
Appeal Decision

Site visit made on 22 August, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 11th October, 2017

Appeal Ref: APP/J1535/W/17/3174477

Tennis Courts, Roding Valley High School, Alderton Hill, Loughton, IG10 3JD

- 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 McCarthy & Stone Retirement Lifestyles Ltd. against the decision of Epping Forest District Council.
 - The application Ref: EPF/0053/17 dated 5 January, 2017 was refused by notice dated 29 March, 2017.
 - The development proposed is amendment to planning permission EPF/1103/15 (Erection of 38 'Retirement Living' (Category II) apartments for the elderly in a part 3 and part 2-storey development, including associated communal facilities, 32 off-street car spaces, landscaping and access on to Alderton Hill) to provide 2 additional two-bedroom apartments.
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Decision

1. The appeal is allowed and planning permission is granted for amendment to planning permission EPF/1103/15 (Erection of 38 'Retirement Living' (Category II) apartments for the elderly in a part 3 and part 2-storey development, including associated communal facilities, 32 off-street car spaces, landscaping and access on to Alderton Hill) to provide 2 additional two-bedroom apartments at Tennis Courts, Roding Valley High School, Alderton Hill, Loughton, IG10 3JD in accordance with the terms of the application Ref: EPF/0053/17 dated 5 January, 2017 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A2-001, A1-102 Rev 2, A1-001 Rev 01, A1-401 Rev 02, NL-2061-02-AC-602, and NL-2061-04-AC-601 Rev 02.
 - 3) The development hereby permitted shall be carried out in accordance with the planning conditions imposed on the previous consent EPF/1103/15, and in accordance with the details approved in subsequent approval of details applications EPF/0103/16, EPF/0106/16 and EPF/2001/16.

Preliminary Matters

2. A signed and dated Section 106 Agreement has been submitted in respect of this application. I return to consideration of it later in my Decision
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Main Issues

3. The main issues are the effect on the character and appearance of the area and the effect on the living conditions of neighbouring occupiers in respect of overlooking.

Reasons

4. The appeal site sits at the bottom of a small river valley, on land formerly used as part of the nearby Roding Valley High School. At the time of my visit the previously approved development for a block of 38 retirement flats was underway. The appeal proposal is for the use of space formerly earmarked for storage for residents, to create two additional flats in the roof space of the approved building, as it is not considered likely that there would be significant demand for storage space.
5. The development would not extend the volume of the approved building, and would create four new dormer windows fronting small terraces set behind the plane of the roof, and two new small rooflights. They would be on the eastern side of the building, facing an internal courtyard area, and beyond that the residential properties set on rising ground to the east.

Character and appearance

6. The new dormer windows would be inverted, by being set into and contained by the roof slope, and as a result only a small portion of them would be visible from ground level, and they would not be visible at all from the street. There is a thick and high conifer hedge on the boundary of the site with the rear garden of No 13, on the side of No 13 and therefore within the control of that property, which would screen any views of the proposed buildings from the rear gardens of adjacent dwellings to the east. The dormers and rooflights would therefore have a very limited effect on the appearance of the building as seen from neighbouring properties and would not be an intrusive element in the appearance of the area.
7. There are already three storey elements to the approved building, including on its elevation facing the dwellings on Alderton Hill. Furthermore it sits in a group of larger blocks around and relating to the High School, including some substantial three storey school buildings, to which it relates more closely in appearance than to the dwellings of the residential areas around. Consequently it would not appear out of character in size, height or bulk in relation to the character and appearance of the area, notwithstanding its overall appearance as a three storey building which would, at most, be marginally emphasised by the appeal proposal.
8. The proposal would therefore not cause harm to the character and appearance of the area, and would not conflict with policy DBE1 of the Local Plan and Alterations 2006 (the LP) which seeks new buildings that respect their setting, nor with policy DBE2 of the LP, which seeks to resist new buildings which have a detrimental effect on existing properties in amenity terms.

Overlooking

9. While on site I was able to use scaffolding present as part of the construction process to assess the likely view from third floor level on the eastern side of the appeal building. Due to the presence of the conifer hedge there were no

views, including glimpses, into the rear garden of No 13 or of properties beyond it up Alderton Hill.

10. The appellant has furthermore, indicated that there would be additional planting of tall species along that boundary as part of the approved planting scheme.
11. I conclude therefore that there would be little or no harm to the living conditions of neighbouring occupiers in terms of real or perceived overlooking and loss of privacy. The development would therefore comply with policy DBE9 of the LP, which requires that new development will not result in an excessive loss of amenity for neighbouring properties, including in terms of overlooking.

Other matters

12. The S106 Agreement is a Unilateral Undertaking on behalf of the appellant to pay to the Council an additional financial contribution to the provision of off-site affordable housing as well as the outstanding 50% contribution from the original approval. The Council is satisfied with this sum.
13. I have considered the obligation against the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and the national policy set out in paragraph 204 of the National Planning Policy Framework. It appears to me that this planning obligation makes adequate provision for affordable housing in relation to the development, and that it would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development, and would thereby pass these tests.
14. Neighbouring occupiers have expressed concerns in relation to the provision of adequate levels of parking provision and the effect on local levels of traffic congestion. The site is close to Loughton tube station, the town centre and bus routes, and the appellant has pointed out that the originally approved development had already made an overprovision for parking spaces. It appears to me that the provision of an additional two flats in a development where car ownership is expected to be relatively low would not have a harmful effect on levels of parking on site, or on levels of traffic in the area.

Conditions

15. The Council has suggested a number of conditions on which the appellant has had an opportunity to comment, and I have taken them into account. In the interests of clarity a condition is applied requiring implementation of the development in accordance with the approved drawings. A condition is added requiring carrying out of the development in accordance with conditions imposed on the previous consent in the interests of protecting the character and appearance of the area.

Conclusion

16. For the reasons given above therefore, and taking into account all other matters raised, I conclude that the appeal should be allowed.

S J Buckingham

INSPECTOR