



Appeal Decision

Site visit made on 12 April 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date:08.05.2024

Appeal Ref: APP/J1535/W/23/3325768 Kenswal, Grove Lane, Chigwell IG7 6JD

- 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 Dervis Maraslioglu against the decision of Epping Forest District Council.
 - The application Ref: EPF/2688/22 dated 25 November 2022 was refused by notice dated 31 March 2023.
 - The application is for proposed redevelopment of the site with erection of a 2 storey building which will accommodate 1 x residential unit.
-

Decision

1. The appeal is allowed and planning permission is granted for planning application reference EPF/2688/22 dated 25 November 2022 for the proposed redevelopment of the site with erection of a 2 storey building which will accommodate 1 x residential unit subject to the conditions as set out in the Schedule below.

Preliminary Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.

Main Issues

3. The main issue is the effect of the proposal upon the supply of bungalow accommodation within the area.

Reasons

4. The appeal property is a building of one storey that was reputedly constructed in the 1950's. The property is very much suburban in style with a sizeable front garden that provides setting and vehicular access. The property also contains a large double garage that gives level access for vehicles onto the driveway. Conversely, the house itself is set on a sizeable plinth and as such the only means to access the house is by climbing up five steps that lead to a small terrace and the front door.

5. Similarly to the rear of the property there is no level access between the floor level of the existing property and the rear garden area. Even access onto the patio areas require a threshold and step to be managed.
6. Architecturally the property is of its time but is not overly distinctive to the character and appearance of the area. This character is largely determined by a true mix of residential dwellings from older terraces farther along Grove Lane, to much larger, suburban type detached properties adjacent to the appeal site.
7. The proposal before me seeks to replace the existing bungalow with a new two storey dwelling. The proposed house would have flush level access to its frontage and its rear where bi-folding doors would allow direct access and views into the garden. Internally the proposal would seemingly ensure adequate accessibility standards are provided in the form of disabled turning areas within corridors so as to meet current Building Regulations requirements¹.
8. In assessing this appeal Policy H1 (F) of the Epping Forest District Local Plan Submission Version 2017 (ELP) includes a provision to restrict the loss of bungalow accommodation as well as its general policy direction to ensure adaptable and adequate housing provision for all user of all abilities. The main reason, according to the Council, for applying this provision in this case, is to retain suitable accommodation for those people with mobility difficulties, including older people.
9. In assessing this proposal I consider that, although the existing property is technically a single storey bungalow, it contains significant compromises with regards compliant access. This not only includes the stepped access to the front and rear, but also includes the general layout within the building as well. In this regard, although it may be possible to provide a ramp access or similar to ensure access here, to my mind this bungalow is not an adequate property for those with mobility issues for the long term.
10. Although the proposed replacement dwelling would be of two storey's it would clearly provide completely level access as well as the opportunity and space for ground floor bedrooms that are suitably removed from the primary living spaces. It would also, as mentioned above, provide much more acceptable internal spaces that would enable the free movement of people who needed to use wheelchairs.
11. In light of this I consider that the replacement dwelling would provide a better quality of accommodation for those with mobility needs.
12. Turning to the supply of homes in the local area, I saw on my site visit that there is a good mix of different housetypes within the local area. As such I consider that the overall improvements to accessibility to this property would result in an enhancement of the local housing offer for people of all abilities and ages. As such I do not consider that the removal of a bungalow that requires stepped access would compromise the direction of Policy H1 and that the overall Policy requirements can be met through this proposal.

¹ Building Regulations Part M (2).

13. In summary, I consider that the proposal before me would not compromise the desire of the Council to create balanced communities and as such the scheme before me would comply with the requirements of Policy H1 of the Epping Forest District Plan Submission Version 2017 as well as the overriding policy requirements contained within the Framework itself.

Conditions

14. I have added the list of conditions as suggested by the Council in their entirety including those seeking to protect environmental protection , drainage and living conditions of neighbours that are entirely appropriate for this kind of development.

Conclusion

15. For the reasons given above, and taking into account of all other matters raised, I allow the appeal subject to the conditions as set out in the schedule below.

A Graham

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this notice.

2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: A100-A115 and A121
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, B, C, D and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
4. Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.
5. Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
6. Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
7. Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
8. Tree protection shall be installed as shown on All Arboriculture's Tree Protection Plan, Drawing Ref: AATPPKENS dated 22/11/2022, prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
9. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
10. Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be

carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

11. Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.
- 12.A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

13. Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
14. Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
15. Prior to first occupation of the building hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of those windows that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
16. Access to the flat roofs over the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio, or similar amenity area.

END OF SCHEDULE