
Appeal Decision

Site visit made on 19 October 2020

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/J1535/D/20/3252852

8 Stanmore Way, Loughton, IG10 2SA

- 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 Ms T Brough against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0490/20, dated 2 March 2020, was refused by notice dated 27 April 2020.
 - The development proposed is described as 'the replacement of an existing house'.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether the proposed development would be consistent with planning policies that seek a mix of housing and accommodation in the District.

Reasons

Housing mix and accommodation

3. The adopted development plan is the Epping Forest Local Plan (1998) and Alterations (2006). I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise, and so this Plan is the starting point for this appeal. The Council's Delegated Report and formal Decision Notice did not identify any conflict with this Plan.
4. The Epping Forest Local Plan Submission Version 2017 (LPSV) has been submitted for independent examination. Criterion F of Policy H1 of this emerging Plan states that '*the loss of bungalows and specialist accommodation will be resisted*'. The Council has provided a copy of the Inspector's interim advice of 2 August 2019 covering the substantive matters raised at the examination hearings setting out various modifications to be made to enable her to address issues of soundness. The Inspector's comments in relation to Policy H1 do not set out any suggested changes with regards to criterion F. As this emerging Plan has reached an advanced stage in its preparation, and having regard to paragraph 48 of the National Planning Policy Framework ('the Framework'), emerging Policy H1 and its criterion F of the LPSV can be afforded substantial weight in this appeal and is an important material consideration.

5. The appeal property is a 2-bedroom bungalow in an area of predominately two storey houses. Stanmore Way is a generally level road in the vicinity of the appeal property, though it drops downhill to the east. The property is on a spacious plot, with a good distance retained to adjoining houses.
6. The replacement dwelling would be a two storey house with roof above, and so the proposed development conflicts with the Criterion F of Policy H1 : it would lead to a loss of a bungalow. This is a material consideration of significant weight.
7. My attention has been drawn to paragraph 3.5 of the supporting text to Policy H1. This states that the needs of those with accessibility needs, including older people, can be supported by bungalow accommodation, and that bungalows can have a potential ease of adaptation. The appellant has explained the shortcomings with the existing property in relation to accessibility, and I concur that the proposed new dwelling would be more accessible now and in the future.
8. However, the Council further draw my attention to Policy H1 being a policy that seeks to ensure a mix of housing types and sizes not a policy that seeks only to secure accessible homes, and the supporting text to the Policy confirms the objective is to seek mixed and balanced communities. This is consistent with the Framework's objective that, in delivering a sufficient supply of homes, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
9. I further note that Criterion A(v) of Policy H1 requires all new homes in the District to be accessible and adaptable. Thus, whilst the benefits to accessibility proposed in this appeal compared to the existing bungalow on site are a material consideration, given the overarching aim of Policy H1, I attach moderate weight to this matter.
10. I am aware that the appellant has permission for a first floor extension at the bungalow (ref. EPF/2674/19). However, that extension is contained within the extended roofspace of the property, along with a dormer extension, and so the property would retain the form of a bungalow. Hence, even if this fallback position was implemented, the situation remains that the current proposal would result in the loss of a bungalow.
11. I have commented above that the loss of a bungalow for a house, and consequential conflict with Policy H1, is a material consideration of significant weight. In my view this outweighs the moderate benefit arising from the accessibility improvements. On the main issue it is therefore concluded that the proposed development would unacceptably conflict with planning policies that seek a mix of housing and accommodation in the District, and so would conflict with Policy H1 of the LPSV and with the Framework.

Other considerations

12. The existing bungalow on the site is a modest building that does not impose upon the character or appearance of the area, nor cause any harmful impact upon neighbours due to its position, size or design. The proposed replacement dwelling would be of a suitable design that also respects the locality and the neighbours. This is therefore a consideration of neutral weight in this decision.

13. The proposed development would lead to short term economic benefits arising from construction of the house. However, economic benefits would also arise for a dwelling that is consistent with the planning policies referred to above. Thus, this is again a consideration of neutral weight.
14. The appellant has drawn my attention to other appeals in the District where Policy H1 has been an issue. The case at Tomswood Road (ref. APP/J1535/W/19/3228905) was for the demolition of a large bungalow and replacement with a new house. The Inspector found a conflict with Policy H1, but this was outweighed in his view by benefits to both living conditions and to accessibility improvements. In the current appeal I have accepted there are similarly accessibility improvements but they are not sufficient to outweigh the weight arising due to the conflict with the breach of Policy H1. And, unlike the Tomswood Road appeal, there are no other considerations in favour of the proposed house in the current appeal. Hence, my conclusions on the main issue remain the same.
15. The case at The Plain (APP/J1535/W/19/3239786) confirmed that Policy H1 was a policy that seeks to resist the loss of bungalows in order to ensure an appropriate mix of accommodation types is maintained. The property in that instance was a 7-bedroom bungalow set over two floors, which the Inspector found was unlikely to be appropriate to meet the needs of an ageing population. This is different to the bungalow in the current appeal. On the basis of the facts in that case the Inspector considered the demolition of the large bungalow and proposed two pairs of semi-detached houses would not be detrimental to the supply of housing for older residents. He also observed that the scheme – to provide a net increase in three dwellings – complied with the objective of the Framework in optimising the potential of the site. This is not the case in the current appeal. Hence, the material differences in the facts set out in this case do not alter my conclusions on the main issue.
16. The case at The Crescent (APP/J1535/W/19/3231817) was for an extension to an existing bungalow, where the Inspector commented that Policy H1 was not relevant. Thus, my findings remain the same.

Conclusion

17. Whilst I acknowledge the development would provide a house that is more accessible and adaptable than the current bungalow, and that there would not be harm to the character of the area or to living conditions, the conflict with Policy H1 and the Framework means the appeal is dismissed.

C J Leigh

INSPECTOR