

**Delegated Report**  
**EPF/2109/24**  
**181-185 Impact House, High Road, Chigwell, IG7 6NU**

**Description of Site:**

No. 181-185 Impact House comprise of a 3-storey block of flats located to the west of High Road opposite Chigwell Underground Station, on the north side of the railway. It previously accommodated shops; Debra's clothing store and AJS Blinds, with residential use above.

To the north is Chigwell High Road Shopping Parade with its associated services and facilities.

The site has a frontage of some 20m and a depth of some 40m and is of an irregular shape splaying out to the rear. To the immediate rear of the site is car parking associated with the adjacent garage and beyond this parking area are rear gardens of properties in Dickens Rise.

Ground levels fall to the rear of the site, towards Dickens Rise.

**Description of Proposal:**

The application seeks a Variation of condition 2 & 8 on planning approval EPF/0218/18 (Application for variation of condition 2 'plan numbers' on planning application EPF/1919/16 (Demolition of existing buildings to create new residential development providing 14 new flats and ground floor commercial/retail space).

This application is in response to a Breach of Condition Notice served 01/10/24 which requires the installation of a 1.8m high privacy screens as per condition 8 of planning permission ref: EPF/0218/18.

**Condition 2:**

The development hereby permitted will be completed strictly in accordance with the approved drawings no's:

FMN\_001

FMN\_002

FMN\_100 revision C

FMN\_101 revision D

FMN\_105 revision C

FMN\_106 revision C

Noise and Vibration Assessment report by Temple dated 12 September 2014

Arboricultural Report by Andrew Day dated 29 September 2014 with Tree Protection Plan Design and Access Statement

Reason: To ensure the proposal is built in accordance with the approved drawings.

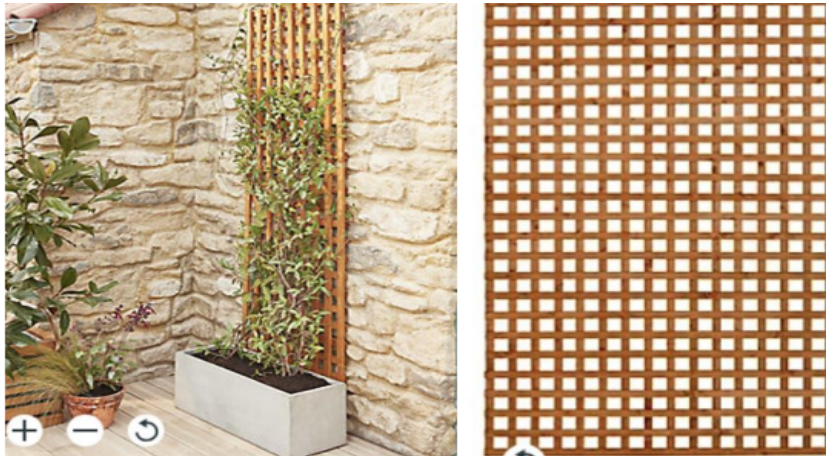
**Condition 8:**

The privacy screen, as shown on the roof plan to drawing FMN\_101 and rear elevation to

drawing FMN\_105, shall be constructed of an opaque and solid material prior to first occupation of either third floor flat and maintained as such thereafter.

Reason: In the interest of the privacy of occupiers of residential properties on Dickens Rise in accordance with policy DBE9 of the Local Plan and Alterations and the provisions of the National Planning Policy Framework.

The proposed amendments to the drawings include 1.5m high timber trellising bolted at the base with a planter at the base of the screen affixed to the existing balustrade by brackets located between units 13 & 14 and 17 separate trellising screens to the rear balcony.



### **Relevant History:**

EPF/0218/18 - Application for variation of condition 2 'plan numbers' on planning application – approved

EPF/1919/16 (Demolition of existing buildings to create new residential development providing 14 new flats and ground floor commercial/retail space).- approved 30/07/18

EPF/1919/16 - Demolition of existing buildings to create new residential development providing 14 new flats and ground floor commercial/retail space. – Granted subject to a Section 106 Agreement to secure £11,000 towards the provision of a local bus service in Chigwell, 09/12/2016. This financial contribution has been secured by a deed of variation, dated 5<sup>th</sup> December 2016, to the Section 106 Agreement for EPF/2748/14.

EPF/2748/14 - Demolition of existing buildings to create new 4 storey plus basement residential development for 13 new flats and ground floor retail space. Re-submission following withdrawal of EPF/2428/14. – Granted 14/05/2015 subject to a unilateral undertaking to contribute £10,000 to a local bus service.

### **Policies Applied:**

#### **DEVELOPMENT PLAN CONTEXT**

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning

applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

### **Epping Forest District 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 table lists the relevant policies to the determination of this application and given full weight.

DM9 - High Quality Design

DM10 - Housing Design and Quality

### **Consultation Carried Out and Summary of Representations Received:**

Site Notice displayed and Advertised 22/10/24

- Not compliant with Policy DM9 - the proposal of a flimsy wooden trellis is of poor design and damaging to the host building
- The wooden trellis appears to overlook the railway side and consider TfL should be consulted on safety grounds.

28 neighbouring residents were consulted, and 2 objections have been received that raise the following concerns:

#### **34 & 36 Dickens Rise, Chigwell**

- The new screens proposed by the applicant (i.e. trellis panels) do not provide sufficient privacy
- unclear exactly what the final trellis panels would look like and what they would be made from,
- any suggestion that adding plants or other foliage to the trellis panels
- could provide sufficient privacy would be subject to seasonal change (for real plants) It is also unclear who would be responsible for the upkeep (e.g. freeholder? leaseholder? subtenant?).
- The new screens proposed by the applicant (i.e. trellis panels) cannot be seen as "permanent". Wooden trellis panels require ongoing upkeep and maintenance, and can easily rot, decay and fall apart, quickly removing any sort of visual barrier onto Dickens Rise.
- suggested that the trellis panels (and accompanying planters) would be bolted to the

floor, they could still be removed by the occupants with minimal effort.

### **Main Issues and Considerations:**

The main issues in the determination of this application are:

- Design
- Impact on neighbouring properties

### **Living Conditions of neighbours**

The site fronts onto the High Road and the rear is bounded by the rear gardens of residential houses fronting onto Dickens Rise and therefore the approved application ref: EPF/1919/16 and (Demolition of existing buildings to create new residential development providing 14 new flats and ground floor commercial/retail space) and EPF/0218/18 sought to prevent overlooking and a loss of privacy to surrounding properties and to the proposed flats themselves by adding a specific privacy condition. Condition 8 of the 2018 planning application was considered appropriate to protect the amenities of surrounding neighbours. The approved plans showed 1.8m high privacy screens. Condition 8 has not been implemented resulting in a breach of the original planning conditions

This application seeks an amendment to the condition by proposing to install 1.5m high separate trellising screens with planting. The lack of height, gaps in between the screens, poor design and is not considered sufficiently opaque, robust or permanent enough to prevent demonstrable harm to neighbour's amenity. The trellising and planting would be dependent on how well the planting grows and requires ongoing maintenance and it is unclear who would be responsible for the maintenance and how quickly it would be carried out and which can be easily removed.

The applicant's proposal to use trellis panels does not provide adequate privacy for residents of Dickens Rise

### **Conclusion**

In the light of the above considerations, it is recommended that planning permission is refused for the variation of Condition 2 and 8 on planning approval EPF/0218/18 Application for variation of condition 2 'plan numbers' on planning application EPF/1919/16 (Demolition of existing buildings to create new residential development providing 14 new flats and ground floor commercial/retail space) because it would prejudice the amenity of the occupiers of adjoining properties resulting in overlooking and a loss of privacy contrary to policy DM9 of the Epping Forest adopted Local Plan, 2023 and the NPPF.



## EFDC Householder & Other Minor Applications Check List

Application Details & Constraints					
Case Ref:	EPF/2379/24	PL No:	012375		
Site Address:	1, Gravel Close, Chigwell, IG7 6BZ				
Proposal:	Single storey first floor side extension, front porch, wall and metal grid for boundary treatment and addition of electric gate.				
Green Belt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	TPO	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Heritage Asset (Listed)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Flood Zone	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Enforcement	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Representations					
Town/Parish Council Comments, if any:					
Objection <input type="checkbox"/>	No Objection <input type="checkbox"/>	Comment <input type="checkbox"/>	None Received <input checked="" type="checkbox"/>		
Neighbour Responses, if any:					

### Planning Considerations

## EFDC Householder & Other Minor Applications Check List

### Character and Appearance:

The application site is a two-storey semi-detached dwellinghouse located in a cul-de-sac within the built-up area of Chigwell. The property features a hipped, tiled roof, rendered walls and black-framed windows. A single-storey side extension complements the main house, incorporating similar materials. The front of the property includes a spacious driveway, bordered by hedges and a low fence, providing off-street parking for multiple vehicles.

The rear of the property features a two-storey extension and a single-storey extension, both constructed in a style that matches the original dwelling. The two-storey extension is centrally positioned, projecting from the original rear elevation. The single-storey rear extension extends to the right side and features glazed panels and doors. The outdoor area comprises a raised patio with steps leading down to the garden.

The application site currently features a mixture of boundary treatments that vary across the property. Along the front elevation, the boundary is open, with no substantial walls or fences, providing vehicular access to the driveway. To the side and rear of the property, the boundary includes a combination of wooden fencing, mature hedging, dense foliage and trees.

The proposal seeks to construct a single-storey first-floor side extension, a front porch, a boundary treatment comprising a wall with a metal grid, and the installation of an electric gate. The side extension will be set back from the front building line by 0.5m and measure 3.77m in width, extending to the existing rear building line. The side extension will include a hipped roof that integrates well with the existing roof and is subservient. The new windows measure 1.8m by 1m at the front elevation which align with the existing arrangement. On the side elevation a new window measuring 1.05m by 1m in the same style as the existing. The design of the porch is modest measuring 0.95m in depth, it is appropriately scaled and integrates well with the building.

Therefore, the single-storey first-floor side extension and front porch are deemed acceptable in design and scale.

With regard to the boundary treatment, the proposed 2m brick wall, as outlined in green on drawing no. 2024/SK/1/1 and facing the highway, is considered acceptable due to its positioning. This wall will be bordered by mature hedging, dense foliage, and trees, which will help soften its appearance. However, the proposed front boundary treatment, consisting of a 1m high solid brick wall with 1m high metal railings on top, along with the proposed electric gate, is not considered acceptable. While Gravel Close features some variety in boundary treatments, including low fences and hedges, the proposed design would result in an overly enclosed appearance. This contrasts with the more open character in the street and as a result would fail to complement the existing street scene. As such, the proposal cannot be recommended for approval.

Acceptable	<input type="checkbox"/>	Unacceptable	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
------------	--------------------------	--------------	-------------------------------------	-----	--------------------------

### Neighbouring Amenities:

The proposed first-floor side extension will align with the existing front and rear building lines of the property. Given its appropriate scale, it is not considered to result in any harm to neighbouring amenity. Similarly, the proposed porch is of a scale and design that would not adversely affect neighbouring properties. The 2m brick wall facing the highway will not have any adverse impact on neighbouring amenity. On the front boundary with no.2 there currently is a tall and dense hedge. The proposal would therefore have a neutral impact.

Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
------------	-------------------------------------	--------------	--------------------------	-----	--------------------------

## EFDC Householder & Other Minor Applications Check List

Green Belt:					
Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Highway Safety/Parking:					
Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Trees and Landscaping:					
Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Comments on Representations, if any:					
Additional Notes:					
Drawings/Plans: 2024/SK/1/1, 2024/SK/1/2, 2024/SK/1/3, 2024/SK/1/4 and 2024/SK/1/4.					
Officer Recommendation:		Approve	<input type="checkbox"/>	Refuse	<input checked="" type="checkbox"/>



## EFDC Householder & Other Minor Applications Check List

Application Details & Constraints					
Case Ref:	EPF/2247/24		PL No:		
Site Address:	21, Tomswood Road, Chigwell, IG7 5QP				
Proposal:	Proposed front and side extensions to include loft conversion and internal reconfiguration				
Green Belt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	TPO	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Heritage Asset (Listed)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Flood Zone	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Enforcement	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Representations					
Town/Parish Council Comments, if any:					
Objection <input type="checkbox"/>	No Objection <input type="checkbox"/>	Comment <input type="checkbox"/>	None Received <input checked="" type="checkbox"/>		
Neighbour Responses, if any:		None received.			
Planning Considerations					
<p>Character and Appearance:</p> <p>The proposed side extension would project from the east of the dwellinghouse, with a gable end roof form matching the eaves and ridge height of the main roof. The rear extension would be a single storey, with a flat roof. The front flank elevation would comprise a front gable end porch, and bay windows to each side. The front dormers would sit in line with the front bay windows, with a rooflights situated closer to the centre of the roof. The rear dormer would be a projection of two forms where it projects predominantly the full width of the rear roofslope and thereafter is set in from the sides creating a staggered nature. The dormers would be set down from the ridge height of the main roof and set in from the sides. The external appearance would comprise windows to the front and rear extensions, rear bi-folding, windows to the front and rear dormers, and two front rooflights.</p> <p>Due to the design and situ of the rear dormer where it appears as two dormers, staggered in nature, its scale and mass where it appears heavy top and disproportionate to the roof of the subject dwelling, extending onto the proposed single storey rear extension, it is considered to be unacceptable.</p> <p>The proposed development, due to its design, siting, and scale, is considered to be inappropriate to the site and the surrounding area. The proposal is considered to be poor design and unsympathetic to character of the local area; it fails to comply with Policy DM9 of Epping Forest District Local Plan 2011-2033.</p>					
Acceptable <input type="checkbox"/>	Unacceptable <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>			

## EFDC Householder & Other Minor Applications Check List

### Neighbouring Amenities:

Given the design and siting of the proposal, and the existing situ of the neighbouring dwellings, it is not considered to be overbearing or overlooking. The outlook within the subject dwelling and neighbouring sites is considered to be satisfactory. The proposal would reduce the private amenity space to the rear; however, the overall retained garden is considered adequate for the occupants and future occupiers.

The proposed development is not considered to result in an unacceptable loss of light, privacy, or create visual intrusion between residences. It is considered to comply with Policy DM9 of Epping Forest District Local Plan 2011-2033.

Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
------------	-------------------------------------	--------------	--------------------------	-----	--------------------------

### Green Belt:

Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
------------	--------------------------	--------------	--------------------------	-----	-------------------------------------

### Highway Safety/Parking:

Due to the nature of the proposal, there would be no loss of parking or impact to highway safety. It is therefore considered to comply with Policy T1 of Epping Forest District Local Plan 2011-2033.

Acceptable	<input checked="" type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input type="checkbox"/>
------------	-------------------------------------	--------------	--------------------------	-----	--------------------------

### Trees and Landscaping:

Acceptable	<input type="checkbox"/>	Unacceptable	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
------------	--------------------------	--------------	--------------------------	-----	-------------------------------------

Comments on Representations, if any:

Additional Notes:

<b>Officer Recommendation:</b>	<b>Approve</b>	<input type="checkbox"/>	<b>Refuse</b>	<input checked="" type="checkbox"/>
--------------------------------	----------------	--------------------------	---------------	-------------------------------------

## EFDC Householder & Other Minor Applications Check List

Application Details & Constraints					
Case Ref:	EPF/0559/24	PL No:	011480		
Site Address:	21 Tomswood Road, Chigwell				
Proposal:	Double storey extension to an existing bungalow along with Loft conversion and front dormer and alterations to front façade.				
Green Belt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	TPO (Veteran Trees)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Heritage Asset (Listed)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Flood Zone	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Enforcement	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Representations					
Town/Parish Council Comments, if any: Loss of bungalow & comments on sustainability credentials					
Objection <input checked="" type="checkbox"/>	No Objection <input type="checkbox"/>	Comment <input type="checkbox"/>	None Received <input type="checkbox"/>		
Neighbour Responses, if any:					
Planning Considerations					
<p>Character and Appearance: The proposal would result in a large dormer bungalow with a crown roof. Whilst majority of the works to the rear would not be readily visible from the street scene, however, there are concerns regarding the proposed rear and front dormer windows. Traditionally, dormer windows would be smaller than the primary windows on the building as evident on the neighbouring buildings at 17 &amp; 23 Tomswood Road. In this instance, they are long dormer windows which fail to complement the appearance of the existing building and the street scene.</p>					
Acceptable <input type="checkbox"/>	Unacceptable <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>			
<p>Neighbouring Amenities: There are concerns regarding the impact on No. 19 Tomswood Road. No. 17 is a large building which extends past the rear building line of No. 19. Together with the proposal of some 6m of additional bulk to the roof of the host building and its orientation towards northeast would lead to a greater sense of enclosure, overbearing impact and material loss of outlook and overshadowing when viewed from the rear garden of No. 19.</p>					
Acceptable <input type="checkbox"/>	Unacceptable <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>			
Green Belt:					
Acceptable <input type="checkbox"/>	Unacceptable <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>			
Highway Safety/Parking:					
Acceptable <input type="checkbox"/>	Unacceptable <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>			

EFDC Householder & Other Minor Applications Check List

Trees and Landscaping: No objections raised by Tree Team subject to recommended conditions		
Acceptable <input checked="" type="checkbox"/>	Unacceptable <input type="checkbox"/>	N/A <input type="checkbox"/>
Comments on Representations, if any: The proposal would result in a dormer (chalet) bungalow, so there is no loss of a bungalow.		
Additional Notes:		
Officer Recommendation:	Approve <input type="checkbox"/>	Refuse <input checked="" type="checkbox"/>

***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.

## Appeal Decision

Site Visit made on 2 November 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 November 2021**

---

**Appeal Ref: APP/J1535/W/21/3268775**

**21 Tomswood Road, Chigwell IG7 5QP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs N Saeed against the decision of Epping Forest District Council.
  - The application Ref EPF/1730/20, dated 12 August 2020, was refused by notice dated 1 October 2020.
  - The development proposed was described as 'demolish existing bungalow and construction of a 6 bedroom detached house'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Outline planning permission is sought with all matters reserved, and I have considered the appeal on this basis. While I have had regard to the plans submitted as part of the application, I have treated details of the reserved matters of access, layout, scale, appearance and landscaping of the development as illustrative.
3. The description of development in the banner heading above is taken from the planning application form. I note that a different wording has been entered at Part E of the appeal form which reflects the description stated on the Council's decision notice, but neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

### Main Issue

4. The main issue is the effect of the proposal on the mix of housing in the District.

### Reasons

5. The appeal proposes demolition of the existing bungalow on the site and the construction of a 6-bedroom house. The loss of the bungalow would result in conflict with Policy H1 of the Council's emerging Local Plan (eLP) which states at part F that the loss of bungalows and specialist accommodation will be resisted.
6. The eLP is at an advanced stage of examination. Consultation has taken place on main modifications prepared including to address the examining Inspector's letter of advice following hearing sessions. This advice did not identify concerns or recommend changes in relation to Policy H1, and I note subsequent clarification from the Inspector to the Council advising that no further work or



additional main modifications were required on matters not covered within this letter. Although the Inspector's report is yet to be published, I therefore have no firm reason to anticipate further substantive changes to Policy H1.

7. The National Planning Policy Framework (the Framework) states that it is important that the needs of groups with specific housing requirements are addressed, and advises that policies should reflect the housing needs of different groups, including of older people and people with disabilities. In generally seeking housing of a range of types and sizes to meet different needs, the broad intent of Policy H1 seems to me to be generally consistent with the Framework, and there is no compelling evidence to the contrary.
8. Given the above and in light of the advice at paragraph 48 of the Framework concerning the weight that may be given to policies in emerging plans, I give significant weight to Policy H1 as it would apply to this appeal, and the conflict with the policy is an important material consideration.
9. I acknowledge that the majority of buildings along Tomswood Road are large two-storey properties. Nevertheless, there are other bungalows present, including on the neighbouring site at 19 Tomswood Road. The design quality of the replacement dwelling would depend on the reserved matters, and any improvement has over the existing building which I found sits comfortably within the mixed street scene has not therefore been demonstrated such that I consider this factor to weigh significantly in favour of the proposal.
10. At my visit, I was able to see that the layout of the appeal dwelling results in a number of steps, including between rooms, that some rooms were fairly small, and that internal doors were in many cases narrow. I have no firm reason to doubt the conclusions of the appellant's 'Occupational Therapy Adaptation Appraisal' that the property is unsuitable for someone who uses a wheelchair or mobility aid indoors, nor that adaptations would be expensive and would not deliver accommodation meeting all current recommendations for wheelchair accessibility.
11. However, Policy H1 explicitly resists the loss of bungalows and specialist accommodation, and this stipulation is not subject to qualification within the Policy as to the accessibility or adaptability of the accommodation concerned. Despite emphasis in the supporting text on the role of bungalows in meeting the needs of those with accessibility requirements and their potential ease of adaptation, I am not therefore persuaded that this necessarily means the general protection within the policy applies only to those bungalows that are accessible and adaptable. I appreciate that the appeal dwelling may not be suited or fully adaptable to meet the needs of wheelchair users or some disabled people, but that does not determine that it would not be attractive to any potential occupiers who may prefer accommodation at ground floor level. Notwithstanding the limitations of the existing property, I therefore consider that it would still contribute generally to the overall mix of housing types in the District.
12. I note the existence of permitted development rights that offer potential to alter and extend dwellings, including to provide additional floors of accommodation. However, the limited details before me offer little firm assurance to demonstrate that development comprising either enlargement of the appeal dwelling by construction of additional storeys, or addition or alteration to its roof could be carried out in compliance with permitted

development rights. The appellant also describes these options as 'suboptimal', and in the absence of a firm scheme this introduces doubt in my mind as to whether either option would realistically be pursued in the event that the appeal were to fail. These factors limit the weight that I can afford to the possibility of extensions as fallback positions to the appeal development.

13. The appellant has also drawn my attention to examples of planning permission granted by the Council or on appeal which suggest that the loss of a bungalow may be acceptable. However, the Council has also referred me to a contrary appeal decision at 8 Stanmore Way where the loss of a bungalow was found to conflict with Policy H1 of the eLP, and factors including improvements to the accessibility of the dwelling were not considered to outweigh this conflict.
14. Moreover, all of the decisions cited by the appellant refer to the accessibility or overall suitability of the proposed developments to meet the needs of different occupiers. The appellant comments that the appeal development would comply with Part M(4) of the Building Regulations 2010 (as amended) and be accessible to people with reduced mobility and adaptable, but the outline nature of the proposal means that I do not know the detail of how this would be achieved including the extent and nature of living accommodation that would be provided at ground floor level. Accordingly, I am unable to draw any firm conclusions on any potential benefit to the accessibility or overall suitability of accommodation to meet different housing needs in this case. I also have no compelling evidence that the relationship with neighbouring buildings results in undesirable living conditions for occupiers of the existing bungalow which was a factor that the Inspector found weighed in favour of the nearby development at 25 Tomswood Road. Furthermore, I note that the decisions at 62 The Crescent and 3 Luctons Avenue gave Policy H1 of the eLP 'limited weight' and 'some weight' respectively, with the Inspectors referring to potential unresolved objections and future modification.
15. I do not therefore find that these examples are directly comparable to the appeal before me. In any event, I am required to consider the appeal proposal on its specific merits and I have reached my own conclusions on this basis and with regard to the evidence presented.
16. Given all of the above, I am not satisfied that other considerations would in this case outweigh the loss of the existing bungalow in conflict with Policy H1 of the eLP, and I find that the loss of the bungalow would be detrimental to the mix of housing in the District contrary to the Framework insofar as it seeks generally a range of housing to meet the needs of different groups. The Council's sole reason for refusal of the planning application does not allege conflict with the currently adopted development plan, and I acknowledge that the Framework advises that proposals that accord with an up-to-date development plan should be approved without delay. Nevertheless, I find for the above reasons that there are thus material considerations which indicate that a decision contrary to the development plan should in this case be reached.

## **Conclusion**

17. For the reasons given above, I conclude that the appeal should be dismissed.

*J Bowyer*

**INSPECTOR**

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.

## EFDC Householder & Other Minor Applications Check List

Application Details & Constraints					
Case Ref:	EPF/2312/24	PL No:			
Site Address:	Verviers, 30 Tomswood Road, Chigwell, IG7 5QS				
Proposal:	Demolition of existing single storey garden room. Erection of new garden room with basement and outdoor LED screen.				
Green Belt	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	TPO (Veteran Trees)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Conservation Area	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Heritage Asset (Listed)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Flood Zone	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Enforcement	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Representations					
Town/Parish Council Comments, if any: <i>The Parish NOTED the protected tree within curtilage and the absence of a basement impact assessment. The Council OBJECTS on the grounds the feasibility of the proposal in relation to trees and the basement impact needs to be demonstrated. Lack of the necessary information is grounds for refusal. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection.</i>					
Objection <input checked="" type="checkbox"/>	No Objection <input type="checkbox"/>	Comment <input type="checkbox"/>	None Received <input type="checkbox"/>		
No Neighbour Responses		[8 consulted].			
EFDC Land Drainage		No objection subject to conditions.			
EFDC Trees & Landscape		No objection subject to conditions.			
Relevant Planning History					
EPF/1230/15 - Certificate of lawful development for a hip to gable roof extension with 2 no. side dormer windows, 2 no. rear roof lights and 4 no. front facing roof lights to facilitate a loft conversion – Lawful.					
EPF/0116/92 - Detached house - Approve with Conditions.					
EPF/0899/90 - Detached house (amended plans) - Approve with Conditions					
EPF/0170A/90 - Details of detached house - Approve with Conditions.					
A/EPF/0170/90 - Details of detached house - Approve with Conditions					
EPF/0170/90 - Outline application for a detached house - Approve with Conditions.					
EPF/1798/89 - Detached house following demolition of existing house - Approve with Conditions.					
EPF/0544/86 - Ground and first floor extensions - Approve with Conditions.					
EPF/0505/83 30 - Single storey rear extension - Approve with Conditions.					
CHI/0330/53 - DETACHED HOUSE AND GRG - Approve.					

## EFDC Householder & Other Minor Applications Check List

### Planning Considerations

The application site comprises a large detached two-storey dwelling on the north side of Tomswood Road. The dwelling sits on a large plot of land with an L shaped two-tier rear garden; an existing outbuilding sits on the first tier and a tennis court sits on the lower tier.

This application seeks to replace the existing 5.8m x 8.5m outbuilding with a 3.6m high, 7.6 x 10.9m outbuilding. Whilst the proposed outbuilding would be larger than the existing building, it is considered that the large plot can accommodate this increase and, given the tiered nature of the rear garden, it would not appear at odds with or have a detrimental impact upon the host dwelling or neighbouring dwellings which also sit on higher land.

One basement level is proposed as part of the replacement outbuilding. The basement's siting, location, scale and design is considered to have minimal impact on the appearance, and be subordinate to, the host building given the significant plot and large dwelling. However, neither a Construction Management Statement nor Basement Impact Assessment have been submitted. It has not therefore been demonstrated that the proposal would not place unreasonable inconvenience on the day to day life of those living nearby; nor that it would minimise construction impacts such as noise, vibration and dust for the duration of the works. As outlined in policy DM12 of the EFDC Adopted Local Plan, basements will only be permitted where it can be demonstrated that the proposal:

*(i) will not adversely affect the structural stability of the host building, neighbouring buildings or other infrastructure...;*

*(ii) does not increase flood risk to the property and adjacent properties from any source;(iii) avoids harm to the appearance or setting of the property or the established character of the surrounding area;*

*(iv) will not adversely impact the amenity of adjoining properties by reason of noise, light pollution or increased levels of internal or external activity; and*

*(v) will conserve or enhance the local natural and historic environment.*

Lack of this required information is grounds for refusal and as such, the proposal is considered unacceptable.

Acceptable <input type="checkbox"/>	Unacceptable <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
-------------------------------------	--	------------------------------

#### Additional Notes:

The application is recommended for refusal as it has not been demonstrated that the works can be carried out without having a detrimental impact upon nearby buildings and neighbouring amenity.

Officer Recommendation:	Approve <input type="checkbox"/>	Refuse <input checked="" type="checkbox"/>
-------------------------	----------------------------------	--