



Appeal Decisions

Site visit made on 21 November 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2024

Appeal Ref: APP/J1535/W/23/3320731

Rosedene, Oak Hill Road, Stapleford Abbots, Romford, Essex RM4 1JJ

- 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 S Ahmed against the decision of Epping Forest District Council.
 - The application Ref EPF/2714/22, dated 7 December 2022, was refused by notice dated 24 March 2023.
 - The development proposed is to demolish the existing bungalow and replace with a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For precision I have added the name of the village to the appeal site address in the banner heading above. This reflects the address given by the appellant on the appeal form and that used by the Council in determining the planning application. As such, I am satisfied that no prejudice would be caused to any party by me proceeding to determine the appeal on this basis.
3. The Epping Forest District Local Plan 2011 to 2033 Part One (the LP) was adopted by the Council on 6 March 2023, and before the Council made its decision on the planning application for the appeal development. The LP has therefore replaced the Epping Forest District Local Plan 1998 and Alterations 2006, and the policies of those replaced plans are no longer part of the development plan and have no weight in determining this appeal.
4. Both main parties have had the opportunity to comment on the revised National Planning Policy Framework (the Framework) published 19 December 2023. My decision is made in the context of the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

5. The main issues are the effects of the proposed development on:
 - the mix of housing within the Council's area,
 - the character and appearance of the area, and
 - the living conditions of the occupiers of Hillside and Long Acres, with particular regard to outlook and privacy.

Reasons

Housing mix

6. LP Policy H1 (part E) sets out that the Council will resist the loss of bungalows as part of its approach to housing mix and ensuring that homes address local needs, including housing for people with accessibility requirements and older persons. The supporting text to LP Policy H1 advises that bungalows can play an important role because of their potential ease of adaptation, such that they can provide choice for people with accessibility requirements, including the current and future needs of older people. According to the Policy's supporting text, the stock of bungalows in the Council's area has been gradually eroded and the Strategic Housing Market Assessment provides evidence of an ageing population profile over the period of the LP. In determining this appeal, I have no substantive evidence to the contrary.
7. The appeal property is a relatively modest bungalow with a spacious frontage for car parking and convenient access to the front door. It contributes to the stock of bungalows within the Council's area and thus the overall mix of housing types within it. Although described as in need of refurbishment, there is limited evidence before me to suggest that the appeal bungalow is not suitable for an older person or persons with accessibility requirements, or that it could not be modernised and adapted to make it suitable for occupation by those groups. I am not persuaded on the evidence before me that the size of the existing bungalow or the maintenance of its spacious rear garden, or the prospect of some unspecified refurbishment works, would make the property unsuitable for older persons or persons with accessibility requirements.
8. The proposed replacement dwelling would be accessible and could accommodate a ground floor bedroom with shower room facilities to assist occupation by persons with accessibility requirements. As such it could reflect the facilities of a bungalow on the ground floor. Furthermore, given its interior space, I see no obvious reason why it could not accommodate a lift to provide convenient access to upper floors. Nonetheless, despite the potential for the provision of such facilities, the proposed dwelling would be significantly different to a bungalow in terms of scale and living accommodation. In a bungalow most, if not all, rooms and living facilities are located on the ground floor and therefore suited to a household of older persons and those with accessibility requirements.
9. Although facilities within the village are relatively limited, there is a convenience store on Tysea Hill, near to the junction with Oak Hill Road that is accessible from the appeal site via footways. I have no substantive evidence to suggest that older persons are less likely than other age groups to own and drive cars. Nonetheless, there are bus stops nearby on Oak Hill Road and bus services to facilitate travel for such residents of the bungalow to larger settlements where a greater range of services would be available.
10. For these reasons and on the evidence before me, I am not convinced that the appeal property would be an unattractive choice of dwelling for older people, including persons with accessibility requirements. I therefore conclude on this issue that the loss of the bungalow would have a detrimental effect on the mix of housing in the Council's area, contrary to LP Policy H1, insofar as it seeks to resist the loss of bungalows which could otherwise meet the needs of older people and persons with accessibility requirements. Furthermore, it would

conflict with Framework paragraph 63, insofar as it seeks to ensure that housing reflect the sizes, types and tenures that are needed for different groups in the community.

Character and appearance

11. The appeal property is a single storey bungalow that is situated within a long row of properties fronting the road. The nearest dwellings on the same side of the road to the appeal site are single storey bungalows and chalet style bungalows with accommodation in their roofs. These bungalows are generally modest in size, with relatively low roof levels. They are markedly smaller than the large two storey dwellings that are generally grouped together in a row, along with a few bungalows, on the opposite side of the road to the appeal site. As such, there is a marked difference in the sizes of the dwellings on either side of the road in the area of the appeal site, which is a characteristic of the street scene in this area. In this context, the modest size of the appeal bungalow contributes positively to the row of generally low-rise single storey and chalet bungalows on this side of the road, and thus the character and appearance of the area.
12. The proposed dwelling would cover a similar footprint to the existing bungalow, and it would be broadly comparable in scale to several relatively large dwellings in the area. However, those large dwellings are mostly situated on the opposite side of the road to the appeal site, whereas the proposed dwelling would be set amongst a row of generally low-rise single storey bungalows and chalet bungalows. Therefore, the proposed dwelling would be experienced in a different visual context to those large dwellings.
13. The proposed dwelling would be substantially taller than the existing bungalow and those flanking the appeal site, even accounting for the differences in land levels, with a significantly greater bulk and massing to its façade and deep side facing elevations. In views from the road, the proposed dwelling would project well above the flanking bungalows, where its significant bulk and massing would have a visually dominant and intrusive presence in the street scene, and a discordant visual relationship with those modestly sized bungalows on either side of it.
14. I acknowledge that the front gable to the proposed dwelling and its crown roof form would reflect the design of several large houses on the opposite side of the road. The proposed front dormers would be modest in size. However, the front gable and front dormers would draw the eye towards the roof of the proposed dwelling, thus emphasising its height and bulk, and its resultant harmful visual impact in the street scene.
15. The proposed dwelling would not appear unduly cramped in the context of the generally tightly spaced rows of dwellings in the area. The alignment of its front wall and single storey projection would respond satisfactorily to the existing building line, and it would be constructed from high quality materials. However, these factors would not outweigh the visual harm that I have found above. Furthermore, I am not persuaded that the appeal proposal would be the only option for improving the appearance of the existing bungalow, which has little visual impact in the context of the row of bungalows and chalet bungalows of varied styles.

16. My attention is drawn to a number of examples in the area where there is a difference in roof levels between adjacent dwellings. However, unlike the appeal proposal, Yusanne is a chalet bungalow and the difference between its roof level and that of Hillside appears, on the evidence before me, relatively modest by comparison to the appeal proposal. The difference in roof levels between Dulce Donum and Homestead is more pronounced, however those two dwellings are well spaced apart. Homestead also appears to be broadly comparable in height to the chalet bungalow Jalna. As such, the relationships between the dwellings drawn to my attention are materially different in context to the appeal proposal and they do not justify the harm that the proposed development would cause.
17. I am referred to planning permissions for extensions to Greenleigh and the rebuilding of Cotleigh, both of which appear to have been implemented. However, both dwellings are situated on the opposite side of the road where large dwellings are common and there are fewer bungalows than on the same side as the appeal site. I have already found that there is a discernible difference in the sizes of dwellings on either side of the road. As such, the examples drawn to my attention do not alter my conclusions on this issue.
18. For these reasons, I conclude on this issue that the appeal proposal would harm the character and appearance of the area. As such, it would be contrary to LP Policy DM9, which seeks to ensure that development contributes to an area's distinctive local character and relates positively to its context.
19. The proposal would also conflict with Paragraph 135.c) of the Framework, which states that planning decisions should ensure, amongst others, that developments are sympathetic to local character, including the surrounding built environment.
20. I have no substantive evidence to contradict the Council's Officer Report that the proposal would meet internal space standards and would be served by a sufficiently large and usable rear garden. As such, I find no conflict with the objectives of LP Policy DM10, insofar as it relates to internal space standards and access to private amenity space. Therefore, this Policy is not determinative to my assessment of this main issue.

Living conditions

21. The relatively long and solid side elevation of the proposed dwelling would be set close to the common boundary with Hillside, at a height that would be considerably taller than the existing bungalow. The massing of this long side wall would be clearly visible at a very close distance from the part of the rear garden close to the rear wall of Hillside, the conservatory and the rear facing rooms. I saw that this part of the garden was formally laid out as a hard surfaced patio area with seating, indicating its value to the living conditions of the occupiers.
22. In this position, the bulk and massing of the part of the side wall of the proposed dwelling that would project beyond the rear wall of Hillside, would have a dominant and overbearing effect on the occupiers of Hillside in views from their garden, rear facing rooms and conservatory. As such, this would result in harm to their living conditions.

23. The proposed balcony would introduce an elevated vantage point upon which several people could congregate and stand or sit outside of the proposed dwelling. It would therefore afford its users relatively open and elevated views over the rear gardens of the flanking properties Hillside and Long Acres. The sides of the balcony would be inset from the side walls of the proposed dwelling and could be provided with privacy screens as suggested by the appellant. I acknowledge that the balcony would be set mostly beyond the hardsurfaced rear patio and conservatory of Hillside, such that it would not allow direct views towards the Conservatory and the majority of the patio area.
24. Nonetheless, persons using the proposed balcony would have a range of elevated views above the boundary treatments and outbuildings, and across relatively short distances into the rear gardens of the flanking properties. This includes the area of rear garden closest to the rear wall of Long Acres, which is likely to be well used and highly valued by occupiers as a space for recreation and relaxation. The views into the gardens of these properties from the proposed balcony would be intrusive, causing overlooking and a perception of being overlooked. Consequently, the privacy of the occupiers of both flanking properties would be harmed.
25. Two first floor windows in the south facing elevation of the proposed dwelling and serving a rear bedroom would face, at relatively close distances, a first floor clear glazed window in the side facing dormer of Long Acres. As such, any person using the bedroom would have a relatively direct angle of view towards this window and into the room it serves, thus resulting in overlooking and a perception of being overlooked. Consequently, the privacy of the occupiers of Long Acres would be harmed.
26. The narrowness of the part of the garden of Long Acres that is situated between its side wall and the common boundary is likely to restrict its usability for relaxation and recreation by the occupiers. As such, any overlooking of this space in views out from the windows in the south facing wall of the proposed dwelling would not harm the privacy of the occupiers of Long Acres. Despite the difference in land levels between the appeal property and Long Acres, I am satisfied that the screening effect of the boundary treatments would prevent harmful overlooking in views out from the ground floor windows in the south facing elevation of the proposed dwelling.
27. I conclude on this issue that the proposed dwelling would harm the living conditions of the occupiers of Hillside and Long Acres, with particular regard to outlook and privacy. As such, it would be contrary to LP Policy DM9, insofar as it seeks to ensure that development avoids a detrimental loss of privacy to neighbouring occupiers and does not result in an overbearing impact on the outlook of occupiers of neighbouring properties.
28. For these reasons, the proposal would also conflict with Paragraph 135.f) of the Framework, which states that planning decisions should ensure that developments create places with a high standard of amenity for existing users.

Other Matters

29. The appellant is seeking improve the living conditions for the family, provide space for home working and to accommodate elderly residents with mobility issues. The size of the garden would be suitable for the likely level of occupation of the proposed dwelling and would provide a family home meeting

the requirements of the family. The balcony would provide views across the fields. However, I am mindful of the advice contained in the Planning Practice Guidance¹ that planning is mainly concerned with the use of land in the public interest. I therefore find that the appellant's personal circumstances carry limited weight in favour of the proposal and are not sufficient to outweigh the harms that I have identified.

30. I have no reason to doubt that the proposed dwelling would meet current energy efficiency standards, albeit quantitative evidence on this point is not before me. However, I am not convinced on the evidence available that replacing the existing bungalow is the only option for improving its energy efficiency. As such, the delivery of an energy efficient house would attract limited weight in favour of the proposal.
31. The planning permission² granted in 2021, to construct first floor accommodation to Cotleigh, has resulted in the loss of that bungalow. However, LP Policy H1 had not been adopted when that decision was taken. Although I am advised that the Submission Version of the Local Plan dated 2017, contained a policy with the same text, the weight to be accorded to emerging policy is a matter for the decision maker having regard to the Framework. I am not bound by a previous decision of the Council, and I am required to determine the appeal on its planning merits and in accordance with the development plan, unless material considerations indicate otherwise. In so doing, the Council's decision on the planning permission for Cotleigh has limited relevance to my considerations in this appeal and it does not alter my conclusions on the main issues.

Planning Balance and Conclusion

32. The proposed development would harm the mix of housing within the Council's area insofar as it would result in the loss of a bungalow. There would be harm to the character and appearance of the area, and harm to living conditions of the occupiers of neighbouring properties. These harms would bring the proposed development into conflict with the development plan as a whole.
33. The proposed development would make more efficient use of land and densify the living accommodation at the appeal site. It would deliver some small economic and environmental benefits through the duration of the construction process, and through potentially improving energy efficiency. There would also be private benefits to the occupiers through improving their living conditions. However, these benefits are of limited weight and do not outweigh the conflict with the development plan.
34. Even if the Framework's presumption in favour of sustainable development under Paragraph 11.d)ii. applied to the appeal proposal, the proposal would not contribute to increasing the supply of housing and I have already found that the benefits attributed to it would be small. The benefits would be outweighed by the importance the Framework attaches to the expectation housing should meet the needs of different groups in the community, and that development should be well designed and sympathetic to local character, and provide a high standard of amenity for existing users, which the appeal proposal fails to achieve.

¹ Paragraph: 008 Reference ID: 21b-008-20140306

² EPF/0078/21

35. Consequently, the appeal proposal's adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development under Paragraph 11 of the Framework.
36. For the reasons given above, the proposed development conflicts with the development plan as a whole. The material considerations, including the Framework, do not carry sufficient weight to outweigh the harm, nor do they indicate that the appeal should be determined other than in accordance with the development plan. Having considered all matters raised, I therefore conclude that the appeal should be dismissed.

G Sylvester

INSPECTOR