
Appeal Decision

Site visit made on 23 November 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2020

Appeal Ref: APP/J1535/W/20/3258188

3 Luctons Avenue, Buckhurst Hill IG9 5SG

- 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 & Mrs Craig & Nicola Dennis against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0932/20, dated 7 May 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the replacement of an existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing house at 3 Luctons Avenue, Buckhurst Hill IG9 5SG in accordance with the terms of the application PL/EPF/0932/20, dated 7 May 2020 subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the loss of the bungalow on the availability of housing for people with accessibility needs.

Reasons

3. Luctons Avenue sits within a pleasant residential street amongst properties of varying design, materials and scale. An existing bungalow on the site would be demolished to be replaced with a dwelling which would provide accommodation across three floors.
4. Emerging Policy H1 of the Epping Forest District Local Plan Submission Version (2017) (EFLPSV) resists the loss of bungalows. The EFLPSV identifies a requirement for accessible housing 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 including the current and future needs of older people. The EFLPSV has not been found sound/adopted and so I cannot rule out that Policy H1 may be subject to modification. It does however attract some weight.
5. I find nothing inherently unsuitable in the location of the property in relation to those with accessibility needs. However, access to the bungalow from the front and rear is not provided through level access, with a step up incorporated. The pedestrian access to the front door from the street is via a set of steps.

6. Further, some of the internal accessways are narrow and create pinch points which would be difficult to negotiate for those with accessibility needs. Having regard to these factors, the contribution of the existing bungalow towards the availability of accessible housing is negligible. Changes to the property to improve accessibility would require substantial work and there is nothing within the evidence to suggest that the bungalow could be easily adapted.
7. The proposed dwelling would have a simple and open layout, in contrast to the existing bungalow. It would provide a level access threshold, wide door openings, accessible ground floor WC and an access ramp to the rear garden amongst other features. It would also include a void, such that a lift could at some point in the future be provided to all floors. Consequently, given the limited accessibility of the existing dwelling, the proposal would improve the availability of housing for people with accessibility needs.
8. 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 EFLPSV 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.
9. For the above reasons, I conclude that the proposal would accord with the objectives of emerging Policy H1 of the EFLPSV. 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.
10. I have not identified conflict with Policies CP1, CP2, CP7, H4A, DBE1, DBE9 nor DBE10 of the Epping Forest Combined Policies (2008). These policies amongst other things require sustainable, high quality and well-designed development that protects the living conditions of neighbouring occupiers while providing an appropriate dwelling mix.

Other Matters

11. I have carefully considered the concerns of those who have objected to the proposal. However, the Council have identified no harm in relation to the character and appearance of the area and no material adverse impact in respect of the living conditions of neighbouring occupiers. Having considered the evidence and undertaken a site visit, I have no reason to disagree.

Conditions

12. The conditions set out in the accompanying schedule are broadly based on those suggested by the Council in their appeal statement should the appeal be allowed. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
13. Planning permission is granted subject to the standard time limit and approved plans conditions in the interests of certainty. Details of surface water drainage works are necessary to ensure the site is sustainably drained, while a condition relating to water use is necessary to ensure sustainable use of the resource. A condition is required relating to obscure glazing to protect the living conditions

of neighbouring occupiers. I have added a condition relating to materials in the interest of the appearance of the area. Condition 7 is necessary to ensure the protection of retained trees during the works.

14. I have not added a condition relating to replacement planting as this would not be necessary should the tree protection be adhered to as required. An initial contaminated land report has been submitted which states that a significant risk of harm to human health has not currently been identified and no further assessment is considered to be necessary. I have no other evidence to contradict this position and cannot therefore deem a further condition necessary.
15. I have been provided with no detailed policy requirement to justify the inclusion of an electric car charging point therefore the inclusion of such a condition would not be reasonable. A condition restricting the use of the flat roof area as a balcony is not necessary as protections already exist in this regard and there is no evidence that such a use is intended.
16. The Council has requested a condition to remove permitted development rights under Schedule 2 Part 1 Classes A and B of the Town and Country Planning (General Permitted Development) Order. 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

17. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 367-EX-01, 367-EX-02, 374-EX-03, 367-PL-01, 367-PL-02, 367-PL-03, 367- PL-04, 374-PL-05 and 374-PL-06.
- 3) Prior to their installation, details / samples of the materials to be used in the construction of the external surfaces of the house hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Details of surface water drainage works shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development. They shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5) Prior to the first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 6) Prior to the first occupation of the development the window openings in the north west facing flank elevation at first floor level, shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 7) All development at the site shall take place in accordance with the recommendations of the Arboricultural Report and Arboricultural Implications Assessment - April 2020 (Moore Partners Ltd) and tree protection plan CA/LUC/01.