
Appeal Decision

Site visit made on 15 June 2016

by **John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 August 2016

Appeal Ref: APP/J1535/W/16/3146296
21 Priory Road, Loughton, Essex IG10 1AF

- 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 Brendan McParland on behalf of Brenland Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/2418/15, dated 25 September 2015, was refused by notice dated 6 January 2016.
 - The development proposed is the demolition of existing bungalow and erection of 2 no. 3 bed dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and erection of 2 no. 3 bed dwellings at 21 Priory Road, Loughton, Essex IG10 1AF, in accordance with the terms of the application, Ref EPF/2418/15, dated 25 September 2015 and subject to the conditions listed in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The street scene is characterised by a mix of semi-detached and detached dwellings of mostly two storeys with the exception of the existing dwelling and another to the opposite side of the road. Built development lines either side of Priory Road, set in from the back edge of the footway and off street parking is provided to front gardens. There is a large detached red brick flat roofed telephone exchange building adjacent to the appeal site.
 4. The proposed development would involve the demolition of a detached bungalow and the erection of a pair of semi-detached dwellings with a similar set in from the back edge of the footway. The proposed dwellings would also follow the building line of the established street scene and introduce a form of development which is prevalent in the area.
 5. I acknowledge that the proposed development would use a simpler and modern design approach to the frontage which would contrast with more traditional two storey gable roofed designs with forward projecting bay windows. However, this proposed frontage would be in the context of a number of mixed dwelling
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- types, designs and heights. In addition, the proposed development would have a symmetrical frontage and a mixed render and brick finish, both of which are very typical of the street scene and the wider area.
6. The proposed development would be wider in the plot than that the existing detached bungalow and as a result would bring a new building closer to the boundary of the immediate neighbour at Number 23. However, this would be in the context of a lack of general uniformity to building spacing or garden dimensions in the area owing to the existence of, amongst other things, single storey detached buildings to side elevations, side and front extensions as well as the mixed nature of development in the area more generally.
 7. The proposed pair of semi-detached dwellings would be narrower than some others that are established in the street scene and wider area and as a result their respective internal floor areas and indeed their gardens would be smaller. I am not provided with any evidence to suggest however that these matters in themselves would necessarily result in any material planning harm. The size of the resulting dwellings in terms of their internal floor area and garden size was not a matter on which the Council objected to the scheme.
 8. I also consider that the proposed development would represent, in overall height terms, a pair of two storey semi-detached dwellings. The design would include a third bedroom in the roof space and the use of dormer windows. The proposed dormer windows would be of the box type design with a flat roof. However, they would be well contained within the roof space, set in from the side, the ridge and the eaves. They would be in proportion with the fenestration detail of the rear elevation and being to the rear would be well screened from any public views in any event. I therefore do not consider that they would result in any adverse visual effect.
 9. For the above reasons, the proposed development would not introduce an uncharacteristic form, siting, design or pattern of development that would result in harm to the character and appearance of the area.
 10. Consequently, I find no conflict with saved Policies CP2, CP7 or DBE1 of the Local Plan¹. These Policies seek to ensure that, inter alia and along with section 7 of the Framework², new development is of a good quality and contextually appropriate design and safeguards and enhances the setting, character and townscape of the urban environment and maintains the environmental quality of existing urban areas.

Other Matters

11. Whilst there would be some reduction of light into the side kitchen window of Number 23 Priory Road as a result of the proposed development, the kitchen window is within close proximity to and directly faces the side elevation of the existing bungalow and thus light into it is already constrained. Whilst the proposed development would be taller against this window, the affected room also has double patio style doors facing into the rear garden which afford the room considerable light. I do not therefore consider that light into this room would be constrained by the proposed development to the extent that it would justify dismissal of the appeal.

¹ The Adopted Epping Forest District Local Plan 1998 and Alterations 2006

² The National Planning Policy Framework 2012

12. Any views from first floor or roof space windows of the proposed development would be of the far end of neighbouring gardens which is not an uncommon situation in suburban areas. The main area of private garden space to a dwelling is commonly the immediate rear of the dwelling and as such the proposed development would not impinge on the privacy of the occupiers of neighbouring dwellings.
13. I note that there is some dispute over the precedent value that has been attributed to other examples of similar developments in the area that have been recently approved. In this case I have not had regard to any other examples of recently approved developments in my findings and consequently have considered the proposed development entirely on its own merits.
14. I acknowledge that the adjacent telephone exchange building by virtue of its large scale and utilitarian design is not a positive feature in the street scene. This is an existing situation over which the proposed development would have no direct influence. I do not agree therefore that, in the context of the lack of harm that I have identified in respect of the effect of the proposed development on the character and appearance of the area, the proposed development, on its own merits, would in any way exacerbate the existing situation.
15. I note the concern expressed over the effect of the proposed development on highway safety with specific regards to possible increased demand for on street parking. However the proposed development would include a single off street parking space per dwelling which the Council considered appropriate. I also note that the proposed development would be within easy reach of a range of local services, all of which can be accessed via sustainable means. I am therefore satisfied that the proposed development would not actively encourage parking on the street and consequently would not have a detrimental effect on highway safety.
16. Some concern has been expressed over the loss of the existing bungalow that would, in itself, be of benefit to the elderly community. With respect to this matter I do not have any evidence before me to suggest that bungalow accommodation is in short supply in the area relative to demand and as such can afford this matter limited weight in my findings.

Conditions

17. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard condition which limits the lifespan of the planning permission I have, for certainty, specified the approved plans. I have also imposed conditions requiring the agreement of external materials and finishes to ensure that the appearance of the proposed development would be satisfactory which, since it goes to the heart of the planning permission, need to be agreed prior to the commencement of development.
18. Since they are not stated clearly on the approved plans and in the interests of ensuring that levels are not built up in gardens which may compromise the privacy of the occupiers of neighbouring dwellings, I have included a condition requiring details of finished external site levels. I do not consider details of finished internal floor levels are required since they are specified on the approved plans and thus addressed by a separate condition.

19. To ensure the proper functioning of the proposed development I have imposed a condition requiring the agreement of a scheme to control the discharge of foul and surface water and to limit the effect of noise disturbance to neighbouring residents I have imposed a condition restricting the hours for demolition and construction. Since there is no dispute over the timings for this as suggested by the Council, I agree that they are reasonable.
20. I do not consider it necessary however to require the landscaping of private gardens and nor do I find there to be any exceptional circumstances that would justify the removal of rights under permitted development. In addition, the appeal site is within a residential area and development would take place within an existing garden and as such I cannot agree that the provision of wheel washing facilities is necessary to make the development acceptable.
21. I have not been provided with any evidence relating to land contamination that is specific to the appeal site and as such I do not agree that conditions requiring further information or work in response to these matters can be justified.

Conclusion

22. For the reasons given above, I conclude that the proposed development would not give rise to harm to the character and appearance of the area and as such the appeal is allowed.

John Morrison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-687-001, 2015-687-002 Rev A, 2015-687-010 Rev A, 2015-687-011 Rev A, 2015-687-012 Rev A and 2015-687-014.
- 3) No development shall commence until details/samples of the materials and finishes to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) No development shall take place until full details of finished external site levels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of methods for the disposal of foul and surface water have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Demolition or construction works shall take place only between the hours of 07:30 and 18:30 Mondays to Fridays, 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.