
Appeal Decision

Site visit made on 14 August 2018

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

an Inspector appointed by the Secretary of State

Decision date: 20 August 2018

Appeal Ref: APP/J1535/D/18/3193146

2 Creeds Cottages, High Road, Epping CM16 4DE

- 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 and Mrs Barker against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2265/17, dated 17 August 2017, was refused by notice dated 8 November 2017.
 - The development proposed is new vehicular access, entrance gates and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above is taken from the application form. However, prior to the determination of the application the proposal was amended to remove the entrance gates (as shown on drawing ref Driveway/13/02 Rev C). The Council determined the application on the basis of the amended scheme and I have done likewise.
3. The revised National Planning Policy Framework (the Framework) was published after the parties submitted their appeal statements. They were given the opportunity to comment on the revision, but none were received.

Main Issues

4. The main issues in this case are the effects of the proposal on:
 - highway safety;
 - the character and appearance of the Bell Common Conservation Area.

Reasons

Highway Safety

5. The appeal site is a dwelling which is set back a considerable distance from High Road and has no direct access onto the road. Access to the rear of the property is available via a shared drive. I understand that it is used for drop-offs and deliveries, but that there is no parking for the property. The appeal proposal is therefore, intended to provide parking for private cars only and deliveries would continue to be made via the shared access to the rear. I also
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note that the existing arrangement allows delivery vehicles to get much closer to the dwelling than would the proposed access and hardstanding.

6. The section of High Road adjoining the appeal site is well trafficked. It is subject to a 40mph limit, although vehicles speeds are moderated somewhat by the presence of the mini-roundabout at the Bury Lane junction a short distance to the east and the signal controlled Theydon Road junction to the west. The appellant refers to the presence of over 20 accesses between the points marked A and B on the submitted Map 1. However, most of these are located to the west of the Theydon Road junction. This includes the access constructed as part of the Bell Tunnel refurbishment. There is no vehicular access from High Road to 1 Creeds Cottages and the crossover adjacent to that property is unused. The number of private drives to the east of the Theydon Road junction and, therefore, in the vicinity of the appeal site, is limited. Consequently, traffic in this section of the road is generally free flowing and the relative absence of access points means that drivers would not necessarily expect to encounter turning movements.
7. The footpath adjoining the site is fairly wide and would allow reasonable visibility from the proposed access. However, the appeal site itself is quite narrow and is overhung by planting in the neighbouring gardens. No tree survey information has been provided and, therefore, it has not been adequately demonstrated that a hardstanding spanning the full width of the site could be constructed without damaging the adjoining trees. The appellant argues that there is no fence on the western site boundary and that turning vehicles could overhang the boundary. However, there is no firm evidence to demonstrate that this arrangement would be acceptable to the occupier/owner of the neighbouring property and, therefore, I am unable to take it into account.
8. In these circumstances, I am not convinced that there would be sufficient space available to allow a car to enter and leave the site in forward gear. Given the volume and free flowing characteristics of traffic on the highway, I consider that reversing movements into or out of the proposed access would pose a risk to highway safety. I also note that the Council has expressed concern regarding reversing movements conflicting with pedestrians using the footpath to get to the nearby school. This would add to the risk posed by the proposal.
9. Consequently, I find that the proposal would have a harmful effect on highway safety. As such, it would conflict with Policy ST4 of the Epping Forest District Local Plan Alterations 2006 which requires proposals not to be detrimental to highway safety, amongst other things.

Character and Appearance

10. The Bell Common Conservation Area (CA) takes in the development flanking both sides of High Road. For the most part, the buildings are set back a considerable distance from the road and, on the south side, sit behind the common. This arrangement gives the area a spacious, rural character where greenery dominates, in particular in views along High Road. It, therefore, contributes to the heritage significance of the CA. I have already referred to the relatively small number of private drives along this section of the road. Where drives do exist, they tend to be fairly narrow, informal in appearance and vehicles are not parked close to the road frontage. These characteristics

minimise disruptions to the continuity of the planting and, therefore, help to maintain the character of the CA.

11. The hedge on the appeal site's road frontage has been removed. Nevertheless, the part of the site adjoining the footpath is grassed and the adjoining plots are enclosed by substantial planting. As such, the absence of the hedge does not, of itself, significantly detract from the locally distinctive green character of the area. However, the introduction of a new access and hardstanding spanning the full width of the site would give the site a hard, engineering appearance which would be at odds with the prevailing planted character of the frontage. The presence of parked cars in close proximity to the frontage would exacerbate the impact and would distinguish the appeal proposal from the small number of existing access points in this section of the road.
12. I have already referred to the lack of information regarding the potential effect of the proposal on the trees adjoining the site. The loss of trees close to the High Road frontage would add to the absence of the hedgerow at the appeal site and, therefore, impact on the green character of the frontage which contributes to the heritage significance of the CA. Since the interaction of the proposal with nearby trees is an important consideration in both of the main issues in the appeal, it would be inappropriate to leave it to be dealt with by the use of a planning condition. The imposition of a condition which subsequently proved impossible to comply with would render any permission unimplementable.
13. The appellant has drawn my attention to two nearby properties where new hard surfacing has been installed recently. The shingled area in front of 4 Creeds Cottages is not accessed directly from High Road and is well screened from the road by substantial boundary planting. It is not clear exactly how the appearance of the area to the side of the dwelling shown on Fig 4 in the appellant's submission has changed. However, it is visually closely associated with the existing dwelling which fronts directly onto High Road with little intervening planting. Therefore, the alteration has not disrupted the continuity of the frontage in the way that the appeal proposal would. Consequently the cited examples are readily distinguishable from the appeal proposal.
14. It has been suggested that a hardstanding could be constructed at the appeal site using permitted development rights. However, without an access to the highway, which would require planning permission, the hardstanding would serve no obvious purpose and it seems unlikely to be implemented. As such, it would not amount to a realistic fall-back position.
15. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the CA. It would, therefore, conflict with Policies CP2, CP7, LL3 and LL10 of the Adopted Epping Forest District Local Plan and Alterations. Together, these policies require proposals to safeguard the quality of the rural and built environment, to be sensitive to the landscape on the edge of settlements and to make adequate provision for the retention of trees.
16. The proposal would also conflict with paragraphs 190, 192 and 193 of the Framework which require the desirability of sustaining and enhancing the significance of heritage assets to be taken into account and advise that great weight should be given to the asset's conservation, irrespective of whether any harm is substantial or less than substantial. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires special

attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The harm in this case would be less than substantial and Framework paragraph 196 requires it to be weighed against the public benefits of the proposal.

17. It seems to me that there is one potential public benefit in this case. If the appeal was dismissed, the appellant has indicated that access to a Blue Badge permit would allow parking on High Road, which could pose a risk to highway safety. However, Blue Badges should not be used to park where it would endanger, inconvenience or obstruct pedestrians or other road users. Indeed the appellant has recognised that the option of parking on High Road would be undesirable. As such, I consider that the potential for harm arising from dismissing the appeal does not outweigh the harm to the CA. I deal with the personal circumstances of the appellant below.

Other Matters

18. I have been made aware of the personal circumstances of the appellant's family. It is not necessary or appropriate to go into further detail in this decision. That said, I have already noted that the appeal proposal would not improve on the existing arrangements for deliveries to the appeal property. Nevertheless, I also recognise that the lack of convenient parking at the appeal property causes particular difficulties. However, the Planning Practice Guidance (PPG) advises that the planning system is, in general, concerned with land use in the public interest, rather than the protection of purely private interests (paragraph ref: 21b-008-20140306). Moreover, a planning permission would normally 'run with the land' rather than be restricted to a particular person or family. The PPG goes on to advise that a condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building (or, in this case, permanent physical development in the form of the crossover and hardstanding) (paragraph ref: 21a-015-20140306).
19. Taking on board this advice, the requirement to give great weight to the conservation of the CA and my concerns regarding highway safety, I consider that the personal circumstances of the appellant's family do not outweigh the harms that the proposal would cause.

Conclusion

20. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR