

Our Ref: 3930

Epping Forest District Council
Planning Services
Civic Offices
Epping
CM16 4BZ

24 January 2021

Dear Sir or Madam

PLANNING STATEMENT

76 Algers Road, Loughton, Essex IG10 4NF: Demolition of Existing Dwelling and Replacement with New Building Containing Six Flats (Revision to Refused Application EPF/2881/18)

Background

A pre-application enquiry was submitted on 17 December 2020.

I have re-submitted my pre-application statement with this planning application. It refers to the refusal of planning permission by the Area Planning Sub-Committee South on 3 July 2019, the subsequent appeal dismissal dated 17 December 2020 and explains how we feel the proposed amendments overcome the inspector's reasons.

The planning officer's written response to the pre-application enquiry is at **APPENDIX A**.

Previous Reason for Refusal 1 (Effect on Character and Appearance of Area)

The planning officer notes that the inspector did not dismiss the appeal on these grounds and that the overall design of the scheme is little changed.

She did find the proposed two side-by-side porches on the Lower Park Road elevation slightly at odds with the rest of the design, therefore in the submitted scheme we have combined the two entrances in a single porch to rectify this.

Previous Reason for Refusal 2 (Loss of Non-Designated Heritage Asset))

The planning officer quotes from the inspector's decision in which he found the building to be of insufficient significance to merit its retention. This would not now therefore be a reasonable reason for refusal.

Previous Reason for Refusal 3 (Lack of Adequate Amenity Space)

The appeal inspector agreed with this reason for refusal.

The planning officer notes that in the revised scheme the site layout has been rationalised to ensure that the guideline figure of 150m² of useable, private amenity space mentioned in the supporting text of adopted Local Plan policy DBE8 is now met.

The planning officer refers to the inspector's concern about the amount of sunlight that would reach the amenity area, but she notes that we have now submitted a revised Daylight and Sunlight report which shows that the whole garden area has now been tested and that the appropriate BRE guideline is met. This is also helped by the fact that the gable end on Lower Park Road is now hipped to enable sunlight into the amenity area for a longer period.

Therefore the three previous reasons for refusal have been overcome.

Other Matters

We accept that we will be required to make some financial contribution to offset the impact of the development on the Epping Forest Special Area of Conservation in terms of both recreational footfall and air pollution from traffic.

We would welcome discussions at an early stage so that a signed Section 106 Agreement can be considered when the application is determined, in order that the development is not held up unduly.

The planning officer's suggested condition, to ensure that bedroom windows in the elevation facing 74 Lower Park Road are obscure glazed to a height of 1.7m, is acceptable.

Conclusion

We have examined the inspector's appeal decision and have made amendments to overcome his concerns.

The revised plans have been scrutinised by the planning officer through a pre-application enquiry and further changes have been made to respond to her comments.

She concluded in her letter: "In light of the above it is considered that the revised scheme would overcome the previous reasons for refusal and is one that could be supported at Officer level."

Therefore, as all reasonable objections have been overcome, we look forward to planning permission being granted as soon as possible.

Yours Sincerely

S Hayhurst

Stephen Hayhurst

APPENDIX A

PRE APP RESPONSE LETTER

Date: 26th February 2021
Our ref: EF\2020\ENQ\01176
Your ref:



Stephen Hayhurst
Hayhurst Town Planning
By Email

Governance Directorate

Civic Offices
High Street
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Essex CM16 4BZ

Telephone: 01992 564000
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Marie-Claire Tovey (01992) 564414
email: mtovey@eppingforestdc.gov.uk

Dear Mr Hayhurst,

RE: DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH NEW BUILD CONTAINING SIX FLATS AT 76 ALGERS ROAD, LOUGHTON

Following submission of the information received on the 21st December, I have concluded my appraisal on the proposed submitted scheme. I apologise in the delay in formulating this response. Pre-application advice is Officer opinion only, and is based on the information provided at the time the advice is given and any advice is given without prejudice to the final decision of the Council on any planning application received.

Site Constraints

In terms of planning constraints, the site is located within the built up area of Loughton, with no specific designations covering the site. The site is located within 250m of Loughton Station.

Relevant Planning History

EPF/2881/18 - Demolition of existing dwelling and replacement with a new building consisting of 3 x 1 bed and 3 x 2 bed apartments – Refused and dismissed at appeal

Principle of Development

The principle of the development in this location is acceptable. The main issues with regards to this pre-application enquiry are whether the proposal has overcome the previous reasons for refusal.

Reason 1: *The proposal, by reason of its size, poor design and position would harm the spacious character of the area and be generally out of character with the plan form of nearby buildings detracting from the overall appearance of the locality. The proposal would therefore be contrary to policies CP2 and DBE1 of the Adopted Local Plan 1998/2006, policy DM9 of the Local Plan Submission Version 2017, and be at odds with paragraph 127 of the National Planning Policy Framework 2019.*

The Inspector stated 'I see no reason that the proposed development would be unsympathetic to its location or that it would fail to harmonise with or enhance the varied street scenes of Algiers Road and Lower Park Road and the character and appearance of the area'

The design for this pre-app enquiry has changed little from the previously refused scheme with the hipped roof and attached bin store the most obvious additions and it is not considered that these would change the above view.

The two proposed porches side by side, do seem a little at odds with the rest of the design and perhaps this could be one larger porch covering both doors to rationalise the design.

***Reason 2:** The Council considers the existing building at the application site to be a non-designated heritage asset, the loss of which would of itself be harmful to the character and appearance of the locality. It therefore considers its loss can only be justified if it is replaced by a development that is of high quality design. Its loss would only serve to exacerbate the harm caused by the development to the character and appearance of the locality. The loss of the non-designated heritage asset is therefore contrary to policies CP2 (iV) and CP7 of the adopted Local Plan (1998/2006), and would be at odds with paragraph 127 the National Planning Policy Framework 2019.*

The Inspector stated that 'I am not persuaded on the basis of the evidence before me that 76 Algers Road is of notable architectural merit, or that it is remarkable within its context as an example of Edwardian suburban development. I therefore find that the heritage interest of the building is of insufficient significance to merit consideration in planning decisions or to warrant its consideration as a non-designated heritage asset. Accordingly, there is no presumption against the loss of the existing building.'

Given this assessment this reason has been overcome.

***Reason 3:** The proposal lacks an adequate level of amenity space for future occupiers of the proposed development; in addition access to off site alternative amenity space is not considered to be in reasonable proximity nor legibly accessible. The proposal is therefore contrary to policies DBE8 of the Adopted Local Plan (1998/2006) and policy DM9 (High Quality Design) of the Local Plan Submission Version 2017.*

The proposal has been revised since the previous refusal so that the bin/bike store is now attached to the main building and the building size rationalised and boundary treatments moved so that a larger amenity area can now be provided. The amenity area is now just in excess of the required 150m² suggested by policy DBE8 and therefore the amount of amenity area proposed meets these requirements.

A second strand to this reason for refusal related to the amount of sunlight the amenity area would receive – with the Inspector referencing the lack of a methodology as a particular issue. This pre-app has been accompanied by a revised Daylight and Sunlight report which shows that the whole garden area has been tested. In addition the gable end on Lower Park Road has been hipped to allow sun on the amenity area for a longer period.

It is considered that these revisions have overcome this reason for refusal.

With regards to the issues relating to air quality and the EFSAC, negotiations with Natural England have now, as I am sure you aware, been finalised. Therefore subject to the Applicant agreeing to the appropriate mitigation in line with the agreed protocol the application can progress.

Further information can be found here:

<https://www.eppingforestdc.gov.uk/planning-and-building/planning-policy/efsac-protocol-for-releasing-planning-decisions/>

As an aside to the previous reasons for refusal and SAC issue, it is noted that the internal layouts have been changed from the previous scheme, so that bedroom windows will face towards 74 Algers Road. I can see that these are marked as obscured glazed to a height of 1.7m which will

limit any potential overlooking and as shown on the submitted plans, this should be made clear on any formal revision submitted.

Conclusion

In light of the above it is considered that the revised scheme would overcome the previous reasons for refusal and is one that could be supported at Officer level.

Please note that these views are purely Officer opinion, given based on the information provided for this pre-application response and are given without prejudice to the final decision of the Council on any planning application received, particularly as no consultation has been carried out with the Parish Council or residents living within close proximity to the site.

Yours sincerely,

Marie-Claire Tovey
Senior Planning Officer