings respect their setting and that development maintains, conserves and improves the environmental quality of the built environment.

Living conditions

13. As the proposal is in outline form with all matters reserved, the positioning of windows, and the scale and height of the new built form is for future consideration. If the new building is orientated broadly north south and, as the Council suggest, is 2-storey and includes first floor rear-facing habitable room windows then the proposal could lead to overlooking of the adjoining rear gardens of nearby properties, notably 70, 72 and 74 Walnut Way. It is not certain that this arrangement would come to pass. However, with limited layout and vehicle parking options available and an objection raised by a local resident to the loss of privacy, the possibility is one that needs to be taken into account at this stage.
14. In my experience, overlooking of this type is common characteristic of the relationship between houses positioned side-by-side in urban areas. Having viewed the site from the rears of Nos 74 and 78, there appears to be a considerable level of mutual overlooking of adjacent rear gardens from the rear-facing windows of Nos 70 and 72 and the appeal properties. In those circumstances, I am persuaded that the size and arrangement of the site would allow a pair of semi-detached houses to be set out in such a way that the additional overlooking possible would be unlikely to significantly impact on the living conditions of the occupiers of nearby houses.
15. There could be some loss of sunlight to the rear gardens of the appeal properties later in the day due to the overshadowing effect of the new built form. The extent and duration of overshadowing would be likely to be limited and so any loss of sunlight would not be appreciable. As a reasonably generous distance would be likely to separate the new addition from the back of Nos 70 and 72, the new building would be unlikely to cause any significant loss of light to the rear outdoor space and rear windows of these properties.
16. Therefore, I conclude that the proposal would not materially harm the living conditions of the occupiers of nearby properties. It accords with an underlying aim of LP Policies CP7 and DBE9, which is to safeguard residential amenity.

Other matters

17. There may be some disruption, albeit it temporary, during construction although this can be limited through an appropriate management plan and secured by condition. There is nothing before me to indicate that the proposal would lead to the loss of wildlife habitats or cause material harm to such interests, including birds.
18. The Council raises no objection to potential noise and general disturbance arising from the proposal and I, too, find the appeal scheme acceptable given its acceptable relationship to existing development. I have carefully considered the representations made by interested parties and recognise that the scheme

would result in some change within the local area. However none of the points made outweigh my conclusions under the main issues.

Conditions

19. In addition to the standard outline planning permission conditions, I have also attached a condition requiring that the development be carried out in accordance with the approved plan for the avoidance of doubt and in the interests of proper planning. In the interests of highway safety, conditions are imposed to require appropriate visibility splays be provided at the site's access and, if appropriate, relocation of the existing street lighting column on the Station Way frontage. Restrictions on the times in which construction may take place and to require wheel washing are necessary to protect the living conditions of local residents. Accordingly, conditions are imposed requiring that a Construction Method Statement be approved and to limit the times in which construction and associated deliveries may occur.
20. To ensure the satisfactory appearance of the development, conditions are imposed with regard to landscaping details. For the same reason, and to safeguard the health and longevity of trees and landscaping on and near to the site, a condition is necessary for an appropriate survey to be carried out before works start. Given the existence of a power station nearby and the presence of a fuel store, a condition requiring that a site investigation be carried out to establish the nature and extent of any contamination is necessary to safeguard the health and safety of those engaged in the construction of the approved development and its subsequent occupation.
21. The conditions largely reflect those suggested by the Council, which I have amended, where necessary, in the interests of clarity and to more closely reflect national guidance. In addition, I have imposed a further requirement that drainage details be agreed to ensure satisfactory arrangements for foul and surface water disposal.

Conclusion

22. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: The drawing which shows the location of the site edged red.
- 5) No structure, erection or planting shall be placed in front of a line from a point 1.5 metres measured along the centre line of the access to serve the development hereby permitted from the nearer edge of the highway, to points measured 1.5 metres in each direction along the nearer edge of the highway from the centre line of that access.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for the relocation of the existing street lighting column located on the highway frontage of the site. The approved scheme shall be completed before any of the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place, including any works of site clearance or other site preparatory work until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8) Construction hours and deliveries associated with the development hereby permitted shall be restricted to 0730 to 1830 hours on Monday to Friday, 0800 to 1300 hours on Saturday, with no working on Sundays, Bank and Public Holidays.
- 9) No development shall take place, including site clearance or other site preparatory work, until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Where appropriate, the hard landscape works shall include: proposed finished levels or contours; means of enclosure; car parking layout; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities where appropriate; and an implementation programme.

- 10) 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 completion of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, shrubs, hedges 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 approval to any variation.
- 11) No ground clearance, demolition or construction work (including any tree felling, tree pruning, earthworks, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall commence until an Arboricultural Implication Assessment (AIA) and Tree Constraints Plan (TCP) has been submitted to and approved in writing by the local planning authority. The AIA and TCP shall be produced in accordance with British Standard BS5837: 2012, *Trees in Relation to Construction: Recommendations* and shall be submitted to the local planning authority concurrently with the detailed site layout. Development shall be carried out in accordance with the approved details.
- 12) 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 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 and, on completion, a verification statement shall be submitted in writing to the local planning authority. Development shall not begin until the verification statement has been approved in writing by the local planning authority.
- 13) 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 the 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. Development shall not recommence until a verification statement confirming that the site has been remediated in accordance with the approved measures has been approved in writing by the local planning authority.
- 14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme for the disposal of foul and surface water from the site, which includes sustainable drainage measures. The approved scheme shall be completed before any of the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.