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Planning Appeal Statement

Property address: 8 Stanmore Way, Loughton, Essex, IG10 2SA

Planning Appeal by

Ms Brough

against

Epping Forest District Council (the "Council")

for

The demolition of the existing bungalow and replacement with two chalet bungalows

Planning Application Reference: EPF/0550/21

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Introduction

This appeal is being made by the Appellant Ms Brough, against the refusal of planning permission by Epping Forest District Council for demolition of the existing bungalow and replacement with two chalet bungalows within the urban area of Loughton.

The application was recommended for the Grant of Planning Permission by the Planning Department to the Planning Committee on the 14 July 2021. The Planning Committee overturned the Planning Departments recommendation and refused planning permission for four reasons.

The proposal sought to replace an existing bungalow with poor accessibility and adaptability with two chalet bungalows which are accessible and adaptable.

Replacing the existing home which has poor accessibility credentials, with two accessible and adaptable chalet bungalows will improve the number of accessible homes in the District as well as provide an additional new home making efficient use of urban land.

Appeal Proposal

The proposal would replace the tired out of keeping bungalow with a pair of semi-detached chalet bungalows more fitting to the Stanmore Way streetscene and wider locality whilst maintaining neighbour amenity.

It is proposed to futureproof the lifetime of the chalet bungalows by incorporating design features to enable accessibility and future adaptability if needed. Whilst it is accepted all new homes should be of this standard, consideration should be made for replacing homes which fall well short of this standard for homes which provide the standard or better. Such design features proposed include:

- Level thresholds at all entrance doors
- Wide door frames to enable greater accessibility including wheelchair use
- Wide hall and landing areas to enable greater accessibility including wheelchair use
- Room design and sizes which enable furniture to be placed improving accessibility including wheelchair use
- Level access around the properties within the garden spaces
- Car parking close to the front door of the chalet bungalows for ease of use together with electric charging point

The proposal will result in more efficient use of land for a pair of chalet bungalows whilst ensuring accessibility is maximised for future occupiers needs.

The design of the proposal would relate well to the surrounding properties and take inspiration from the bungalows and chalet bungalows within Stanmore Way. Once complete the proposal would enhance this section of the street.

Principle accommodation is focused on the ground floor containing all amenities usually associated with a bungalow, consisting of open plan living kitchen diner with utility room, double bedroom, bathroom and separate lounge. A separate lounge have been designed to enable this space to be a second ground floor bedroom if required. Within the roof space are two additional bedrooms as secondary accommodation to each bungalow. The rear gardens are plentiful with modest landscaping to improve the setting ready for new owners to make their own.

The proposed chalet bungalows have been designed to increase bungalow stock within the District whilst improving the visual appearance from the existing dated out of character dwelling to new homes of high quality design.

The front boundary hedge is retained and maintained to a manageable size to enable an attractive front garden and sufficient car parking with electric charging is proposed.

Prior to the appeal proposal, planning application EPF/2674/19 was approved planning permission for a first-floor extension to provide three bedrooms on the first floor together with family bathroom, with the kitchen diner and living room on the ground floor. The ground floor of approved application EPF/2674/19 does not contain a bedroom.

The Appeal

The appeal proposal seeks to make efficient use of previously developed land which would assist in boosting housing supply in accordance with Paragraph 60 of the NPPF.

The appeal site meets a number of criteria of a small site recognised in paragraph 69 of the NPPF. Paragraph 69 identifies *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly."* The paragraph continues to state Local Planning Authorities should *"support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and work with developers to encourage the sub-division of large sites where this could help speed up the delivery of homes."*

The NPPF directs planning policies and decisions to promote effective use of land in meeting the need for homes and other uses within paragraph 119. It further states within Paragraph 120 "Planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively."

The Council refused planning permission for the proposal for the following reasons:

Reason One: Considered the proposal would have a detrimental effect upon the EFSAC.

Reason Two: Considered the proposal would result in the loss of a bungalow.

Reason Three: Considered the proposal would have a detrimental effect upon the character and appearance of the site and setting through loss of trees and landscaping.

Reason Four: Considered the proposal would have a detrimental impact upon the amenities of immediate neighbours by way of visual impact.

The full reasons for refusal can be seen within the Councils Decision Notice.

The Councils Committee Report which had undergone review by the Councils Planning Managers prior to publication can be found in Appendix 1.

The Councils Committee Report counters all the reasons for refusal in the follow way:

Reason for Refusal 1: A Habitat Regulation Assessment was submitted along with as requested Draft S106 Unilateral Undertaking securing the required mitigation measures. The Council found through the screening assessment and appropriate assessment the proposal provided mitigation in line with the Councils adopted strategy for recreational users of the EFSAC and air pollution from vehicles.

Reason for Refusal 2: The Council considers a chalet bungalow to be a bungalow in the consideration of H1 (F). The proposal increases the number of accessible bungalows within the District.

Reason for Refusal 3: The Councils Tree and Landscape Officer had no objection to the loss of Category C and U trees and considered the level of landscaping proposed acceptable. The proposal is not within a conservation area and none of the trees have TPO. As such all trees could be removed from the site without permission. The proposal retains trees and landscaping of a suitable quality to the setting.

Reason for Refusal 4: does not have a detrimental impact upon neighbours through visual intrusion. The Committee Report considers neighbour impact and finds the proposal acceptable. There is an approximate 22m separation distance to the nearest first floor neighbouring window and no overlooking windows to neighbours.

All will be discussed in depth in preceding sections.

Housing Supply in Epping Forest District

The Council's Committee Report does not refer to the need for new homes within the District. The Council do not have a 5-year land supply; currently it has only 1.35 years of new homes. Whilst this application is only for one additional dwelling, it does make more efficient use of urban land which contributes to the ability of housing more people within the site.

The Ministry of Housing, Communities and Local Government published the 2020 Housing Delivery Test results on the 19 January 2021. The Housing Delivery Test is an annual measurement of housing delivery measured over a three-year period. For those authorities without an adopted plan the required figures for delivery use the standard methodology numbers. To take account of the implications of the Covid-19 pandemic March 2020 has been removed from the figures to slightly reduce the required delivery rates. The figures for Epping Forest District Council show a total requirement over the period from 2017-2020 as 2,468 against a delivery rate of 1,213 or 49%. The Council requires an 80% delivery to be on track with housing delivery for the District.

As required by the National Planning Policy Framework any authority which measures under 75% of their housing delivery target for the three preceding years will be subject to the presumption in favour of sustainable development.

The appeal proposal being a small development site can be built out swiftly to assist with the Councils housing deficit.

Site Description and Surroundings

The appeal proposal is within the urban outskirts of Loughton. A walk into the centre of Loughton where its principal shops, restaurants and facilities takes approximately 25 minutes (1.1 miles). Loughton Underground Station is located a 35-minute walk (1.8 miles) from the proposal. Due to the locality of the site, it is considered a sustainable location.

The appeal site consists of a detached bungalow located midway along Stanmore Road. The bungalow appears at odds with the prevailing pattern and streetscene due to its low stature and being in a context of large detached two and three storey houses.

The bungalow is aesthetically challenged due to its 1960's build design and needs updating and modernising throughout. The bungalow features dated styling which has not worn their years well. The low-slung roof profile is out of character with the prevailing street.

The existing bungalow is accessed via a step up to the front door into the entrance hall which leads into the formal living room and the reception room via another step. Access through the reception room to the galley kitchen, bathroom and two bedrooms.

The internal layout of the existing bungalow is comprised of narrow doorways and hallways. Accessibility clash points are present in the existing layout in the following areas:

- Steps up to front door
- Step into reception room
- Access from reception room to kitchen and internal storage cupboard is very narrow
- Access from reception room to hallway providing access to bathroom, bedrooms and rear garden is narrow
- Access from hallway to bedrooms is tight
- The reception room is of limited use as a dining area due to small room size and access needed through to kitchen, bedrooms and bathroom
- Kitchen size is small reducing ability to manoeuvre in the space
- Narrow door and steps from kitchen to driveway
- Small bathroom size does not enable a carer and occupant to be in the same space
- External access into the garden is via steps and narrow doors
- Existing driveway is narrow, requiring re-landscaped frontage to enable cars to park in proximity for ease of use.

Properties in Stanmore Way and surrounding roads are of varying architectural styles, with no one set style of architecture, a suitably designed proposal would fit in the streetscape. Most neighbouring properties are two storeys with rooms in the roof space equivalent to three storeys. Some of which have been subject to major extensions and refurbishment such as 6 Stanmore Way.

Justification Against Reasons for Refusal

A full assessment of the proposal has been made by Clear Architects within the submitted Design and Access Statement. The application was further discussed with the Planning Officer. These discussions covered the poor accessibility and design of the existing bungalow, the approved first floor extension and the accessibility credentials of the proposal and its improved aesthetics.

Each of the reasons for refusal will be discussed in turn.

Reason for Refusal One

Prior to submission of the application, the Council adopted the Interim Mitigation Strategy for Epping Forest Special Area of Conservation (Recreational Pressures) and the Interim Epping Forest Air Pollution Mitigation Strategy to enable applications to be considered utilising mitigation measures contained within the two mitigation strategies to enable the Council to grant planning permission for development within the District.

The Council for the proposal requested a HRA and confirmed that the application had been reviewed by management and are happy to support the scheme. See Appendix 2.

The HRA was submitted to the Council by email dated 18 May 2021. Within the same email chain, the Council requested a draft S106 agreement which includes the mitigation measures set out in the HRA. See Appendix 3.

The draft S106 and Land Registry documents were sent to the Council by email as requested. See Appendix 4. A copy of the draft S106 agreement can be seen in Appendix 5.

The HRA had to be reviewed by the Councils Consultant prior to being recommended for approval at Planning Committee. Appendix 6 contains the email chain confirming such action and that it was found acceptable to be recommended at the 14 July Planning Committee.

The Planning Committee Report considers the EFSAC in detail and comments upon the assessment process. The Committee Report confirms the Councils position with mitigation measures and the applicant has confirmed agreement to making a financial contribution by S106 and other measures will be secured via condition, such as electric charging points for each chalet bungalow and infrastructure to enable superfast broadband to enable home working.

Subsequently, the application was refused on the basis that the proposal failed to demonstrate nil detriment to the EFSAC despite the submission of a HRA and draft S106 securing the appropriate mitigation measures. The Planning Committee Report confirms the use of mitigation measures as being appropriate for the grant of planning permission. The reason for refusal refers to Policy NC1 of the Adopted Local Plan, DM2 and DM22 of the LPSV and the Holohan Judgement.

Each element will be discussed in turn.

Policy NC1 of the Adopted Local Plan states the Council will refuse planning permission for any development which could directly or indirectly adversely affect a SSI and will comply with the UK's obligations for sites designated as SPA or SAC.

The proposal has undergone a HRA in accordance with the Councils Strategy which concludes the development would not have an adverse effect upon the SAC subject to securing suitable mitigation measures. Such measures were agreed with the Planning Officer to be included within a S106 agreement and planning conditions. The proposal should be found acceptable in relation to Policy NC1.

Policies DM2 and DM22 of the LPSV identifies protection of the SAC can be achieved by mitigation measures. The Councils adopted mitigation measures were approved by Council to enable development to be built within the District whilst protecting the EFSAC.

The HRA identifies which measures need to be secured in accordance with the adopted mitigation strategies. The Council's specialist consultant has reviewed this document and

the Council within the Planning Committee Report confirm the mitigations measures are acceptable and can be secured by S106 and Planning Conditions. The Planning Committee Report confirms the applicant has agreed the measures.

For the purpose of the appeal, an executed version of the draft S106 agreement is submitted to secure the financial contributions and the Planning Inspector if minded approving planning permission can secure the other mitigation measures by condition as proposed by the Council. The appellant is in agreement with the Councils proposed conditions.

The proposal can be considered acceptable and in accordance with Policies DM2 and DM22.

When the Planning Committee refused the application, the Holohan Judgement was been referred to, but no specific part. The Holohan Judgment cannot be found referenced within the Councils Planning Policies.

On review of the Holohan Judgement from searching the internet, it would appear the ruling reinforces the importance of a site-specific approach to the design of developments and mitigation.

The applicants have submitted a site specific HRA. This has been checked by the Councils Consultant and a screening and appropriate assessment has been undertaken by the Council which concludes the proposed mitigation measures in accordance with the adopted mitigation strategies are acceptable.

Reason for Refusal Two

The Planning Committee considered the proposal being chalet bungalows would contribute to a loss of bungalow accommodation. Whereas the Planning Department considered the chalet bungalows to provide a net gain in bungalow accommodation within the District in accordance with Policy H1 (f).

The Planning Committee Report assesses this point and states:

"Therefore, the proposed development would provide a net gain to the Councils bungalow stock which is necessary to meet the needs of an aging population, and those with reduced mobility and would also be fully accessible and adaptable for the lifetime of the buildings." The Council continues "Thus, the development would comply with paragraph 127 (now 130) of the Framework and Policy H1 (f) of the LPSV."

On review of the Councils website, the Council has been consistent in considering chalet bungalows as bungalows. The following applications are highlighted to demonstrate the Councils view and stance:

EPF/1952/20 – 1 Stonards Hill – Planning permission refused due to loss of chalet bungalow. The Council within the Delegated Report highlighted on page 11 of Appendix 7, “It has been determined that a chalet bungalow meets the definition of a bungalow with respect to this policy.”

The chalet bungalow at 1 Stonards Hill contained living space on the ground floor and all bedrooms and bathrooms within the roof space. No bathroom facilities are located on the ground floor.

EPF/2680/20 – Sunnycroft, Loughton Lane – Planning permission granted to remove existing low-pitched roof of bungalow and replaced with new higher and differing profile roof to accommodate 2 ensuite bedrooms within the roof space whilst retaining one bedroom on the ground floor. See Appendix 8.

The approval at Sunnycroft is similar in internal configuration to the appeal proposal. Such approval demonstrates the Council considers a chalet bungalow to meet the definition of a bungalow.

EPF/2715/20 – Greenleaves, Hoe Lane – Planning permission granted for demolition of a bungalow and erection of a chalet bungalow. Drawings show the proposed chalet bungalow with sleeping accommodation and bathroom on the ground floor as well as two ensuite bedrooms within the roof space. See Appendix 9.

The approval of Greenleaves is similar in internal configuration of the appeal proposal. Such approval demonstrates the Council considers a chalet bungalow to meet the definition of a bungalow.

EPF/0028/21 – Bushwood, Sidney Road – Planning permission refused for demolition of chalet bungalow and replace with three-bedroom house. See Appendix 10. Reason for refusal One regards loss of bungalow. The existing chalet bungalow contains one bedroom and a bathroom on the ground floor with two bedrooms and en suite within the roof space. The decision notice and delegated report demonstrate a chalet bungalow meets the definition of a bungalow.

EPF/0179/21 – Forest View – Planning permission granted for new roof to change bungalow to chalet bungalow. The approval maintains one bedroom on the ground floor with three bedrooms within the roof space with en suite and walk in wardrobes. The delegated report confirms such change to chalet bungalow does not contravene Policy H1(f). See Appendix 11.

These five examples are a snapshot of development over the past year which clearly demonstrate a chalet bungalow is considered a bungalow by the Council.

The appeal proposal was designed as two chalet bungalows to make efficient use of the land. The ground floor of each bungalow contains a dedicated bedroom, bathroom,

combined kitchen diner and separate lounge. The layout has been designed to enable the separate lounge to also be used as a bedroom if required. Within the roof space of each bungalow are two bedrooms with en suite bathrooms.

The ground floor of each bungalow is significantly larger than the floor area within the roof due to the sloping nature of the chalet bungalows.

Policy H1 addresses Housing Mix and Accommodation types and within this policy the Council expects proposals to be adaptable for changing needs and future owners.

Policy H1, Section F reads:

F. The loss of bungalows and specialist accommodation will be resisted.

Within the Councils approach to the policy and in particular to section F, paragraph 3.5 reads:

"The needs of those with accessibility needs, including older people can be supported by bungalow accommodation." The paragraph continues "The Council considers that bungalows can play an important role because of their ease of adaption such that they can provide choice for people with accessibility needs, including the current and future needs of older people."

Paragraph 3.6 further makes the point that the loss of specialist accommodation will be resisted, however this is more directed towards care homes.

Policy H1 as a principal goal is to enable more accessible and adaptable homes in the District replacing those which do not meet this need.

Given 92% of the District is Green Belt and much of the urban land is already developed, the majority of new housing will come from previously developed land such as the application site which provides the opportunity to replace a poorly designed single storey home which is not particularly accessible and difficult to adapt with two chalet bungalows which are accessible and adaptable providing much needed new homes in the District.

The proposal meets the aspirations of paragraph 3.4 of the Councils Approach to Policy H1 which reads "it is important that a proportion of new homes can provide for the needs of those with, or who may develop, accessibility needs through the design of those homes. This reflects the evidence as set out in the SHMA and the 2017 update that **there is an existing need for accessible housing in the District** that will continue taking into account the aging profile of the Districts population over the period of the Local Plan."

Item 3.173 of the Essex Design Guide notes that 95% of existing housing stock within Essex has poor accessibility credentials, therefore this fully accessible proposal would go some way to improving the low-level of provision generally available within the District.

The appeal proposal complies with the Local Plan Submission Version and the Essex Design Guide in that it replaces a home which is not accessible and easily adaptable with two chalet bungalows that are accessible and easily adapted if needed.

Adapting such dwellings to suit today's accessibility standards requires major and costly works. In this case 8 Stanmore Way, the walls of the bungalow are block construction which provides structural integrity to the building, they are also placed in positions which mean doorways are not easily altered to enable a greater width as are the hallways which are narrow and would result in major and costly work to bring the bungalow into an accessible level. A full list of poor accessibility and adaptability characteristics are identified within section Site Description and Surroundings of this statement.

The proposed standard of residential accommodation is very high. The floor plans have been the subject of lengthy design development which has resulted in high quality functional layouts. The layouts are deliberately spacious with good circulation areas. The high-quality layouts will enhance the occupants living experience and have been prioritised over a series of smaller rooms. Due to the size of rooms being proposed, they are easily accessible and have been planned as such with furniture in place.

The layout of the proposal has been designed in conjunction with Lifetime Homes principles to ensure the space can be adapted overtime to suit the changing needs of future occupiers. Such as:

- All thresholds are flush and level eliminating the need for steps into and out of the house
- Ground floor is level with no internal steps.
- All doorways and halls are capable of accommodating wheelchair users
- All rooms have been designed to accommodate people with accessibility needs including location and provision of furniture.
- Provision has been made to enable the formal living room to be converted into a bedroom with easy access to the main bathroom on the ground floor.
- The principal bathrooms are large enough to enable a carer and occupant to be in the same space.
- Driveway configured to provide space for accessibility and enable car to be parked near the front door promoting greater accessibility to the home.

The proposed chalet bungalows are fully accessible and adaptable for the lifetime of occupiers. This application for the demolition of the bungalow and its replacement with two accessible chalet bungalows should be considered compliant with Policy H1 which resists the loss of bungalows, through provision of additional needed bungalow stock.

Reason for Refusal Three

The Planning Committee refused the application due to loss of trees and landscaping.

The proposal consists of:

- Removal of Category C and U Lawson Cypress Trees which are either poor quality or small in size,
- The Cherry tree located on the boundary within the neighbour's garden pruned to the boundary in the same way as previously carried out by a former owner. This tree is in fair/poor condition and is only to be retained due to being in third party ownership,
- The hedge to the east is being retained in full and
- The front boundary hedge is proposed to be pruned to a more sensible height and an opening formed to enable vehicle access.

The Council's Trees and Landscape Officer has no objection which can be seen in the consultee response and Committee Report.

The proposal enhances the streetscene and together with the modest additional landscaping will provide an attractive appearance when viewed from Stanmore Way.

Reason for Refusal Four

Contrary to the Planning Department, the Planning Committee considered the proposal would have a detrimental affect upon neighbour amenity through visual impact.

Whilst the proposal is larger than the existing bungalow, the existing dwelling does not make efficient use of land.

The proposed chalet bungalows are low in stature to the side elevations and raise higher towards the middle of the site to accommodate rooms within the roof space. The scale of the proposal is not overly large and in proportion with the site and surroundings.

It is identified within the Council Committee Report, that they consider the existing bungalow out of character and the proposal with its high-quality design would be in keeping with the surrounding properties.

The proposal due to window location and siting will not afford undue overlooking. Whilst the Council have measured a 15m separation distance to 1 Little Goldings, this is ground floor only with a 3.8m high wall separating the two properties. The separation distance from the rear facing windows within the roof being set in from the rear elevation to the secondary windows of 1 Little Goldings is in the region of 22 metres.

The proposal due to orientation and separation will not afford overlooking to neighbours as confirmed within the Councils Committee Report.

Conclusion

The appeal proposal seeks to replace a bungalow of poor accessibility and limited adaptability credentials with two chalet bungalows which are fully accessible and adaptable for the changing needs of its occupiers. The proposal will result in an increase of new homes and homes which are accessible.

It has been demonstrated that the Council accepts chalet bungalows within the definition of bungalow.

The applicant has submitted a HRA and executed S106 agreement to secure mitigation measures agreed with the Council in accordance with the adopted mitigation strategies. The Council has proposed conditions to secure other mitigation measures which the applicant has previously agreed.

The design of the proposal is of high quality and will be in harmony with the streetscape. It is of a suitable scale for the locality in contrast to the low slung out of keeping bungalow. The streetscape is maintained by a suitable landscape plan which removes poor quality trees for the benefit of the proposal.

Neighbouring amenity is maintained through design detailing. Neighbouring outlook, amenity and sunlight/daylight are unaffected due to siting the proposal.

The planning application and this appeal statement demonstrates the suitability of the appeal proposal which has been developed in a precise and considered manner to create a sympathetic siting for the new chalet bungalows in a way that can only be considered as an enhancement the streetscene and number of accessible homes in the District.

The Appellant believes that no significant harm has been identified and that the benefits of this appeal proposal are considerable.

In light of the above information, the Appellant respectfully requests that the Planning Inspector allows the appeal and grants planning permission.