



Appeal Decisions

Site visit made on 4 December 2024

by **K L Robbie BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th February 2025

Appeal A Ref: APP/J1535/W/24/3343127

13 Stanmore Way, Loughton, Essex IG10 2SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Dominic Higgins against the decision of Epping Forest District Council.
- The application Ref is EPF/2421/23.
- The development proposed is the demolition of existing house to erect new build with basement and second floor - resubmission of refused application EPF/1293/23.

Appeal B Ref: APP/J1535/W/24/3345136

13 Stanmore Way, Loughton, Essex IG10 2SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Dominic Higgins against the decision of Epping Forest District Council.
- The application Ref is EPF/0577/24.
- The development proposed is the demolition of existing house to erect new build with basement and second floor - resubmission of refused application EPF/2421/23.

Decisions

Appeal A

1. The appeal is allowed, and planning permission is granted for the demolition of existing house to erect new build with basement and second floor at 13 Stanmore Way, Loughton, Essex, IG10 2SA in accordance with the terms of the application, Ref EPF/2421/23, and the plans submitted with it, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed, and planning permission is granted for the demolition of existing house to erect new build with basement and second floor at 13 Stanmore Way, Loughton, Essex, IG10 2SA in accordance with the terms of the application, Ref EPF/0577/24, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

3. At the time of my site visit I observed that the former dwelling on the site had been demolished and the site cleared, although it was not clear if these works were directly associated with either appeal scheme. I am therefore proceeding on the basis of the plans submitted with the applications.
4. For the purposes of clarity, I have removed reference to the resubmission of previously refused applications in the description of development in my formal decision above, as these are not acts of development and therefore are superfluous to the description.

5. The Government published a revised National Planning Policy Framework (the Framework) in December 2024. It does not change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issues

6. The main issue for both appeals is the effect of the development on the character and appearance of the appeal site and its surroundings.

Reasons

7. Stanmore Way is a residential street consisting of mainly individually designed large detached two storey dwellings set on moderately sized plots. The houses here vary markedly in architectural style, character and detailing and age, with conspicuously more recent properties interspersed amongst older properties. There is little to unify the somewhat disparate appearance and varied architectural detailing along the street other than the generally generous scale and proportions of properties and consistent building line set back from the highway.
8. The proposal would see one of the more modest, albeit still substantial, existing detached two storey houses demolished and replaced by a larger, more substantial property in its place. The proposed dwelling would provide living residential accommodation across basement, ground, first and second floor levels.
9. Both appeal schemes are similar in terms of the accommodation they would provide and their positioning within the plot. The Council considers that in both cases the appeal schemes would be excessive in height, bulk and massing. Nevertheless, both schemes take advantage of the topography of the site to create a semi-basement at the rear, as a result both schemes appear as two storey dwellings at the front but three storeys at the rear.

Appeal A

10. Of particular concern in relation to appeal scheme A is the proposed half-hipped roof. Although not a style of roof otherwise seen within the street, the wide variety of roof types evident in proximity to the appeal site would mean that the introduction of this form of roof would not appear out of place or incongruous. The slightly higher ridge height of the proposal compared to that of No. 11 immediately adjacent would be so marginal as to not be readily apparent within the street scene, given the varying ridgelines, and I do not share the Council's concerns relating to the transition to the lower ridge level of No. 15 due to the significant gap and changes in ground level as the road turns the corner at this point.

Appeal B

11. The roof of appeal scheme B would be fully hipped. This would be similar to many in the locality. From the information I have before me, the ridge height of the proposal would be approximately consistent with that of No. 11 and would be only marginally higher than that of the dwelling it would replace. As in the case of Appeal A the transition to the lower ridge level of No. 15 would not be problematic due to the separation of the appeal site with this property which faces the street at right angles to the appeal site and is therefore read in a different context. I

therefore do not share the concerns of the Council in relation to the scale of the proposed dwelling, particularly the height of the proposal.

Both Appeals

12. Although substantially larger than the existing dwelling, both appeal schemes would nevertheless still be broadly consistent with the prevailing pattern, form and scale of development within the street, insofar as there are any unifying or defining characteristics. Whilst Appeal B scheme may be preferable in terms of its roof design and overall height, given the variations of roof height and design of dwellings within this part of the street neither proposal would result in harm to the character and appearance of the wider locality.
13. The creation of a semi-basement lower ground floor level at the rear would mean that the replacement dwelling would appear as three storeys with accommodation in the roof at the rear. It would, however, appear as a two-storey house, consistent with the established building form at the front. Views of the rear elevation would be likely to be restricted to vantage points from within the appeal site itself and glimpsed views from neighbouring properties. Therefore, in the context of a residential street comprised of houses of varying architectural styles, scale and form and siting, both appeal schemes would be consistent with the prevailing mixed pattern of development and would be neither incongruous nor harmful to the character and appearance of the area.
14. Policy DM9 of the Epping Forest District Local Plan (EFLP) sets out the Council's approach to securing high quality development reflective of local distinctiveness. In amongst other factors, it states that proposals should have regard to building heights, the form, scale and massing around the site, and respond to the topography of the site and its surroundings. For the reasons set out, I am satisfied that the proposed development would achieve these aims and there would be no conflict with EFLP Policy DM9.

Other Matters

15. It is noted that the Council did not object to either proposal in principle, or on grounds relating to living conditions of occupiers of neighbouring properties, biodiversity, or drainage and flooding matters. Subject to suitably worded planning conditions where necessary and reasonable, as set out below, I have not been presented with any reason to reach an alternative conclusion in respect of these matters.
16. I note concern relating to the party wall implications of the proposals; however, these are not for me to consider under the provisions of a Section 78 planning appeal and are covered by other legislation not under my remit.
17. I have considered concerns raised in relation to the structural stability of nearby properties. This appears to be a generalised concern. From the information before me I have no reason to conclude that either proposal would lead to land instability. In any event it is the responsibility of the developer to ensure the safe development of the site.
18. From the information before me, the appeal site lies close to the Epping Forest Special Area of Conservation (SAC). The designation provides important habitats for a range of species. As the appeal proposal would not result in a net increase in

dwellings, the evidence before me leads me to conclude that neither appeal schemes would be likely to increase recreational disturbance, either on their own or in combination with other projects, particularly through dog walking, to the detriment of the integrity of the protected areas. I therefore find that neither proposal would be likely to lead to significant effects on the protected site and consequently a payment under the Council's Strategic Access Management and Monitoring Strategy (SAMM) is not required.

Conditions

19. I have considered the Council's suggested conditions in the light of the Framework and Planning Practice Guidance for both appeals. In addition to the standard time limit, a plans condition is necessary and reasonable in the interests of certainty, and I have included reference to the flood risk assessment in this condition. It is also reasonable to impose a condition requiring details of external materials and hard and soft landscaping in the interests of character and appearance.
20. A condition relating to hours of deliveries and construction is considered reasonable in the interests of living conditions of neighbouring occupiers. It is also reasonable to impose conditions relating to surface water and foul drainage. These are necessary to ensure water is managed appropriately on site. Conditions relating to the protection and replacement of trees and removal of excavated material are considered reasonable and necessary in the interests of amenity and biodiversity on the site.
21. There is no evidence before me indicating that the site is potentially liable to contain contamination. Nevertheless, as a result of the potential legacy of historic uses, as a precautionary approach it would be necessary, reasonable and prudent to impose a condition regarding addressing unexpected contamination.
22. Although the Council have suggested a condition requiring the submission of a biodiversity enhancement strategy, I am mindful that submissions made by the appellant at the application stage identify that neither protected nor priority habitats or species are present on the site and therefore is not necessary. Nor have I imposed the Council's suggested condition relating to the removal of permitted development rights as this may not pass the tests of reasonableness or necessity.

Conclusion

23. For the reasons given above, having regard to the development plan and all other relevant material considerations, I conclude that both appeals A and B are allowed subject to the conditions set out in the schedule below.

KL Robbie

INSPECTOR

SCHEDULE OF CONDITIONS

Both Appeals

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

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- 2) The development hereby permitted shall be carried out in accordance with the following approved documents and drawing nos: 2981_01 Existing Location and Site Plan; 2981_02 Proposed Street Scene; 2981_03 Proposed Basement and Ground Floor Plans; 2981_04 Proposed First and Second Floor Plans; 2981_05 Proposed Elevations; 2981_07 Proposed Sections; 2981_08 Proposed Site Plan; 2981_09 Existing Street Scene and Site Plan; Flood Risk Assessment (Ref:14908, 28 February 2024, issue 3)

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- 2) The development hereby permitted shall be carried out in accordance with the following approved documents and drawing nos: 2981_01 Existing Location and Site Plan; 2981_02 Rev B Proposed Street Scene; 2981_03 Rev B Proposed Basement and Ground Floor Plans; 2981_04 Rev B Proposed First and Second Floor Plans; 2981_05 Rev B Proposed Elevations; 2981_06 Rev B Proposed Visuals; 2981_07 Rev B Proposed Sections; 2981_08 Rev B Proposed Site Plan; 2981_09 Rev B Existing Street Scene and Site Plan; TCTC-18747 PL-01 Tree Survey; Flood Risk Assessment (Ref:14908, 09 October 2023, issue 2)

Both Appeals

- 3) Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

- 5) Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6) Prior to preliminary ground works taking place, details of foul drainage disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 7) Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.
- 8) No deliveries, external running of plant and equipment or demolition and construction work, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays.

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- 9) Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan and method statement' drawing number TCTC-18747-PL-03 Rev A' (dated August 2020) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

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- 9) Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan and method statement' drawing number TCTC-18747-PL-03 Rev A' (dated November 2023) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Both Appeals

- 10) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 11) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by

any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments. If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

****End of Schedule****