

Appeal Decision

Site visit made on 11 February 2022

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH February 2022

Appeal Ref: APP/J1535/W/21/3282551

28 Bury Road, Epping CM16 5EU

- 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 Ben Wigan against the decision of Epping Forest District Council.
 - The application Ref EPF/0261/21, dated 29 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is 'converting an existing bungalow into a 2 storey family dwelling with a bedroom within the loft space'.
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Decision

1. The appeal is allowed and planning permission is granted for converting an existing bungalow into a 2 storey family dwelling with a bedroom within the loft space at 28 Bury Road, Epping CM16 5EU. The permission is granted in accordance with the terms of the application Ref EPF/0261/21, dated 29 January 2021, subject to the conditions included in the Schedule at Annexe A.

Main Issues

2. The main issues are the effect of the proposal on the mix of housing within the District; and the effect on the character and appearance of the street scene.

Preliminary Matters

3. The Council relies on policies from the Epping Forest District Local Plan Submission Version 2017 (LPSV). I note that the LPSV has been submitted for examination, that the hearings have taken place and that the Inspector has advised on the necessary main modifications to enable soundness issues to be addressed.
 4. The appellant contends that criterion F. of Policy H1 concerning the retention of bungalows attracted a number of objections that have not been resolved and so, consequently, the policy should be given little weight. However, the objections referred to appear to have been submitted before the hearings and, therefore, would have been taken into account by the Inspector. It is clear from correspondence with the Council that while the Inspector considered some aspects of Policy H1 with regard to soundness, these do not relate to criterion F. I am not aware that the Inspector commented on other relevant policies in this case concerning design quality. Therefore, for these reasons, all the
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policies from the LPSV referred to by the Council can be given substantial weight for the purposes of this appeal¹.

Reasons

5. The appeal property is a detached bungalow located in a residential cul-de-sac, which comprises predominantly two storey dwellings as well as some chalet bungalows.

Housing Mix

6. Policy H1 of the LPSV concerns housing mix and accommodation types. Criterion F. says that the loss of bungalows and specialist accommodation will be resisted. The principal justification for this given in the supporting text is that bungalows can meet accessibility requirements, including for older people. Moreover, the Council considers that bungalows can play an important role because of their potential ease of adaptation.
7. More generally, Policy H1 seeks to meet the housing needs of different sectors within the community, to ensure the creation of mixed and balanced communities. This approach accords with the National Planning Policy Framework (the Framework), which says that the size, type and tenure of housing for different groups in the community should be assessed and reflected in planning policies².
8. The existing small bungalow has all its accommodation, including two bedrooms, laid out across the ground floor. The proposed dwelling would include accommodation across two storeys and in the roof space, providing three additional bedrooms. Consequently, the proposal involves replacing a 2 bed dwelling with a 5 bed dwelling.
9. Regarding this material increase in size, I am mindful that the need to maintain a stock of smaller dwellings, including bungalows, will often be influenced by the typically small household size amongst older demographic groups. I note in this regard that the supporting text to Policy H1 lists the 'key evidence' in support of the policy, including the Housing Implementation Strategy and Strategic Housing Market Assessment (SHMA). No evidence, however, is provided in the appeal submissions with regard to the need during the plan period related to the size of dwellings.
10. In its report on the application, the Council refers to some of the key evidence documents and says that the 2017 update to the SHMA recognises that there is an existing and continuing need during the plan period for accessible housing. Furthermore, the Council's Annual Monitoring Report shows a gradual erosion of the existing stock of bungalows and that the Council considers that bungalows can play an important role because of their potential ease of adaptation such that they can provide choice for people with accessibility needs, including the current and future needs of older people.
11. Despite the references in Policy H1's supporting text to accessibility, it is not a specific requirement of criterion F. that bungalows must be accessible or capable of adaptation to be retained. Nonetheless, from the evidence available

¹ In accordance with paragraph 48 of the National Planning Policy Framework.

² Paragraph 62.

in this case, as described above, the Council's concern about the loss of the bungalow relates to the need to retain accessible housing, including for older people. It follows that the principal focus in considering whether the existing bungalow should be retained is whether it is accessible, or capable of adaptation to make it accessible.

12. I accept the appellant's argument that the proposed dwelling would be built to high accessibility standards, but this is in any case a requirement of new homes in accordance with Policy H1(A)(v). I give limited weight to the contention that the property is in a poor structural condition as any repairs are not in my view solely dependent on the proposal in this case for a larger dwelling. However, based on the submitted plans and site inspection, I accept that the existing layout, size of doorways and some rooms, lack of circulation space and stepped access mean that the existing dwelling is neither accessible nor readily adaptable to the requisite standards to make it accessible. Consequently, in the particular circumstances of this case, there is no basis to retain the existing bungalow in accordance with Policy H1(F) and the available supporting evidence.
13. The Council draws attention to a recent unsuccessful appeal that involved the replacement of a bungalow as in this case³. While I acknowledge that there are some similarities between this earlier appeal and the current case, I am unaware of the nature of the evidence available to the Inspector in the earlier case. Moreover, I have considered the current proposal based on its individual merits and the specific evidence available through the appeal submissions. As such, this earlier decision does not lead me to reach a different conclusion on this issue.
14. Accordingly, for the reasons given, due to the lack of conflict with Policy H1(F) of the LPSV in the particular circumstances of this case, I conclude that the proposal would not have a harmful effect on the mix of housing within the District.

Character and Appearance

15. No 28 is currently somewhat incongruous and uncharacteristic within this part of Bury Road as it is the only detached bungalow with no accommodation in the roof. Consequently, it is also the smallest property, particularly in terms of height. The proposed dwelling would be of similar scale, design and appearance to other two storey dwellings within the street scene. While it would be of greater height than the chalet bungalow to one side, this relationship between dwellings exists elsewhere within the road and so is not uncharacteristic.
16. The converted dwelling would retain a substantive gap with the neighbouring property, No 26, due to this dwelling's single storey garage between the two. As such, the changes to No 28 would not result in it appearing cramped or a form of overdevelopment on the existing plot. I acknowledge the Council's concerns that a side extension to No 26 close to the boundary would result in the two dwellings being close together, with an uncharacteristically small gap between them. However, I am unaware that there is an existing proposal for a

³ APP/J1535/D/20/3252852 dated 22 December 2020.

side extension to No 26 and I am required to consider the proposal before me based on the circumstances pertaining at the current time, not in relation to any potential development proposals.

17. Therefore, for these reasons, I conclude that the proposal would not have a harmful effect on the character and appearance of the street scene. Consequently, there is no conflict with the following development plan policies: CP3, CP7, DBE1 and DBE3 of the Epping Forest District Local Plan (1998) and Alterations (2006) and DM9 and DM10 of the LPSV, which concern amongst other matters the design quality of the built environment and the effect of development on local character. It is also not contrary to the Framework, which promotes high quality design.

Other Matters

18. I have had regard to the matters raised by interested parties. The windows to the side elevation of No 26 would have views of the side wall of the converted dwelling, but there would be sufficient separation between the two dwellings such that the outlook from these windows would not be materially harmed. Views from the upper floor rear windows of the proposed dwelling would not be unusual in a suburban residential setting such as this. Consequently, there is no basis to find that harm would result to neighbouring occupiers' privacy from normal use of the rooms served by these windows.
19. The proposed dwelling would be of greater height than the existing bungalow, but would not extend significantly beyond the existing rear building line. This fact combined with the relative orientation of the neighbouring properties means that there would be no harmful loss of natural light to these properties or their gardens.
20. I acknowledge the concerns raised about the accurate representation of property boundaries on the submitted plans, but such matters are properly not within the scope of this appeal, which only concerns the planning merits of the proposed development.

Conclusion and Conditions

21. I have found in the appellant's favour with regard to both main issues and, therefore, the appeal should succeed. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree that a condition requiring matching materials is necessary in the interests of the character and appearance of the dwelling and street scene. However, as the details of external finishes are shown on the approved drawings I have amended the condition to acknowledge this.
22. I agree that a condition to limit the hours of construction is necessary in the interests of neighbouring occupiers' living conditions. Finally, a condition requiring the upper floor window in the side elevation to include obscured glass and open to a prescribed level is necessary to preserve privacy.

J Bell-Williamson INSPECTOR

Annexe A

Schedule – conditions

- 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 plans: 1075/EX00 (location plan), 1075/PR01 (floor plans), 1075/PR02 (elevations) and 1075/PR03 (street scene elevations).
- 3) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless shown otherwise on the approved plans.
- 4) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday and at no time during Sundays and Public/Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
- 5) The window opening in the first floor east flank elevation shall be entirely fitted with obscured glass with a minimum 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.

[End of Schedule]