COUNCIL'S STATEMENT OF CASE

Appeal by Lawlors Estate Agents
Site address: Lawlors Estate Agents, 165 High Road, Loughton, IG10 4LF

PINS ref. APP/J1535/W/15/3065764
LPA ref. EPF/2600/14
Appellants ref.

Description of Site:

1. The appeal site occupies a prominent position on Loughton High Road opposite the entry point to High Beech Road, and an open area of public amenity space. An existing building to the front of the site is three storeys in height and forms the end of a row of buildings of similar height. It is separated from a modern Marks and Spencer's food store by an accessway to the parking area at the rear of the store. The food store building is predominantly two-storey with elements away from the High Road rising to three-storey. A single storey structure is sited on the north east and south east boundaries of the site.

2. The existing building to the front of the site comprises office development and retail on the ground floor in the form of Lawlor's Estate Agents and Multiyork, a furniture store. The first floor is being used as office space, with the second floor in residential use, by way of four separate flats. The development is within the Key Retail Frontage of Loughton High Road as identified in the Proposals Map of the Adopted Local Plan and Alterations. The attached three storey building is in commercial use with office space above.

The Appeal:

3. The appeal proposal comprises the erection of an additional floor on the building to the front of the site and redevelopment of the rear of the site to provide a 5 storey building.

4. Shops premises at ground floor and offices at the first floor of the existing

building would be retained as would 4 studio flats at second floor. The proposed additional floor for the existing building would provide 2 one bedroom flats. The additional floor would be set in from its existing roof edges to provide a narrow terrace around it. This arrangement is similar to a proposal previously allowed at appeal. Alterations to the exterior of the existing building would comprise the introduction of render to rationalise and update its appearance. The additional floor would have a mono-pitched roof gently rising from front to rear. Exterior walls would have timber style cladding.

5. The proposed five-storey building would be set 1.8m rear of the existing building with a link between the two buildings at the northern site boundary. The site as a whole would be completely built on. Access to the upper floors would be through gates securing the gap between the existing and proposed building. Access to the ground floor would be from the parking area to the rear.

6. The ground floor of the new building would provide commercial floorspace (Use Class A2) and would have a shopfront facing both the parking area and access road to it. The Upper floors would provide a total of 12 flats, comprising of 8 one-bedroom flats and 4 two-bedroom flats.

7. Aside from balconies at 10 of the proposed flats in the development as a whole, no private amenity space would be provided for the dwellings. The existing 4 dwellings do not have any private amenity space.

8. No-off-street parking provision would be made for the proposed dwellings and none exists for the existing dwellings. Similarly, no off-street parking provision is made for the proposed commercial floorspace. Five parking spaces are provided for one of the existing ground floor commercial units within the Marks and Spencer's development. They are secured by a S106 agreement in favour of the freeholder of the building.

9. The appeal application was considered by the Council's Area Plans South Sub-Committee on 4 March 2015 when it was decided to refuse planning permission for the following reason:

10. By reason of its height, the proposed 5-storey building would appear over dominant and unduly prominent within its context, to the detriment of the character and appearance of the locality. Accordingly, the proposal is contrary to Local Plan and Alterations policies CP2(iv), CP7 and DBE1 (i) and (ii), which are consistent with the National Planning Policy Framework.

Relevant History:

EPF/0221/11 Refurbishment and enlargement of existing building by way of a basement storage area, construction of one additional storey and erection of a four storey rear extension incorporating 5 parking spaces, extension to ground floor commercial units (12 additional flats) comprising 6 studio flats, 8 one bedroom flats and 2 three bedroom flats. Refused. Subsequent appeal dismissed, solely on the basis that no contribution for education provision was offered.

EPF/0708/12 Refurbishment and enlargement of existing building by way of basement storage area, construction of additional storey, and erection of a four storey rear extension incorporating 5 parking spaces, extension to ground floor commercial units (12 additional flats) comprising 6 studio flats, 8 one bedroom flats and 2 three bedroom flats. Approved subject to a unilateral undertaking dealing with a contribution towards education provision. A sum of £3,955 was secured.

EPF/2081/12 Minor material amendment to planning permission EPF/0708/12 comprising the removal of the rear parking spaces and replacing them with office space. In addition, bin store access moved to rear facade. Approved subject to a unilateral undertaking dealing with a contribution towards education provision. A sum of £3,955 was secured.

Planning Policy:

11. The saved Local Plan and Alterations policies directly relevant to this appeal are:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
DBE1	Design of New Buildings

12. In addition to the above Local polices, the fourth bullet point in paragraph 7 of the National Planning Policy Framework (NPPF) is relevant, together with paragraphs 56, 61, 63 and 64.

Amplification of reason for Refusal:

13. The Council's objection to the development concerns the consequence of the proposed five-storey building at the rear of the site for the character and appearance of the locality. No objection is raised to the enlargement of the existing building at the front of the site.

14. The neighbouring buildings are predominantly three-storey, the adjacent food store being somewhat lower for most of its bulk.

15. The proposed five-storey building at the rear of the site would be taller and bulkier than existing buildings in the locality. Although it would be set rear of the enlarged building at the front of the site, some 16m away from the High Road, due to its height and bulk the proposed building would appear very prominent when seen from the adjacent accessway and car park. It would also intrude into views from Station Road, to the east, and longer views of the site along the High Road and High Beech Road.

16. Of itself, the bulk of the proposal is not objectionable. However, its height would appear at odds with the significantly lower adjacent existing buildings, emphasising its prominence. Given the consistency of maximum building heights in the locality away from the junction of the High Road with old Station Road (two and three storey), the proposal would appear uncharacteristically tall within its context.

17. The height of the building within its context would result in it appearing incongruous, undermining the predominant pattern of development in the locality. The degree to which it would appear incongruous is significant and consequently it would be harmful the character and appearance of the locality. The distance separating the building from High Road, High Beech Road and Station Road would not mitigate its harmful impact. The proposed addition to the roof of the existing building would also not mitigate the harm to a significant degree.

Conclusion:

18. Having regard to the visual harm likely to be caused by the proposal, it is considered to be a poor design, contrary to paragraph 64 of the Framework.