



Appeal Decision

Site visit made on 13 August 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/J1535/W/19/3228905

25 Tomswood Road, Chigwell, Essex IG7 5QP

- 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 I Sahar against the decision of Epping Forest District Council.
 - The application Ref EPF/2806/18, dated 14 October 2018, was refused by notice dated 26 April 2019.
 - The development proposed is demolition of existing bungalow and erection of a new house.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and the erection of a new house at 25 Tomswood Road, Chigwell, Essex IG7 5QP in accordance with the terms of the application Ref EPF/2806/18 dated 28 October 2018 and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matter

2. The Council has confirmed that it no longer intends to defend the second reason for refusal as stated on the decision notice. Within that reason the Council stated that insufficient information had been provided to demonstrate that the development would not have adversely affect the integrity of the Epping Forest Special Area for Conservation (SAC). The Council has not specified why it no longer intends to defend that reason for refusal. However, I note that the proposal would not lead to the creation of an additional dwelling but would replace one dwelling with a larger dwelling. The existing property is of a size capable of accommodating a family and, whilst larger, the proposed dwelling would still accommodate a single household. Consequently, there is no reason to conclude that the development would have an adverse impact on the integrity of the SAC and I see no reason to depart from the Council's amended position.
3. The Officers report confirms that the Epping Forest Local Plan (1998) and Alterations (2006) is the adopted development plan and the policies contained therein are afforded full weight. The adopted plan is therefore the starting point for the determination of this appeal.
4. The report also confirms that the Epping Forest Local Plan Submission Version 2017 (the LPSV) has been submitted for independent examination. The Council has provided a copy of the note of 2 August 2019 it received from the Inspector who is examining the LPSV. The note sets out the Inspector's post hearing preliminary advice. The examining Inspector has advised that she considers that various modifications should be made to the emerging Local Plan to make it sound.

Main Issue

5. The main issue is whether or not the loss of the bungalow would reduce housing choice particularly for older people and those with accessibility needs.

Reason

6. The appeal site accommodates a large bungalow. To one side is a large two-storey detached dwelling and on the other side is a three-storey detached dwelling. Tomswood Road comprises a mixture of detached bungalows and two and three storey detached houses. The dwellings are set back from the road with front garden areas some of which accommodate driveways and forecourts. It is residential in character.
7. In that context, a previous planning permission to erect a similar dwelling was granted in 2014 but that permission has now expired. The Council's report regarding that application confirmed that the proposals did not conflict with the adopted plan in respect of all matters under consideration. The relevant policies of the adopted development plan remain unaltered since that time and I have not been referred to any adopted policy that would seek to preclude the replacement of a bungalow with a two-storey dwelling. Thus, the information before me indicates that the proposal is compliant with the policies of the development plan as it currently stands. I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. As set out above, the emerging Local Plan has reached an advanced stage in its preparation. Having regard to paragraph 48 of the National Planning Policy Framework (the Framework) its policies, including emerging Policy H1 of the LPSV, can be afforded substantial weight and is clearly an important material consideration. That policy, amongst other things, to resist the loss of bungalows.
8. However, I have taken into account the neighbouring properties at No 23 and No 27 which were approved in 2011 and 2015 and have subsequently been erected. The existing relationship is now one where the existing bungalow experiences a sense of overbearing which was highlighted by the Council when they approved the previous application at No 27. Therefore, the relationship between the bungalow and its neighbours is a matter that attracts weight in favour of redevelopment, having regard to the living conditions of the occupants and having regard to the prevailing character of the immediate surroundings. The appellant has also drawn my attention to the fact that the appeal proposals have been designed to be capable of accommodating people with accessibility needs including the current and future needs of older people. I have no reason to doubt that statement and the internal arrangements and design are matters that would help to mitigate for the loss of the bungalow in the sense that the new dwelling would also be suitable or adaptable for occupation by those with particular needs.

Conclusion

9. For the reasons set out above, the development would conform to the policies of the development plan as it currently stands. The proposal would conflict with emerging Policy H1 of the LPSV due to the loss of the existing bungalow. However, I find there would be some significant benefits of the scheme with regards the living conditions of the occupiers of the existing bungalow and the proposed house would be adaptable such that it could meet the needs of a range of occupants. Therefore, there would be no significant reduction in housing choice for the elderly and for people with accessibility needs.

10. Having regard to all of those matters, the proposal is consistent with the development plan as it stands and, notwithstanding the weight that can be afforded to the policies of the emerging plan, there are site specific reasons why the replacement of a bungalow with the proposed dwelling would be suitable at the appeal site. For those reasons and having regard to all other matters raised, the appeal should succeed.

Conditions

11. The Council have suggested a number of conditions which I have considered alongside the advice in the Framework and Planning Practice Guidance. I find the majority to be reasonable and necessary in the circumstances of this case; however, some have been edited for precision and clarity.
12. Apart from the standard time limit condition, it is necessary that the development be built to accord with the submitted plans for certainty. In line with the advice in the PPG I have not attached a condition restricting permitted development rights due to the size of the appeal site. To safeguard the appearance of the area, it is necessary that samples of the external materials and details of the hard and soft landscaping are submitted for approval.
13. In the interests of privacy, I attach a condition requiring obscure glazing to be used and retained in the future to the bathrooms. This is in the interests of the character and appearance of the area and the living conditions of occupants of the adjacent properties.
14. To safeguard the living conditions of nearby residents and the character and appearance of the area, it is necessary that prior to the development's commencement tree protection measures are approved together with a condition relating to demolition and construction activities.
15. The landscaping details are to be submitted for approval prior to the first occupation of the development and then implemented in accordance with a programme to be approved as part of the submission of the details in the interests of character and appearance of the area.

Neil Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos. GLA-1, GLA-2, GLA-3, GLA-4, GLA-5, GLA-6, GLA-7, GLA-8 and GLA-9.
- 3) No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 4) Prior to the first occupation of the development the proposed windows in the side elevations shall be glazed with obscure glass with a minimum Level 3 obscurity and shall be permanently retained as such thereafter and shall have fixed frames to a height of 1.7 metres above the floor of the room.

5) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule 2 Part 1, Classes A, B and C shall be undertaken without the prior written permission of the Local Planning Authority.

6) Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Arb Innovations Tree Protection Plan number TWR/TPP01/SK dated 15th January 2019.

7) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

8) No development above ground level shall be commenced until details of the hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The submitted details shall include: boundary treatments; hard surfacing materials; tree, hedge, shrub, other plants and grass planting plans; schedules of the species, sizes and proposed numbers/densities for the new planting; and an implementation programme for the undertaking of the hard and soft landscaping works.

9) The landscaping works shall be carried out in accordance with the approved details, including the implementation programme. Any trees or other plants which within a period of five 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 a similar size and species. The boundary treatments shall be retained for the duration of the occupation of the development.

10) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.