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The Planning Inspectorate

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: 26 January 2021

Appeal Ref: APP/J1535/W/20/3248584
19 Blackacre Road, Theydon Bois, Epping, CM16 7LT

- 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 L Hill against the decision of Epping Forest District Council.
- The application Ref PL/EPF/2731/19, dated 12 November 2019, was refused by notice dated 21 February 2020.
- The development proposed is the removal and replacement of the existing house on the site with a new-build single family dwelling

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 22 December 2020.

Application for costs

1. An application for costs was made by Ms L Hill against Epping Forest District Council. This application is the subject of a separate Decision.

Decision

2. The appeal is allowed and planning permission is granted for the removal and replacement of the existing house on the site with a new-build single family dwelling at 19 Blackacre Road, Theydon Bois, Epping, CM16 7LT in accordance with the terms of the application, Ref PL/EPF/2731/19, dated 12 November 2019, subject to the following conditions:
    1) The development hereby permitted shall begin not later than three years from the date of this decision.
    2) Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
    3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0427/A/1210/Rev02, 0427/a/1103/Rev 02, 0427/a/1101/02, 0427/A/0100/Rev 2, 0427/A/0200 /Rev 02, 0427/A/1200/Rev 02, 0427/A/0000/Rev 02, 0427 /A/0010/Rev 02 & 0427 DOC 001 Rev 01.

Main issue

3. 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

4. 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.

5. 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. Although I understand the modifications to the LPSV have not yet been published, and that there are outstanding objections to Policy H1, this emerging Plan has reached an advanced stage in its preparation. Having regard to paragraph 48 of the National Planning Policy Framework, the policies of the LPSV, including emerging Policy H1 and criterion F, can be afforded substantial weight and is an important material consideration.

6. The appeal property is a bungalow set within a street of varied character, containing bungalows and houses of differing scale and designs. To both sides of the property lie bungalows, being dwellings with a conventional ground floor and an upper floor of accommodation set within the roof with gable ends fronting the road. Blackmore Road is sloped and many dwellings have inclined or stepped access from the footway. No. 19 is one such property, where the front door is reached by a steep access with narrow steps and driveway.

7. The proposed replacement property also displays the character and form of a bungalow: the upper floor of accommodation would be entirely set within the sloping roof space with the sole exception of two dormers, and the form of the dwelling would reflect the bungalows seen either side. My observation on this matter is supported by the Council's August 2019 response to the appellant's pre-application enquiry regarding the replacement of No. 17, where the Council commented the proposal represented a 'like for like' replacement of the existing bungalow, save for an increase in bedrooms.

8. My finding is further supported by a planning permission in September 2019 that the appellant has drawn to my attention concerning the demolition and replacement of a bungalow at The Conifers, St Leonard's Road (ref. EPF/1457/19). I am informed in that case the Council concluded a dwelling with accommodation wholly within a roof space meets their definition of a bungalow under Policy H1 of the LPSV, and so it was found that such a proposal *'would not result in the loss of a bungalow and therefore would not be contrary to emerging Local Plan Policy H1'*. The Council do not dispute this conclusion in their submissions for this current appeal.

9. Based on the above it is my judgement that, as a matter of fact, the proposed development in this appeal represents the replacement of an existing bungalow with a new bungalow. Thus there is no conflict with criterion F of Policy H1.

10. I further note that the proposed development would lead to a dwelling that has considerably better accessibility arrangements than the current bungalow on the site. I have noted the difficulties with the existing property and the appellant's submissions expand further on this matter. I am informed the appellant is wishing to provide a dwelling for their old age and retirement: my attention has been drawn to the design of the new dwelling which would include many tangible internal and external measures to ensure accessibility benefits both now and in the long term.

11. Paragraph 3.5 of the supporting text to Policy H1 states that the needs of those with accessibility needs, including older people, can be supported by bungalow accommodation, and that bungalows are can have a potential ease of adaptation. It is evident to me the proposed dwelling would be a property that provides accommodation that is both notably more accessible for the appellant than the current property, and also will be more adaptable for their future needs. However, I note that Policy H1 is not one that seeks only to secure accessible homes: the Policy and the supporting text explain the objective is to seek mixed and balanced communities. I further note that Criterion A(v) of Policy H1 requires all new homes in the District to be accessible and adaptable. The benefit to accessibility proposed in this appeal compared to the existing bungalow of site is a material consideration but, given the overarching aim of Policy H1, I attach moderate weight to this matter.

12. The proposed development would therefore not conflict with the adopted Local Plan, nor with the LPSV. On the main issue it is concluded the proposal would be consistent with planning policies that seek a mix of housing and accommodation in the District. The moderate benefits arising from the accessible and more adaptable new dwelling further weigh in favour of the proposal.

Other considerations

13. The scale, siting and massing of the proposed bungalow would be consistent with the two bungalows that sit either side of the house. The design of the proposal is coherent and well-considered, representing a good quality of modern architecture. The use of glazed elevations and dark cladding is part of that modern, restrained approach in the building, and it would appear comfortable within the streetscene that sees diversity in architecture, including in the adjoining bungalows. The landscaping at the front of the property, including walls enclosing the garden area, would be appropriate to the sloping appeal site and the design and scale of the bungalow behind.

14. The proposed bungalow would come slightly further forward on the plot at the front of the site in places and by higher than the existing building. The distance to the adjoining dwellings would mean these changes are not overbearing, nor lead to a loss of light. The rearward extent of the building leaves sufficient space to the neighbouring properties to similarly ensure no material loss of light or outlook to existing residents. The overall limited height of the bungalow and the steeply sloping roof further minimises any impact. The position of windows will ensure no loss of privacy.

Conclusions

15. The appeal is therefore allowed. I have attached the Council's suggested condition that secures the provision of the vehicular access and parking as

shown on the submitted drawings, in the interests of highway safety. As that condition concerns access, and I see no evidence from the Council explaining why any other arrangement is necessary, I do not see the need for the further suggested condition relating to a visibility splay.

16. The Council's suggested conditions relating to water efficiency and electric charging points are vague, with insufficient precision about what specific measures are needed to ensure compliance with those conditions. I have also not been provided with any evidence or development plan policies that set out the requirement for these requests. Thus, it has not been shown that the suggested conditions are necessary, relevant to the development being permitted, enforceable or precise, and so they fail the tests of the Planning Practice Guidance: Use of Planning Conditions.

17. The proposed development is a one-for-one replacement dwelling, and matters relating to drainage are covered by building regulations. I therefore do not see it necessary for this to be duplicated in a planning condition, which refers to the reason for attaching such a condition as in the interests of public health. I have not seen any detailed proposals relating to the retention or removal of trees, and the Council's submissions do not refer to this matter, and so the suggested condition relating to implementation of a submitted arboricultural report appears unnecessary.

18. I have attached the suggested condition specifying the relevant drawings as this provides certainty.

C J Leigh

INSPECTOR