The Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date:4th January 2022

Appeal Ref: APP/J1535/D/21/3284249
Red Cherries, 32 Tatsfield Avenue, Nazeing, Waltham Abbey EN9 2HH

- 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 Pegna against the decision of the Epping Forest District Council.
- The application Ref PL/EPF/1962/21, dated 15 July 2021, was refused by notice dated 1 October 2021.
- The development proposed is to remove existing roof and erect new first floor extension with new hipped roof.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I note reference in the Decision Notice to Policies DM9 and H1 from the emerging Epping Forest Local Plan 2017 (Submission Version) (LPSV). In my application of paragraph 48 of the National Planning Policy Framework (the Framework), whilst the LPSV is not part of the adopted development plan, it is at an advanced stage in the adoption process, and according to the Council's proposed Main Modifications there have been no modification to the policies or the accompanying text. In my opinion the emerging policy would appear to be consistent with the Framework. I am also mindful that the examining Inspector may wish to re-open the examination to hear further evidence and as such could result in further changes and additions to this policy and accompanying text. Based upon this, I will afford the LPSV moderate weight in this appeal decision as a material consideration.

Main Issue

3. The main issue is the effect of the proposed development upon:

   - The housing mix of the locality; and
   - The character and appearance of the host building and the locality.

Reasons

Housing Mix

4. The proposal would result in the removal of the existing roof form and addition of another level so that the proposed accommodation would be a standard two storey dwelling, as opposed to the current situation where the dwelling functions as a bungalow where much of the living spaces are on the ground floor and are suited to persons with mobility impairments.

5. According to the accompanying text and Saved Policy H4A of the Epping Forest Local Plan 2006 (LP), and to Emerging LPSV Policy H1(f) it is clear that the Council will fail to provide mixed and balanced communities if it does not both increase the rate of new provision of different types of dwellings and hold onto existing stock which would result in a failure to achieve the strategic principles and policies as outlined in the LP and LPSV. These policies seek balanced and mixed communities and pay particular regard to the loss of bungalows and other specialist accommodation which is evidenced as being in need. Saved LP Policy H4A and LPSV Policy H1 continues to seek that the loss of bungalows are resisted and base this upon the Council's latest Strategic Housing Market Assessment 2015. LPSV Policy H1 seeks that '*planning applications will be required to be supported by evidence, proportionate to the nature and scale of development proposed, to justify the mix of new homes to be provided. Such evidence will also need to reflect latest housing needs evidence published by the Council.'* This is consistent with the Framework's objective that in delivering a sufficient supply of homes.[1]

6. The evidence that is put forward by the applicant with regards to the loss of bungalow relates to the changes to the General Permitted Development Order (GDPO) which introduces Class AA which gives permitted development rights via the prior approval process to add additional storeys to dwellings that meet the specified provisions of this class of development. However, as expressed by the applicant, this permitted development right does not exist in this instance, as well as the prior approval process also being subject to further considerations which may affect its acceptability. As such, these considerations associated with the GDPO can not be considered as a material consideration to this proposal. I also acknowledge commentary with regards to the dwelling having two bedrooms in the loft space that has created a 4 bedroom property; however this does not significantly change the nature of the building as a bungalow where much of the living facilities such as bathroom, bedrooms, living areas and kitchen etc are located on the ground floor with the building still suited for persons with mobility impairments.

7. I also note commentary with regards to a future development at the east side of St. Leonards Road and Hillview that are believed by the applicant to be delivering bungalows and would in their opinion be better suited for dwellings for persons with mobility impairments. However, based on the information before me, it is unclear whether these adjacent developments would fulfil the housing needs for this particular group of people and also make up for the loss of the current building when assessed against the Council's housing needs.

8. Consequently, based on the evidence before me, it has not been demonstrated that the loss of the bungalow would not cause detriment to the existing housing stock. The proposed loss of a bungalow would therefore cause harm to the housing mix which in turn affects the council's aim to have balanced and mixed communities. The proposal would be contrary to Saved LP Policy H4A and LPSV Policy H1 as described previously.

Character and Appearance

9. The appeal site is located along Tatsfield Avenue which is a long residential cul-de-sac that ends in a hammerhead turning area. Tatsfield Avenue appears to have been constructed in the mid-twentieth Century and contains a wide

[1] Paragraph 62

variety of dwellings which are positioned alongside the topography of the road which rises from the start to the end of the cul-de-sac. There are groups of dwellings which have similar design characteristics such as the presence of regular two storey dwellings with hipped roof forms along the northern side of the road; whereas to the southern side there are a group of single storey properties with steep pitched roof forms that have a 'cat-slide' like appearance and two dwellings beside the appeal site that are single storey and have angular roof forms. Despite the various designs, there is a consistent setback of properties with vegetated front gardens with low boundary walls and setbacks between properties where glimpses to the tops of vegetation to the rear of dwellings is experienced. The gaps in and around properties reinforces a sense of spaciousness and is a positive contribution to local character and distinctiveness.

10. The appeal site is located towards the commencement of Tatsfield Avenue, where the topography of the road is rising. Dwellings are positioned at a graduated height which consists of lower level bungalows on the southern side which graduate in height but are generally low scale. The appeal site is not part of a group of buildings along Tatsfield Avenue that have particular design characteristics, however is of a low scale which is suited to the topography of the road where dwellings graduate in height. The appeal building is modest in design with front facing main gable with pitched roof and large side dormer extension and garage located to the rear of the property.

11. Whilst I agree with the Council that the existing dwelling would be unrecognisable, the existing dwelling does not have a particular character or appearance that must be protected in this respect given the large amount of variance in dwelling design and form in this location. In considering the current proposal, the proposed scale, overall height and massing of the proposed building, the proposal would relate poorly with the existing street scene with the building not graduating in height between its neighbouring dwellings. The increased height and massing would not graduate the height between the neighbouring dwellings, but would accentuate the height, particularly towards the single storey dwellings to either side. This increase in height would in this circumstance have an awkward juxtaposition between the neighbouring dwellings and in relation to the topography of Tatsfield Avenue as it rises.

12. Consequently, and in conclusion of this matter, the proposed scheme would cause harm to the character and appearance of the locality and conflict with saved CS Policy DBE10 (which seeks that extensions are required to enhance the street scene, existing building by assessing the scale, form, elevations, amongst others). The proposed scheme would also be contrary to LPSV Policy DM9 (which seeks that new development achieve a high quality design that contributes to their character and responds to local context).

Conclusion

13. I conclude that the appeal be dismissed.

J Somers
INSPECTOR