



Appeal Decision

Site Visit made on 2 November 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/J1535/W/21/3268775

21 Tomswood Road, Chigwell IG7 5QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs N Saeed against the decision of Epping Forest District Council.
 - The application Ref EPF/1730/20, dated 12 August 2020, was refused by notice dated 1 October 2020.
 - The development proposed was described as 'demolish existing bungalow and construction of a 6 bedroom detached house'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved, and I have considered the appeal on this basis. While I have had regard to the plans submitted as part of the application, I have treated details of the reserved matters of access, layout, scale, appearance and landscaping of the development as illustrative.
3. The description of development in the banner heading above is taken from the planning application form. I note that a different wording has been entered at Part E of the appeal form which reflects the description stated on the Council's decision notice, but neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

4. The main issue is the effect of the proposal on the mix of housing in the District.

Reasons

5. The appeal proposes demolition of the existing bungalow on the site and the construction of a 6-bedroom house. The loss of the bungalow would result in conflict with Policy H1 of the Council's emerging Local Plan (eLP) which states at part F that the loss of bungalows and specialist accommodation will be resisted.
6. The eLP is at an advanced stage of examination. Consultation has taken place on main modifications prepared including to address the examining Inspector's letter of advice following hearing sessions. This advice did not identify concerns or recommend changes in relation to Policy H1, and I note subsequent clarification from the Inspector to the Council advising that no further work or

additional main modifications were required on matters not covered within this letter. Although the Inspector's report is yet to be published, I therefore have no firm reason to anticipate further substantive changes to Policy H1.

7. The National Planning Policy Framework (the Framework) states that it is important that the needs of groups with specific housing requirements are addressed, and advises that policies should reflect the housing needs of different groups, including of older people and people with disabilities. In generally seeking housing of a range of types and sizes to meet different needs, the broad intent of Policy H1 seems to me to be generally consistent with the Framework, and there is no compelling evidence to the contrary.
8. Given the above and in light of the advice at paragraph 48 of the Framework concerning the weight that may be given to policies in emerging plans, I give significant weight to Policy H1 as it would apply to this appeal, and the conflict with the policy is an important material consideration.
9. I acknowledge that the majority of buildings along Tomswood Road are large two-storey properties. Nevertheless, there are other bungalows present, including on the neighbouring site at 19 Tomswood Road. The design quality of the replacement dwelling would depend on the reserved matters, and any improvement has over the existing building which I found sits comfortably within the mixed street scene has not therefore been demonstrated such that I consider this factor to weigh significantly in favour of the proposal.
10. At my visit, I was able to see that the layout of the appeal dwelling results in a number of steps, including between rooms, that some rooms were fairly small, and that internal doors were in many cases narrow. I have no firm reason to doubt the conclusions of the appellant's 'Occupational Therapy Adaptation Appraisal' that the property is unsuitable for someone who uses a wheelchair or mobility aid indoors, nor that adaptations would be expensive and would not deliver accommodation meeting all current recommendations for wheelchair accessibility.
11. However, Policy H1 explicitly resists the loss of bungalows and specialist accommodation, and this stipulation is not subject to qualification within the Policy as to the accessibility or adaptability of the accommodation concerned. Despite emphasis in the supporting text on the role of bungalows in meeting the needs of those with accessibility requirements and their potential ease of adaptation, I am not therefore persuaded that this necessarily means the general protection within the policy applies only to those bungalows that are accessible and adaptable. I appreciate that the appeal dwelling may not be suited or fully adaptable to meet the needs of wheelchair users or some disabled people, but that does not determine that it would not be attractive to any potential occupiers who may prefer accommodation at ground floor level. Notwithstanding the limitations of the existing property, I therefore consider that it would still contribute generally to the overall mix of housing types in the District.
12. I note the existence of permitted development rights that offer potential to alter and extend dwellings, including to provide additional floors of accommodation. However, the limited details before me offer little firm assurance to demonstrate that development comprising either enlargement of the appeal dwelling by construction of additional storeys, or addition or alteration to its roof could be carried out in compliance with permitted

development rights. The appellant also describes these options as 'suboptimal', and in the absence of a firm scheme this introduces doubt in my mind as to whether either option would realistically be pursued in the event that the appeal were to fail. These factors limit the weight that I can afford to the possibility of extensions as fallback positions to the appeal development.

13. The appellant has also drawn my attention to examples of planning permission granted by the Council or on appeal which suggest that the loss of a bungalow may be acceptable. However, the Council has also referred me to a contrary appeal decision at 8 Stanmore Way where the loss of a bungalow was found to conflict with Policy H1 of the eLP, and factors including improvements to the accessibility of the dwelling were not considered to outweigh this conflict.
14. Moreover, all of the decisions cited by the appellant refer to the accessibility or overall suitability of the proposed developments to meet the needs of different occupiers. The appellant comments that the appeal development would comply with Part M(4) of the Building Regulations 2010 (as amended) and be accessible to people with reduced mobility and adaptable, but the outline nature of the proposal means that I do not know the detail of how this would be achieved including the extent and nature of living accommodation that would be provided at ground floor level. Accordingly, I am unable to draw any firm conclusions on any potential benefit to the accessibility or overall suitability of accommodation to meet different housing needs in this case. I also have no compelling evidence that the relationship with neighbouring buildings results in undesirable living conditions for occupiers of the existing bungalow which was a factor that the Inspector found weighed in favour of the nearby development at 25 Tomswood Road. Furthermore, I note that the decisions at 62 The Crescent and 3 Luctons Avenue gave Policy H1 of the eLP 'limited weight' and 'some weight' respectively, with the Inspectors referring to potential unresolved objections and future modification.
15. I do not therefore find that these examples are directly comparable to the appeal before me. In any event, I am required to consider the appeal proposal on its specific merits and I have reached my own conclusions on this basis and with regard to the evidence presented.
16. Given all of the above, I am not satisfied that other considerations would in this case outweigh the loss of the existing bungalow in conflict with Policy H1 of the eLP, and I find that the loss of the bungalow would be detrimental to the mix of housing in the District contrary to the Framework insofar as it seeks generally a range of housing to meet the needs of different groups. The Council's sole reason for refusal of the planning application does not allege conflict with the currently adopted development plan, and I acknowledge that the Framework advises that proposals that accord with an up-to-date development plan should be approved without delay. Nevertheless, I find for the above reasons that there are thus material considerations which indicate that a decision contrary to the development plan should in this case be reached.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR