
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/21/3277935

Bushwood, Sidney Road, Theydon Bois, Epping CM16 7DT

- 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 J Bown against the decision of Epping Forest District Council.
 - The application Ref EPF/1065/21, dated 15 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is 'replacement of the existing two storey dwelling with a new dwelling that would benefit from a full two storeys plus additional habitable space within the roof area'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the mix of housing within the District.

Reasons

3. The appeal property is a chalet bungalow at one end of a residential cul-de-sac. Neighbouring properties are also chalet bungalows, while those on the opposite side of the road are detached two storey dwellings.
4. The main parties refer to a previous unsuccessful application for a similar form of development at the appeal property¹. While I note this earlier proposal and decision, this appeal involves a separate proposal which I have considered on its own merits.
5. Policy H4A of the Epping Forest District Local Plan (1998) and Alterations (2006) concerns dwelling mix. Policy H1 of the Epping Forest District Local Plan Submission Version 2017 (LPSV) also concerns housing mix and accommodation types. Criterion F. says that the loss of bungalows and specialist accommodation will be resisted. 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. While the Inspector considered some

¹ Ref EPF/0028/21.

- aspects of Policy H1, these do not relate to criterion F. As such, Policy H1(F) can be given substantial weight for the purposes of this appeal².
6. The supporting text to Policy H4A indicates the Council's intention to monitor applications for changes to bungalows as there is a need to maintain the current stock of smaller dwellings, with regard to the needs of an ageing population and affordability issues. Paragraph 3.5 supporting Policy H1(F) says that the needs of those with accessibility needs, including older people, can be supported by bungalow accommodation. Also, 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 policies³.
 8. The existing dwelling has three bedrooms, two at roof level and one on the ground floor. The proposed replacement dwelling would extend the ground floor to the rear, but would be of the same depth at the upper floor. It would retain a ground floor bedroom and would include another five at first floor and roof level. Consequently, the proposal involves replacing a 3 bed dwelling with a 6 bed dwelling.
 9. Policy H4A refers to 'conversions' of existing dwellings, which reasonably would encompass the type of change proposed here. The policy requires an assessment of the latest housing needs survey to ensure that an adequate mix of dwellings is maintained. The West Essex and East Hertfordshire Strategic Housing Market Assessment (2015) indicates an ageing profile of the District's population over the plan period. Paragraph 3.5 supporting Policy H1(F) says that recent information contained in the Council's Annual Monitoring Report shows that there has been a gradual erosion of the existing stock of bungalows.
 10. The appellant refers to more specific evidence of the dwelling mix required across the district during the current plan period. This is taken from the Council's Housing Implementation Strategy (2017), which is listed as 'key evidence' to support Policy H1. This shows that the greatest need is for 3 bed houses, followed by 4 bed and then 2 bed houses. Given that this is the most up-to-date and detailed evidence of need as required by Policy H4A that I have before me, I give it considerable weight.
 11. The appellant contends in support of the proposal that the need identified in the Implementation Strategy makes no reference to bungalows and, therefore, by implication this need is limited. However, the evidence is presented on the basis of dwelling size by number of bedrooms, rather than the form or layout of a particular dwelling type. The supporting text to Policy H4A refers to the need to maintain the stock of smaller dwellings due to the ageing population, which I take to be a reflection of the typically small household size amongst this demographic group. I note in this regard that the Council says in its appeal

² In accordance with paragraph 48 of the National Planning Policy Framework.

³ Paragraph 62.

statement that the retention of bungalows is not simply about ensuring a supply of accessible homes, but also a mix of different sizes and types of dwellings. While the appellant contends that the appeal property is not a 'traditional' bungalow, it does nonetheless meet the accepted definition of this type of dwelling.

12. The proposal is for a material change by the standard measure of bedrooms, effectively doubling the size of the appeal property. There is no evidence before me that there is a need during the plan period for 6 bed dwellings while, conversely, there is evidence of a need for 3 bed dwellings. Policy H4A indicates that in these circumstances, where changes to existing dwellings will adversely affect the range and mix of dwellings available, planning permission may be refused.
13. Policy H1(F) specifically resists the loss of bungalows. The principal justification for this given in the supporting text is that they can meet accessibility requirements, including due their potential ease of adaptation. 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 acknowledge also that the layout and design of the existing dwelling makes it difficult to adapt to the requisite accessibility standards. However, despite the references to accessibility in the supporting text, it is not a specific requirement of criterion F. that bungalows must be capable of adaptation to be retained. Moreover, it is clear from the Council's statement that accessibility is not the only consideration it has had regard to in seeking the retention of the dwelling of this size and type in this case. As found above, the available evidence supports the need for 3 bed dwellings.
14. The appellant draws attention to a range of recent successful appeal decisions and applications determined by the Council that involve the replacement of a bungalow as in this case. However, all of these except one appear to consider this matter solely against the provisions of Policy H1 of the LPSV, unlike this case where the Council relies also on Policy H4A of the adopted local plan. In the one case where Policy H4A is taken into account⁴, the proposal would provide a larger house as in this case, but unlike the current appeal there was no substantive evidence before the Inspector to show that this would be harmful to the housing needs of the community. As such, while I have had full regard to these other decisions, they are not directly comparable to the circumstances in this case.
15. While additional storeys can be provided to a dwelling as permitted development, this is subject to a prior approval process as both parties note. Given that the current proposal is for a replacement dwelling, it is not clear that the appellant would pursue this alternative and it is not certain that approval would be given. For these reasons, I give this matter limited weight as a 'fallback' to the current proposal.
16. Accordingly, taking these findings as a whole and for the reasons given, due to the conflict with Policy H4A of the adopted local plan and alterations, and with

⁴ Ref PL/EPF/0932/20 (3 Luctons Avenue, Buckhurst Hill).

Policy H1(F) of the LPSV I conclude that the proposal would have an unacceptably harmful effect on the mix of housing within the District.

Other Matters

17. I have had regard to the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.
18. I acknowledge that the proposal is intended to create additional living space for the appellant's long term needs. However, these personal circumstances do not overcome the conflict with development plan policies and harm that I have found would result from the proposal.

Conclusion

19. For the reasons given, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR