



Appeal Decision

Site visit made on 9 May 2023

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/J1535/W/22/3308638

Willows End, Cumley Road, Stanford Rivers, Ongar, CM5 9SJ

- 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 Paul Farthing against the decision of Epping Forest District Council.
 - The application Ref EPF/1280/22, dated 30 May 2022, was refused by notice dated 26 August 2022.
 - The development proposed is demolition of existing dwelling and construction of a chalet style property with a basement as a replacement.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and construction of a chalet style property with a basement as a replacement at Willows End, Cumley Road, Stanford Rivers, Ongar CM5 9SJ in accordance with the terms of the application, Ref EPF/1280/22, dated 30 May 2022, and the plans submitted with it, subject to the following conditions included in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr Paul Farthing against Epping Forest District Council. This application is the subject of a separate decision.

Procedural Matters

3. On 6 March 2023 the Council adopted the Epping Forest Local Plan 2011-2033. I wrote to both parties seeking their comments on the replacement policies on which the Council now relies. This decision takes account of the new policies and the comments received.
4. The description of proposed development included in the banner heading is taken from that used by the Council in its decision letter. This more accurately reflects the nature of the proposed development.
5. During my site visit extensive building works were underway. It was not possible to make a thorough site inspection of the original bungalow on this site.

Main Issue

6. The effect of the proposal on housing choice

Reasons

7. Cumley Road comprises both bungalows and 2 storey dwellings.
8. The appeal scheme involves the redevelopment of the existing bungalow with a two storey and a half storey dwelling which includes a basement. The layout of the original building indicated on the submitted floor plans indicate that the original bungalow allowed for level access throughout. Accordingly, I find that it would have allowed occupation by people with mobility difficulties. I am satisfied that the original dwelling fell within the ambit of Policy H1E as requiring protection to support housing choice.
9. The proposed layout indicates that the ground floor would include a kitchen diner, shower room and toilet, bedroom and living room with two bedrooms in the roof and an additional living room in the basement. The layout of the ground floor alone could allow occupation by people with mobility difficulties if occupants chose to live in this way.
10. Policy H1E of the Epping Forest District Local Plan 2023 requires a mix of new homes and that the loss of bungalows and specialist accommodation should be resisted in order to provide a range of accommodation for people with accessibility needs and the needs of older people.
11. The appeal scheme represents the fourth scheme on this site in just over two years of which one for a similar scheme was granted permission in 2021¹ before the Local Plan was adopted. This permission has not expired and could be implemented.
12. The scheme before me would result in the creation of a two and a half storey storey detached dwelling. Underpinning Policy H1 is the requirement to increase housing choice. The proposed layout of the ground floor demonstrates how the appeal scheme allows flexibility in how the dwelling could be used. In this respect I find that it would not conflict with Policy H1E. This is consistent with the National Planning Policy Framework on seeking to provide housing for different groups.
13. I conclude therefore that the appeal scheme does not conflict with Policy H1E of the Local Plan.
14. For this reason, the appeal is allowed and permission granted.

Conditions

15. I have included a condition specifying the plans for reasons of certainty. I have imposed conditions regarding materials, tree protection and landscaping to ensure that the appeal scheme respects the existing character and appearance of the local area. Other conditions are included in order to protect local ecology. I have included a condition requiring a electric vehicle charging point in line with Paragraph 113 of the National Planning Policy Framework 2023.

Stephen Wilkinson

INSPECTOR

¹ EPF/0941/21

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule, Proposed Plans and Elevations Revision C and Existing elevations and site plans Drawing 01.
- 3) Tree protection shall be implemented prior to the commencement of development activities including demolition and the methodology for development including supervision shall be undertaken in accordance with the submitted Tracy Clarke Tree Survey and Method Statement dated September 2021.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form and details submitted.
- 5) Hard and soft landscaping shall be implemented as shown on the proposed layout (Revision A) included in Tracy Clark Tree Survey and Method Statement report dated September 2021 and the accompanying schedule. The work shall be carried out prior to the occupation of the building or completion of the development whichever is sooner. Any plants which die within a period of five years from the completion of the development or are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
- 6) Prior to first occupational development enhancement set out in the low impact EcIA by Hybrid dated September 2021 shall be implemented in full prior to the occupation of the development hereby approved.
- 7) Prior to first occupation of the development hereby approved 1 electric vehicle charging point shall be installed and retained thereafter for use by the occupants of the site.