

PLANNING
AND
DESIGN & ACCESS
STATEMENT

**DEMOLITION OF EXISTING HOUSE AND
GARAGE AND ERECTION OF THREE
DETACHED DWELLINGS WITH GARAGES
AND ASSOCIATED WORKS**
**(Resubmission of Application EPF/2669/17 following
Appeal APP/J1535/W/18/3194783)**



93 Manor Road, Chigwell, Essex, IG7 5PN

For

Mr B Dalziel

1. Introduction & Site Assessment

- 1.1 The application site lies within the urban area of Chigwell, to the south of the B173 Manor Road, and currently accommodates the modern two-storey detached residential dwelling house and associated extensive residential curtilage of 93 Manor Road. The site extends to approximately 0.17 Ha in area, with a frontage width to Manor Road of approximately 17 metres and a depth of approximately 90 metres.
- 1.2 The existing detached dwelling house of number 93 is constructed of a combination of red-brick with cream and pink-coloured render walling with a double-vaulted, gable-pitched, concrete pantiled roof above. The dwelling house is set back approximately 17 metres from the back edge of the footway adjacent to the highway of the B173 Manor Road to the north. Existing vehicular and pedestrian access to the dwelling is currently provided from a curved, gated entrance located towards the eastern end of the otherwise red-brick walled frontage boundary with the footway adjacent to Manor Road, onto a red-brick paved frontage forecourt. High coniferous hedging then lies adjacent to the internal southern side of the frontage boundary walling.
- 1.3 To the west of the application site, beyond a combination of red-brick walling, fencing and hedging lies the substantial, modern, two-and-a-half-storey detached red-brick dwelling house of 91 Manor Road, similarly set-back from the Manor Road frontage. Two significant, mature deciduous trees lie within the front curtilage of number 91, to either side of the gated vehicular entrance.
- 1.4 To the east of the application site, beyond a combination of coniferous hedging and fencing lies the similarly substantial modern, two-and-a-half-storey detached red-brick dwelling house of 95 Manor Road.
- 1.5 To the immediate north of the application site, on the opposite northern side of the B173 Manor Road, the recently constructed, three-storey apartment building of Regency Apartments fronts towards the application site, being set-back approximately 5 metres from the footway adjacent to Manor Road, with black-painted metal railings enclosing the small front curtilage area. To either side of this apartment building lie similarly scaled and sited built forms.
- 1.6 To the southern rear of the existing dwelling house of 93 Manor Road, the land falls away southwards, with the side and rear curtilage boundaries of the application site enclosed from the rear curtilages of neighbouring dwellings to either side and at the southern end by a combination of high fencing, hedging and a number of mature deciduous and coniferous trees.
- 1.7 The southern-most portion of the application site extends round beyond the southern extent of the curtilage of number 95 to the east, abutting that of the two-storey detached dwelling of number 97 beyond to the east, whilst to the south, the eastern-most extent of the application site boundary lies adjacent to an area of retained residential curtilage associated with number 93. The remainder of the southern site boundary then abuts rear curtilage boundaries to existing two-storey dwellings within the cul-de-sac of The Shrubberies to the south.

- 1.8 The proposals put forward seek to demolish the existing dwelling house to enable the erection of three new detached dwelling houses and associated garages on the site, together with the formation of a new vehicular access and shared driveway into the site from the western-most portion of the Manor Road frontage. The proposals are put forward in Outline, with all Matters left Reserved for future consideration.
- 1.9 The indicative Block Plan and Site Entrance Plan submitted with the application detail how the site could be developed to provide three new detached dwelling houses, each with associated garaging, together with a new vehicular access and private driveway from Manor Road to serve each.
- 1.10 The proposals represent a re-submission of a previous application recently considered at Appeal (EPF/2669/17), following the Inspector's positive consideration of the main land use planning issues at stake. The only outstanding matter is therefore the current inability (through the lack of an appropriate Development Plan Policy mechanism) for the proposals to demonstrate that under the Conservation of Habitat and Species Regulations 2017, the statutory duty to conserve and/or enhance the designated Epping Forest Special Area for Conservation (SAC). As will be outlined further within this Statement, given the significant negative impact that this current lack of Policy mechanism has upon the ability to deliver housing within the District, it is understood that a mechanism for the provision of a financial contribution to be made via a S106 Legal Agreement towards a District-wide mitigation strategy will be shortly be Adopted by the Local Planning Authority.

2. Development Plan Policy Context

- 2.1 The appeal site lies within the existing urban area of Chigwell, to the south of the B173 Manor Road, comprising the modern two-storey detached residential dwelling house and associated extensive residential curtilage of 93 Manor Road.
- 2.2 At the overarching national level, the planning policy context has changed over the last six years, with the National Planning Policy Framework (NPPF) Document, published on 27th March 2012, and recently updated (24th July 2018) replacing 44 previously existing planning policy documents. The updated NPPF states that: *“At the heart of the Framework is a presumption in favour of sustainable development”*. For decision makers this means *“approving development proposals that accord with an up to date development plan without delay”* or, where plans are out of date and the site is outside of any protected area, granting permission unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 2.3 Paragraph 38 underlines the positivity of the Governments intent, indicating that *“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*
- 2.4 Chapter 5 of the updated NPPF provides the Government’s guidance upon the delivery of new housing, confirming *‘the Government’s objective of significantly boosting the supply of homes’* and the importance *‘that a sufficient amount and variety of land can come forward where it is needed.’*
- 2.5 With regards to housing delivery, as is confirmed by the Local Planning Authority, utilising either the ‘Liverpool’ or ‘Sedgefield’ methods, a significant shortfall in deliverable housing land supply within the area exists, with only 1.58 years supply currently available.
- 2.6 As such, Footnote 7 to Criteria (d) of Paragraph 11 of the updated Framework is relevant, indicating that Policies for the supply of housing should be considered out-of-date and of reduced weight in situations where the local planning authority cannot demonstrate the requisite five-year supply of deliverable housing sites.
- 2.7 This approach has recently been endorsed by the Supreme Court, who have advocated that the ‘tilted balance’ should be applied in such circumstances, favouring the grant of permission, except where the benefits are *“significantly and demonstrably”* outweighed by the adverse effects, or where *“specific policies”* indicate otherwise. The Supreme Court also emphasised the need for Local Planning Authorities to ensure that a ‘deliverable’ supply of sites sufficient to provide for five years’ worth of housing can be provided, confirming *‘the futility of authorities’ relying in development plans on the allocation of sites that have no realistic prospect of being*

developed within the five-year period'.

- 2.8 Subsequent to the publication of the NPPF, the Government published 'Planning Practice Guidance' to supplement the overarching Policy guidance contained within the NPPF, expanding upon a number of key policy areas. In this instance, the additional guidance provided upon both design and housing is of most relevance, outlining the importance of achieving well-designed building forms appropriate to their location. The Guidance indicates that *'Well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants'*.
- 2.9 The clear thrust of this evolving Government Policy is that Local Planning Authorities should be looking to say 'yes' to development wherever possible, with a presumption, across the board, of permitting 'sustainable development' without delay.
- 2.10 At the more detailed, local level, the Adopted Development Plan currently comprises the Epping Forest District Local Plan 1998 and Alterations 2006, against which proposals should be assessed, providing they are in general conformity with the Government Policy contained within both the National Planning Policy Framework of July 2018 and the subsequent revisions provided through Ministerial Statements and the Planning Practice Guidance.
- 2.11 Whilst the Local Planning Authority have now published the Epping Forest District Local Plan (December 2017) for public consultation in advance of intended formal Submission to the Government, given the early stage that this Plan is at, and the significant likelihood of Policies being amended through the consultation and at the forthcoming Examination, very limited weight can be afforded to their content at this time.
- 2.12 Policies CP1 – CP7, H2A – H4A, DBE1 – 3, DBE5, DBE6, DBE8, DBE9, LL8 – 11, ST1 – 4 and ST6 of the Adopted Local Plan therefore provide the most relevant Development Plan guidance in respect of the proposals, albeit all pre-date the more recent national guidance provided within the NPPF.
- 2.13 Policies CP1 – CP7 provide overarching, strategic guidance in respect of achieving sustainable development, whilst seeking to ensure that the quality of the existing environment is not unduly compromised, with Policies H2A – H4A then generally encouraging new residential development within existing urban areas and increasing the overall density of development through a mix of dwelling types and sizes. The Local Planning Authority have previously identified Policy CP2(iv) which seeks to safeguard and enhance the setting, character and townscape of the urban environment; Policy CP3(v) which seeks to ensure that the scale and nature of development respects the character of the locality; and Policy CP7, which through a number of criteria, seeks to protect existing urban form and quality, as being of relevance in this instance.
- 2.14 Policies DBE1 – 3, DBE5, DBE6, DBE8 and DBE9 then provide general guidance upon the various design and amenity aspects associated with new development, including the provision of adequate car parking and private amenity space. The Local Planning Authority have previously identified Policies DBE1(i) which requires new buildings to respect their setting in terms of scale, proportion, siting, massing, height,

orientation, roofline and detailing; and Policy DB9 which seeks to protect the existing amenities of the occupants of neighbouring properties, as being of relevance in this instance.

- 2.15 Policies LL8-11 then focus upon the desire to retain and maintain existing trees and landscaping, with Policies ST1 – 4 and ST6 then focusing upon achieving development in accessible, sustainable locations with adequate car parking provision.
- 2.16 Whilst Policies DM9 – DM11 of the emerging Plan provide more detailed guidance upon design matters, as outlined above, these are subject to change, hence can only be afforded very limited weight at present.

3. Involvement of External Parties

- 3.1 Initial discussions were undertaken with Officers of the Local Planning Authority prior to the submission of the previous application, indicating that the sustainability credentials of the site were sufficiently high so as to enable further residential development to be considered positively. This guidance was borne out by the subsequent Case Officer's Report to the Planning Committee of the Local Planning Authority, which itself Recommended Councillor's grant Outline Planning Permission for the proposals.
- 3.2 Whilst the previously submitted application was subsequently Refused by Councillor's, the Appeal Decision subsequently made against this Refusal effectively rebutted all of the grounds upon which the Councillor's had based their Refusal justification, confirming that the principle of such residential redevelopment would be acceptable. A copy of this Appeal Decision is included within Appendix 3 to this Statement.
- 3.3 As outlined earlier within this Statement, and as has more recently been verbally confirmed by Officers of the Local Planning Authority, the only outstanding matter is the current inability (*through the lack of an appropriate Development Plan Policy mechanism*) for the proposals to demonstrate that under the Conservation of Habitat and Species Regulations 2017, the statutory duty to conserve and/or enhance the designated Epping Forest Special Area for Conservation (SAC) can be achieved.
- 3.4 As will be outlined further within this Statement, given the significant negative impact that this current lack of Policy mechanism has upon the ability to deliver housing within a large part of the Epping Forest District, it is understood that a mechanism for the provision of a financial contribution to be made via a S106 Legal Agreement towards a District-wide mitigation strategy will be shortly be Adopted by the Local Planning Authority. A written 'Position Statement' to this effect was published by the Local Planning Authority on 30th July 2018, and is included within Appendix 4 to this Statement.

4. Evaluation of Site Assessment

- 4.1 The overall topographical, landscape and built features of the site and the wider surroundings (as indicated in the Site Assessment), together with the guidance provided to date, most notably that of the recent Planning Inspector, have formed the basis for the amount, layout & location, scale, visual appearance and landscaping of the development proposed. These are now outlined in more detail below.

5. Use & Amount of Development

- 5.1 The proposals put forward seek to demolish the existing dwelling house to enable the erection of three new detached dwelling houses and associated garages on the site, together with the formation of a new vehicular access and shared driveway into the site from the western-most portion of the Manor Road frontage. The proposals are put forward in Outline, with all Matters left Reserved for future consideration.
- 5.2 The indicative Block Plan and Site Entrance Plan submitted with the application detail how the site could be developed to provide three new detached dwelling houses, each with associated garaging, together with a new vehicular access and private driveway from Manor Road to serve each.
- 5.3 The proposals represent a re-submission of a previous application recently considered at Appeal APP/J1535/W/18/3194783 (EPF/2669/17), following the Inspector's positive consideration of the main land use planning issues at stake.

6. Layout & Location

- 6.1 Whilst proposed in 'indicative' form at this time, the overall layout of the development suggested has nevertheless been informed by the topography, physical and natural features on and around the site, and the guidance provided by the above mentioned external parties, and is exactly the same as that recently considered acceptable by the recent Appeal Inspector.
- 6.2 The indicative Layout Plan submitted shows how the dwellings could be sited, such that substantial 'back-to-back' distances with existing surrounding dwellings would be maintained, whilst the height and positioning of both the resultant built forms and associated fenestration could be achieved that would prevent undue overlooking between the proposed dwellings and those existing, along with their rear curtilages.
- 6.3 As confirmed by the recent Appeal Inspector, by virtue of the proposed retention of the majority of the existing trees and boundary landscaping and the limited level of adjacent residential development, it is considered that the development as indicatively shown could be accommodated on this site without any substantial impacts upon the existing amenities of neighbouring and surrounding local residents or the character and appearance of the streetscene and surrounding residential area.
- 6.4 Notably, the Inspector concluded that the limited level of tree removal which would be required to facilitate the development of the site, together with the proposed introduction of two new dwellings in this area '*would not harm the character and appearance of the area*' considering the site to be '*a somewhat secluded and anonymous parcel of land.*'
- 6.5 In similarly considering the issues of the existing residential amenities and levels of privacy currently afforded to the occupants of neighbouring and nearby dwellings, the

Inspector concluded that *'The size of the appeal site and neighbouring gardens is such that development could achieve suitable window to window distances as well as protecting adjacent garden space. Furthermore, the ability to retain perimeter landscaping as well as the presence of neighbouring trees would help to reduce the sense of neighbouring properties from being overlooked. Consequently, I am satisfied that the site could be developed in a manner that safeguards existing privacy levels. The proposal would therefore accord with policy DBE9 of the LP which requires development to not result in an excessive loss of amenity due to overlooking.'*

7. Scale of Development

- 7.1 As with the amount and location of the development proposed, the need to ensure that the existing residential amenities of the occupants of any existing neighbouring dwellings are not unduly compromised and that a positive visual enhancement of the site can be achieved have been the key determinates of the indicative scale of built form proposed.
- 7.2 Whilst the detailed form and scale of each of the proposed dwellings would be matters for consideration at the subsequent 'Reserved Matters' stage, as previously outlined in Section 6. of this Statement, the previous Appeal Inspector concluded that the proposed two dwellings suggested towards the southern end of the site could be designed so as to safeguard existing privacy and amenity levels afforded to the occupants of neighbouring dwellings, whilst both these, together with the proposed replacement dwelling and formation of the new access drive to the northern site frontage could be suitably designed so as to preserve the existing character and appearance of the area.

8. Landscaping

- 8.1 As has previously been detailed, the appeal site is surrounded by a combination of mature trees, hedging, fencing and walling, such that its visual envelope is very tightly contained, with little by way of direct views into the site available from neighbouring dwellings or their respective rear curtilage areas. As such, given that the vast majority of this is proposed to be retained, and indeed is likely to be subsequently supplemented and enhanced as a result of the proposals, the visual impact of the proposals upon the wider surrounding area, and hence that of the existing character and appearance of the existing urban landscape, will be negligible.
- 8.2 Immediate public views into the site will be restricted to those which would be afforded from the point of the proposed re-aligned vehicular access onto Manor Road. Even here, by virtue of the level of existing planting and realigned boundary walling which would be sought to be retained, direct views of the additional dwellings to the rear of the site would be somewhat limited.
- 8.3 In the usual way, a detailed scheme of proposed boundary treatments and landscaping would, in any event, be submitted as part of any subsequent 'Reserved Matters' submission.

9. Visual Appearance

- 9.1 Whilst the precise form, scale and hence visual appearance of each of the proposed new dwellings has yet to be determined, the intention, as the Appeal Inspector eluded to, is for each to be of a visual quality and appearance that both preserves and indeed enhances the character and appearance of the street-scene and wider surrounding area, with such details to be subsequently submitted via a Reserved Matters Application.
- 9.2 In considering the existing visual character and appearance of the area, the previous Appeal Inspector noted that *'The existing houses along this part of Manor Road all vary in terms of scale, mass, and external appearance. Whilst they are all set-back from the highway in a consistent manner, the presence of large trees and other mature landscaping to the front of the existing houses and the variety of boundary treatments makes it difficult to appreciate any rhythm in terms of void and form. Instead, the prevailing character of the street scene is that of architectural variety and mature landscaping. In this context, I am satisfied that a replacement dwelling and vehicular access could be suitably designed so as to at least preserve the character and appearance of the area'* whilst having previously noted that *'subject to a suitable design and layout at the reserved matters stage, the introduction of 2 dwellings within the existing garden would not harm the character and appearance of the area'*.

10. Access

- 10.1 Whilst internal access and movement within and around the proposed buildings is largely the remit of other legislation (Building Regulations), the form and layout of each of the proposed dwellings and their associated garaging have nonetheless sought to achieve the best practical layout available to ease pedestrian movement to, within and around the resulting buildings.
- 10.2 With regard to external access to the site, the application site lies within the existing urban area of Chigwell, to the south of the B173 Manor Road, with public transport regularly passing by the site frontage. As has been detailed within the indicative drawings submitted, the proposed realigned access into the site from Manor Road would maintain the existing visibility splays required by the highway authority, with both the scale of the shared access proposed and level of car parking provision for each dwelling likewise meeting with the requirements of the highway authority.

11. Conclusion

- 11.1 The application site lies in a wholly sustainable location to accommodate additional residential development, without causing detriment to either the character and appearance of the surrounding area, nor to the residential amenities of the occupants of neighbouring dwellings.
- 11.2 As has been recently confirmed by the previous Appeal Inspector, once the necessary mitigation measures towards the protection of the Epping Forest SAC have been suitably secured, the proposals would comply with all of the necessary requirements of Development Plan Policy, such that in accordance with Government Guidance, they would represent 'sustainable development' which should be permitted without delay.

APPENDICES

- APPENDIX 1** **‘Bird’s Eye’ Aerial Photograph of the Appeal Site**
- APPENDIX 2** **Photographs of the Appeal Site and Surroundings**
- APPENDIX 3** **Copy of Recent Appeal Decision APP/J1535/W/18/3194783, dated
4th September 2018**
- APPENDIX 4** **Copy of LPA’s ‘Position Statement’ regarding the securing of
Mitigation Measures to protect the Epping Forest SAC**