



Appeal Decision

Site visit made on 15 December 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/J1535/D/20/3260241

47 The Crescent, Loughton, Essex, IG10 4PU

- 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 George Wilson against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/0979/20, dated 6 May 2020, was refused by notice dated 8 July 2020.
 - The development proposed is a single storey rear extension, single storey side extension, first floor over existing main footprint, raised patio at rear.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension, single storey side extension, first floor over existing main footprint, raised patio at rear at 47 The Crescent, Loughton, Essex, IG10 4PU in accordance with the terms of the application Ref: PL/EPF/0979/20, dated 6 May 2020 and subject to the conditions set out in the attached schedule.

Procedural Matter

2. The Council, in its decision notice, refers to Policy H1 of the Epping Forest District Local Plan Submission Version 2017 (LPSV). The LPSV has not been adopted but is at an advanced stage such that LPSV Policy H1 may carry material weight in planning decisions.

Main Issue

3. The main issue in this case is the loss of the appeal property as a single storey bungalow.

Reasons

4. The appeal property is detached bungalow. It is located within a residential area characterised by the presence of detached bungalows and two storey detached, semi-detached and terraced dwellings.
 5. Dwellings tend to be set back from the street behind parking areas and have relatively long gardens to the rear.
 6. During my site visit, I observed that many houses have been altered and/or extended in a variety of ways. This has resulted in a street where the presence of a wide range of house types provides for variety and visual interest.
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7. In its reason for refusal, the Council refers to LPSV Policy H1. Whilst I note that in general, Policy H1 appears to apply to new housing and that, in reaching her decision¹ in respect of another appeal elsewhere in Epping Forest, another Inspector noted the same thing, I am also mindful that the Policy does not state that the alteration and/or extension of bungalows will not be permitted.
8. Furthermore, the Council, in its decision notice, refers to the absence of very special circumstances to outweigh harm. Regardless of the fact that nowhere does LPSV Policy H1 refer to the need for development to demonstrate very special circumstances, a term more frequently associated with Green Belt policy, the Council has not identified any harm that would arise as a result of the proposed development. Rather, the Council states explicitly that there would be no significant harm to local character or to residential amenity.
9. Notwithstanding all of this this, during my site visit I observed that a number of bungalows in the area have been converted into two-storey properties through the utilisation of the roof space. There is no evidence before me to demonstrate that the appeal property could not be altered in a similar way under permitted development rights and I am mindful that this would, in any case, result in the loss of the property as a single storey bungalow, regardless of LPSV Policy H1.
10. In addition to the above, the plan submitted with the application, *Plan 1 Proposed Alterations*, shows that, amongst the changes proposed, an en-suite bedroom is proposed at ground floor level. Thus, whilst the development would result in the appeal property no longer comprising a bungalow, I note that the larger dwelling created could provide for say, a family requiring space for an elderly person or people, or for someone with mobility or other specialist needs.
11. Taking all of this into account, I find that the proposed development would not result in any significant harm and would not be contrary to the National Planning Policy Framework or to LPSV Policy H1 of the Epping Forest District Local Plan Submission Version 2017 (LPSV), which seeks to provide a mix of new homes.

Conditions

12. I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
13. A condition requiring obscure glazing is necessary in the interests of privacy. A condition controlling use of the flat roof over the single storey extension is necessary in the interests of privacy.
14. A condition requiring the screening of the patio is required in the interests of privacy.
15. A condition in respect of materials is necessary to protect the character and appearance of the host property and the wider area.

¹ Reference: APP/J1535/D/19/3231817.

Conclusion

16. For the reasons given above, the appeal succeeds.

N McGurk
INSPECTOR

**Schedule of Conditions attached to
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47 The Crescent, Loughton, Essex, IG10 4PU**

- 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 plan: 1 Proposed Alterations.
 - 3) The window opening in the flank elevation at first floor level shall be entirely fitted with obscured glass with a minimum privacy 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.
 - 4) Access to the flat roof over the single storey rear extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
 - 5) Privacy screens no less than 1.7 metres high shall be installed along the edges of the patio and shall be permanently retained in that condition.
 - 6) No construction works above ground level shall take place until documentary and photographic details of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
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