
Appeal Decision

Site visit made on 22 September 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/J1535/W/20/3253711
13 Spareleaze Hill, Loughton IG10 1BS

- 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 Alan Green (A9 Architecture) against the decision of Epping Forest District Council.
 - The application Ref EPF/0411/20, dated 14 February 2020, was refused by notice dated 4 May 2020.
 - The development proposed is demolition of existing dwelling. Proposed 3 storey replacement dwelling with crown roof over, insert garage to front and rear flat roof dormer.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling, proposed 3 storey replacement dwelling with crown roof over, insert garage to front and rear flat roof dormer at 13 Spareleaze Hill, Loughton IG10 1BS in accordance with the terms of the application, Ref EPF/0411/20, dated 14 February 2020, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - The effect of the loss of the bungalow on the availability of housing for people with accessibility needs.
 - The effect of the proposed development on the character and appearance of the street scene and the surrounding area.

Reasons

Loss of the bungalow

3. Emerging Policy H1 of the Epping Forest District Local Plan Submission Version 2017 (the LPSV) resists the loss of bungalows. The LPSV identifies a requirement for accessible housing in the District and it states that the needs of those with accessibility needs, including older people, can be supported by bungalow accommodation. The Council considers that bungalows can play an important role because of their *potential* ease of adaptation such that they can provide choice for people with accessibility needs. The LPSV has not been adopted and so Policy H1 may be subject to further modification, however it attracts some weight.

4. Access from the main entrance to the living area of the bungalow is through a narrow lobby which includes 2 sets of steps. In addition, due to the change in floor levels there are other internal steps, and the bathroom is quite restricted in terms of its size and access. Having regard to these factors, I find the contribution of the bungalow towards the availability of accessible housing to be negligible. Furthermore, given the changes in floor level, the bungalow could not be easily adapted to meet accessibility needs.
5. The Design & Access Statement sets out that the ground and first floors of the proposed dwelling are designed to meet the standards set out in the Building Regulations standard M4(2): Accessible and adaptable dwellings¹, and this could be secured by a planning condition. Its features include: a step-free wheelchair access to the dwelling; level internal floors; wheelchair accessible lift to the first floor; and wheelchair accessible internal doors. Consequently, the proposal would improve the availability of housing for people with accessibility needs.
6. The Council states that the retention of bungalows is not just about ensuring a supply of accessible homes, but also a mix of different size and types of dwellings. However, the LPSV specifically refers to bungalows in terms of supporting the needs for accessible housing. In respect of the mix of housing, the proposal would provide a larger family house and there is no substantive evidence before me to show that this would be harmful to the housing needs of the community.
7. For the above reasons, I conclude that the proposal would accord with the objectives of emerging Policy H1 of the LPSV. It would also meet the objectives of Chapter 5 of the National Planning Policy Framework (the Framework), which seeks the delivery of a sufficient supply of homes that addresses the needs of groups with specific housing requirements.

Character and appearance

8. The appeal site is located in a residential area which predominantly consists of large detached properties of varying design and external materials. The existing bungalow is much smaller than the general scale of buildings in the street scene and its appearance is unremarkable.
9. The appeal scheme proposes to replace the existing bungalow with a 2½ storey dwelling, which would be of contemporary design. Its features would include a grey tiled crown roof; large windows with grey aluminium frames; and projecting flat roofed elements to the front and rear. The external walls would be finished in render and red brickwork.
10. The Council acknowledges that the design and materials of the proposed dwelling would be high quality. However, it is concerned that the contemporary appearance would compete with the traditional design seen in the area. Furthermore, the Council states that flat roof elements are generally unsympathetic additions to buildings of a traditional character.
11. Nonetheless, I see no reason to indicate that the design approach should conform to a particular style. Paragraph 127 of the Framework sets out that planning decisions should ensure that developments are sympathetic to local

¹ The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4 (2): Accessible and adaptable dwellings.

character while not preventing or discouraging appropriate innovation or change.

12. The proposed dwelling would be in keeping with the general scale and siting of properties in the street scene. The projecting elements would break up the mass of the building, and the detailing would provide a high quality appearance. Given the variety of architectural styles in the locality, the proposed dwelling would sit comfortably in the street scene. As such, the proposal would not compete with the styles of buildings in the area, but rather it would enhance the quality of the built environment.
13. For these reasons, I conclude that the proposed development would maintain the character and appearance of the street scene and the surrounding area. The proposal would therefore comply with saved Policies CP2, CP7 and DBE1 of the Epping Forest District Local Plan Alterations 2006 and Policy DM9 of the LPSV, which, amongst other things, seek high quality design and development that contributes to the distinctive character and amenity of the local area. The proposal would also accord with chapter 12 of the Framework, which, amongst other things, states that planning decisions should ensure that developments are sympathetic to local character and history.

Other Matters

14. The Council indicates that the replacement dwelling would have no impact on the Epping Forest Special Area of Conservation ('EFSAC') in terms of increased visitors and air quality than what is currently achievable. EFSAC is a European site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). As the proposed development would not increase the number of dwellings on the appeal site, I agree with the Council.
15. I have had regard to the representations from local residents, Loughton Residents Association Plans Group and Loughton Town Council. In addition to the above matters, there are concerns including loss of light and privacy. The officer's report addressed these issues and concluded that the proposal would not cause a material impact on the living conditions of the adjoining neighbouring properties in terms of loss of light, overlooking or visual impact. I agree.

Conditions

16. The Council has suggested 10 conditions which I have considered against the Framework and the advice in Planning Practice Guidance, amending where necessary in the interests of precision. I am satisfied that all of my conditions set out in the attached Schedule are necessary, relevant and reasonable to make the approved development acceptable.
17. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
18. Conditions relating to external materials and the submission of a landscaping scheme for approval are necessary in order to ensure that the appearance of the development integrates satisfactorily with the local environment.

19. A condition to require details of foul and surface water disposal to be submitted for approval is necessary to ensure satisfactory provision of drainage infrastructure and reduce the risk of flooding.
20. A condition requiring an assessment of the risks posed by any contamination, any necessary remediation measures, and verification, is necessary to ensure that the risks from land contamination to the future users of the site, controlled waters and ecological systems are minimised.
21. A condition to require an electric charging socket to be provided is necessary in the interests of air quality and to reduce carbon emissions.
22. A condition relating to water efficient design is necessary to minimise the environmental impact of the proposed development.
23. I have imposed a condition to require the ground and first floors of the proposed dwelling to be built to Building Regulations M4 (2) standard "Accessible and adaptable dwellings". This is necessary in order to increase the availability of housing for people with accessibility needs.
24. Furthermore, in order to protect the privacy of neighbouring properties, I have imposed conditions to require the upper floor windows in the north-eastern and south-western facing side elevations of the dwelling to be obscure glazed and non-opening below 1.7 metres; and, to prevent the flat roofs being used as a balcony or terrace.
25. The Council has requested a condition to remove permitted development rights under Schedule 2 Part 1 Classes A, B and E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. I have not been provided with clear justification to remove permitted development rights and so I have not imposed the suggested condition.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR

Schedule of conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

Rev i_01 revision i/c; Rev i_02 revision i/c; Rev i_03 revision i/c; Rev i_04 revision i/c; Rev i_05 revision i/c; Rev i_06 revision i/c; Rev i_07 revision i/c; Rev i_08 revision i/c; Rev i_10 revision i/c; Rev i_11 revision i/c; Rev i_12 revision i/c; Rev i_13 revision i/c; Rev i_14 revision i/c; Rev i_15 revision i/c; Rev i_16 revision i/c; Rev i_17 revision i/c; Rev i_18 revision i/c; Rev i_19 revision i/c; and, G6385-1.
3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on the approved plans.
4. No above ground construction works shall take place until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
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 buildings or the completion of the development, whichever is the sooner; and 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.
6. The development hereby approved shall not be occupied until foul and surface water disposal has been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
7. No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development 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 timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall

- be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
8. Prior to first occupation of the development hereby approved, 1 electric vehicle charging point shall be installed and retained thereafter for use by the occupants of the site.
 9. Prior to first occupation of the development hereby approved, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
 10. The ground and first floors of the dwelling hereby approved shall be built to The Building Regulations (2010) Access to and use of Buildings, Approved Document M (2015 as amended), Volume 1: Dwellings, M4 (2): Accessible and adaptable dwellings.
 11. The development hereby approved shall not be occupied until the upper floor windows in the north-eastern and south-western facing side elevations of the dwelling have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall be permanently retained thereafter.
 12. The flat roofs shown on the approved plans shall not be used as a balcony, terrace or sitting out area and shall only be accessed in relation to the general maintenance of the building.