



Appeal Decision

Site visit made on 2 August 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2024

Appeal Ref: APP/J1535/W/23/3335797

47 Hillcrest Road, Loughton, Essex IG10 4QH

- 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 Andrew Pigney against the decision of Epping Forest District Council.
 - The application Ref is EPF/2067/23
 - The development proposed is Replacement dwelling. Resubmission of refused application: EPF/1429/23
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
3. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.
4. At the time of my site visit, I saw that the previous dwelling at the site had been demolished. However, the construction works were yet to be completed, and I have determined the appeal on this basis.

Main Issues

5. The main issues are the effect of the proposal on:
 - the living conditions of the occupiers of 91, 93 and 95 Spring Grove with particular regard to outlook and privacy.
 - the mix of housing within the Council's area; and
 - the character and appearance of the area.

Reasons

Living conditions of neighbouring occupiers

6. As a result of the slight incline on the street, the properties on Spring Grove and their gardens have a lower ground level than the appeal site. As the proposal's side elevation would be positioned alongside the shared boundary with 91 Spring Grove (No. 91) its width and height, combined with the levels difference between the sites, have the potential to impact the outlook for neighbouring occupiers from their garden.
7. Despite some existing vegetation on the shared boundary, views from the area of the garden closest to the boundary would look directly onto the house's large and predominantly blank side elevation with minimal separation distance. Consequently, the house would have a looming presence over the neighbouring garden. The combined depth, height and proximity of the house to the neighbouring garden means that the proposal would be a dominant and oppressive feature for the neighbouring occupiers of No. 91. Whilst the proposal would be clearly visible from the garden of 93 Spring Grove (No. 93), given its siting away from the shared boundary with this property, I do not find that it would have a harmful impact on the outlook of occupiers of No. 93.
8. A patio area would be located adjacent to the shared boundary to the rear of No. 93. The boundary is marked by a wood panel fence which is approximately 1.8 metres in height. Given the proximity of the terrace to the shared boundary and levels differences between the two properties, future occupiers of the proposal would have relatively unrestricted views from the patio in close proximity to No 93's garden. This would result in a harmful loss of privacy for the occupiers of No. 93.
9. The submitted drawings indicate that the first floor windows in the side elevation facing towards No. 91 and No. 93 would be obscure glazed. Had the appeal proposal been acceptable, a planning condition could have been imposed to ensure that the side facing windows were obscure glazed. This would have ensured that the windows would not harm the living conditions of neighbouring occupiers.
10. Prior to its demolition, the original property's first floor rear windows directed views to the rear of its garden, albeit they allowed angled views to the rear of neighbouring gardens on Spring Grove. These properties already experience a degree of mutual overlooking between properties and gardens which is common within a residential area such as this. As with the original property, the proposal's upper floor rear windows, would be directed to the rear of the appeal property's garden. No. 93 and 95 Spring Grove's gardens are located at an oblique angle from the proposal's rear windows. Given the separation distances and the angled nature of views, I do not find that the proposal's rear windows would result in a demonstrable additional loss of privacy for neighbouring occupiers on Spring Grove.
11. However, the proposal would have an unacceptable impact on the living conditions of neighbouring occupiers of No. 93 with particular regard the patio and its effect on privacy, and the occupiers of No. 91 with particular regard to outlook. Therefore, in this respect, it would not be contrary to Policy DM9 of the Epping Forest District Local Plan 2011-2033, Part One, (2023) (LP) which requires, amongst other aspects, that new development should not result in harm to the living conditions of neighbouring occupiers.
12. It would also conflict with paragraph 135 of the Framework which states that planning decisions should create places that are safe, inclusive and accessible

and which promote health and well-being, with a high standard of amenity for existing and future users.

Housing mix

13. Policy H1 of the LP includes a provision to restrict the loss of bungalow accommodation as well as a general policy direction to ensure adaptable and adequate housing provision for occupiers.
14. The submitted evidence indicates that the definition of a bungalow within the LP is a house having only one storey. However, the definition also clarifies that a bungalow can be a building with accommodation in the roof-space served by accompanying roof-lights and dormer windows. It seems to me that this accurately describes the property on the site prior to its demolition. Regardless of the description of development for the original planning permission in 1964, it is my planning judgement that the property meets the definition of a bungalow within the LP.
15. I acknowledge that the original property contained compromises with regards to access for those with mobility issues. For instance, all three bedrooms were on the first floor, with no sleeping accommodation on the ground floor. Similarly, all sanitary accommodation, other than a small toilet was provided on the first floor.
16. However, the wording of policy H1(E) of the LP is unequivocal and is not subject to restrictions that require bungalows to achieve a certain condition or accessibility standard to qualify for the protection afforded. Rather, the resistance to the loss of bungalows is explicit and relates to evidence that the existing stock of this type of accommodation has reduced.
17. For these reasons and on the evidence before me, I consider that the proposal would compromise the desire of the Council to create balanced communities and the proposal would not comply with the requirements of Policy H1 of the LP, the aims of which are outlined above.

Character and appearance

18. The character of this part of Hillcrest Road is defined by linear residential frontages, with a mixture of detached houses, set back from the road with gardens and off-street parking to the front and private gardens to the rear. There is variation in the design of the dwellings, including a mixture of pitched and hipped roofs, asymmetrical roof planes or gable end features to building frontages. There is also variation in external materials, including, hanging tiles, brickwork and painted render.
19. The appellant has identified crown roofs at properties within the local area including 13, 21, 25 and 41 Hillcrest Road and 57, 71, 85, 28, 32, 34, 48, 74 and 88 Spring Grove. They therefore form part of the character of the area and, as a result, I do not consider that this would be a particularly uncharacteristic feature.
20. The design of the proposal with its double front gable design, whilst not identical, would reflect the built form of the neighbouring properties, 45 and 43 Hillcrest Road in terms of its finished height and roofscape design. The proposed external materials and fenestration, whilst of contemporary design,

would be consistent with, and therefore reinforce, the character and appearance of this particular street scene and the wider area.

21. A number of properties on Hillcrest Road have rear projections which extend into their gardens thereby creating deeper plan buildings. The proposed replacement of the bungalow with a house with a deeper plan and taller roof height would fit reasonably well within this context as the appeal site is large enough to accommodate the building without appearing cramped or overdeveloped. As such, the proposal would sit comfortably within its context and would respect those attributes which contribute to the local character.
22. For the above reasons, I conclude that the proposal would not cause harm to the character and appearance of the area. I therefore find that it would comply with Policy DM9 of the LP. Amongst other aspects, this policy seeks to secure development of a high standard of design which positively contributes to the existing character and context of the area.
23. Equally, the proposal would comply with paragraph 135 of the Framework which requires that development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Other Matters

24. The appellant indicates that the proposal would include solar panels and an air source heat pump. There would be battery storage included within the house to store electricity for use in the evenings and to charge an electric car. The proposal would also have high levels of insulation required to maximise the efficiency of the house, as well as water efficient devices to limit the water use by future occupiers. Be that as it may, these matters do not outweigh the harm I have identified.
25. The proposal may be compliant with various other provisions of the development plan, including in relation to internal and external space standards and sufficient car parking would be provided. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
26. A number of concerns from third parties have been raised in relation to the development including its effect on trees. However, given my conclusions on the main issues and that the appeal is dismissed, there is no need for me to address these in further detail.

Conclusion

27. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR