

Delegated Report
21 Tomswood Road, Chigwell
EPF/2021/23

Site and Surroundings

The site consists of a detached bungalow located within a built-up area of Chigwell. It is not listed nor in a conservation area. There are preserved trees within the site.

Proposal

Demolition of an existing Bungalow and construction of a new two storey dwelling house with a loft conversion.

Relevant Planning History

EF\2019\ENQ\00649 - Two storey house to replace bungalow - Advice Given

EPF/1730/20 - Application for Outline Planning Permission for demolition of an existing bungalow and construction of a 6-bedroom detached house – Refused & Dismissed on Appeal

EPF/0220/22 - Application to determine if Prior Approval is required for a proposed Larger Home Extension measuring 8.00 metres, height to eaves of 2.80 metres & a maximum height of 3.00 metres - Refused

EPF/0209/22 - Application for a Lawful Development Certificate for a Proposed loft conversion - Lawful

EPF/1998/22 - Prior approval for an 8-metre-deep single storey ground floor rear extension, height to eaves 2.70 and maximum height of 4.00 metres - Approved

EPF/2898/22 - Proposed front and side extensions to include loft conversion and internal reconfiguration - Approved with Conditions

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design

DM10	Housing Design and Quality
DM12	Subterranean, Basement Development and Lightwells
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	126 & 130
Paragraph	180

Summary of Representations

Number of neighbours Consulted: 9. No response(s) received
Site notice posted: Yes

CHIGWELL PARISH COUNCIL – No comments at the time of writing this report.

Planning Considerations

The main issues for consideration in this case is whether loss of bungalow is justified in this instance.

A previous application for a similar scheme, albeit outline with scale reserved was refused by the Council and thereafter dismissed on appeal on this specific ground.

It is unclear as to how these concerns have been overcome with the latest scheme.

Nonetheless, The West Essex and East Hertfordshire Strategic Housing Market Assessment (2015) recognises that there is an ageing profile of the district's population over the Plan period as set out in the preamble to Policy H1 (E) of the LP. Policy H1 (E) of the LP seeks to protect the loss of bungalows. This is so that those with accessibility needs can continue to be supported by bungalow accommodation. The Council considers that bungalows can play an important role in their potential ease of adaptation such that they can provide choice for people with accessibility needs, including current and future needs of older people. The loss of bungalows is therefore not supported by the Council. This is consistent with the Framework's aim of delivering housing of differing sizes and types to meet the needs of different groups in the community, including older people as set out in Para. 62 of the Framework.

The Council accepts that the proposal would be accessible and would probably comply with Part M of the building regulations. However, this is a requirement for all new homes as set out in Policy H1 of the LP. Therefore, this is a general requirement of new development and is not in any way unique to this proposal. Furthermore, the retention of bungalows is not simply about ensuring a supply of accessible homes, but also a mix of different size and types of dwellings. The cumulative loss of bungalows would, over time, harm the Council's objectives of maintaining and increasing the supply of units that are suitable for older residents.

Whilst the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 (GDPO) is acknowledged to provide scope to add an additional storey under Class AA this is subject to a process which requires prior approval as to the matters set out in AA.2(3)(a)(i) to (iv) which includes an assessment as to impact upon the amenity of any adjoining premises as well as external appearance. Such matters should be formally determined in the prior approval route. However, please note that the Council will

not accept an academic Prior Approval for Class AA as a fallback position, unless it is fully implemented.

For these reasons, the proposal would adversely affect the supply of housing for older residents. It would therefore conflict with Policy H1 of the Epping LP 2023. The scheme would also conflict with the Framework's aim of providing a range of housing to meet the needs of the community as per Para. 62.

Other Considerations

In terms of Design, whilst the end-design/finishes would fit comfortably with its surroundings, however, given the scale and lack of visual gap from the common boundary with No. 19 Tomswood Road, the proposal would appear over-dominant when viewed in relation to No. 19 and the rest of the street scene. Consequently, it would have a harmful effect on the character and appearance of the area.

Whilst there would be no material impact on No. 23 Tomswood Road, however, given the differing land levels between the host house and No. 19 together with the orientation of the host house facing northeast, there are concerns regarding overbearing and visual impact when viewed from the garden area of No. 19, loss of daylight including increased overshadowing and loss of privacy from the first-floor rear balcony. Consequently, the proposal fails to safeguard the living conditions of neighbouring amenities.

As abovementioned there are protected trees on/adjacent the site and the Council's Tree Officer has raised an objection due to lack of information. Consequently, it has not been demonstrated that the proposal could be implemented without a detrimental impact on trees on or adjacent to the site, contrary to Policy DM5.

No other concerns are raised and replacement dwellings will not have any further impacts to the Epping Forest Special Area of Conservation in terms of increased recreational pressure and air quality.

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended that planning permission be refused for the reasons below;

1. The proposed development would result in the demolition of the existing bungalow and creation of 2 two-storey dwelling with roof accommodation. The proposal by reason of the loss of the bungalow fails to comply with the requirements of Policy H1 (e) of the Epping Forest District Local Plan 2011 – 2033 (2023), and Paragraph 62 of the NPPF 2023. These policies seek mixed and balanced communities, which the proposed development would conflict with.
2. By reason of the scale, bulk and massing, the proposal would appear over-dominant when viewed in relation to No. 19 Tomswood Road and the rest of the street scene. Consequently, it would have a harmful effect on the character and appearance of the area, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraphs 126 & 130 of the NPPF 2023.
3. By reason of the scale, bulk and massing, the proposal would have a significant overbearing and visual impact when viewed from the garden area of No. 19 Tomswood Road. It would also result in material loss of daylight including increased overshadowing and loss of privacy from the proposed first-floor rear balcony. Consequently, the proposal fails to safeguard the living conditions of neighbouring amenities, contrary to Policy DM9 of the adopted Local Plan 2023, and Paragraph 130 (f) of the NPPF 2023.

4. The application fails to demonstrate that the proposal could be implemented without a detrimental impact on trees on or adjacent to the site, contrary to Policy DM5 of the adopted Local Plan 2023, and Paragraph 180 of the NPPF 2023.

Plan Numbers: 01 – 10 Inclusive.