The Planning Inspectorate

Appeal Decision

Site visit made on 12 October 2015

by S Stevens BSc (Hons) MSc DipTP DMS MCMI MRTPI

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

Decision date: 15 October 2015

Appeal Ref: APP/J1535/W/15/3065764
165 High Road, Loughton, Essex IG10 4LF

- 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 Lawlors Estate Agents against the decision of Epping Forest District Council.
- The application Ref EPF/2600/14, dated 30 October 2014, was refused by notice dated 4 March 2015.
- The development proposed is described as the demolition of an existing outbuilding and a small section of stairwell to the rear. The erection of a 5 storey building to the rear of the site. The refurbishment and revitalisation of the existing building to the front of the property.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing outbuilding and a small section of stairwell to the rear, the erection of a 5 storey building to the rear of the site, the refurbishment and revitalisation of the existing building to the front of the property at 165 High Road, Loughton, Essex IG10 4LF in accordance with the terms of the application, Ref Ref EPF/2600/14, dated 30 October 2014, subject to the conditions set out in the schedule below.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the locality.

Reasons

3. The site is located within part of the key frontage of Loughton Town Centre and the area comprises a mix of commercial, retail and residential uses.

4. A previous proposal for, amongst other elements, a 4 storey rear extension was dismissed on appeal solely on the grounds that the developer failed to provide contributions towards education provision[1]. Planning permission has subsequently been granted, subject to a S106 for educational contributions, for the refurbishment and enlargement of the 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 - Ref EPF/0708/12.

[1] APP/J1535/A/11/2162394, dated 20 March 2012.

5. The appeal proposal differs from the previously approved scheme in that the proposed building to the rear of the site would be 5 storeys and would be separated from the building at the front of the site. The proposal also includes the addition of a rooftop extension to the front building and a variety of elevational and design changes. Essex County Council has also reviewed when it would seek educational contributions and has stated that it would not require any in respect of the appeal proposal.

6. The Council accepts the site is in a sustainable location and that the principle of the development is acceptable. From the submissions I see no reason to take different view.

7. The site is in a prominent position which is visible when entering Loughton and is also on the corner of the access road that serves a major retailer. Nearby on the opposite side of the road is also the entrance to High Beech Road and an area of public open space. In the vicinity of the site there is a wide range of building styles, sizes, roof designs, material and heights. There are a number of very substantial buildings as well as some very modest ones and the High Road retains a pleasant appearance.

8. The proposed addition to the front building would result in a structure that would not be dissimilar in height to the existing building on the opposite side of the access road and to a number of other buildings along the High Road. The proposed additional floor would be set back from the front and side elevations which would limit views of the extension when viewed from close by the site. The set back would also result in the height of front elevation abutting the High Road appearing to remain similar to that which currently exists.

9. The proposal would include elevational changes, partial rendering and new fenestration to the frontage building. The existing building is a 1960s 3 storey flat roofed, rectangular structure built predominantly of red brick. Its current appearance is functional and somewhat dated. The elevational changes would result in a more contemporary appearance with a simple form that would add to rather than detract from appearance of the High Street. I consider the scale and design of the frontage property would provide a satisfactory development that would respect character and form of the area.

10. The rear of the appeal site is currently occupied by single storey structures and behind the site there is a public car park. The existing rear and side elevations of the frontage building and single storey structure are functional and lack design detailing so they appear as 'dead' elevations.

11. Whilst the proposed rear building would have 5 storeys the submissions show the actual height of the building would not be significantly higher than some of the nearby buildings. This is because many of the existing larger buildings, such as Crown House on the corner of the High Road and Old Station Road, appear to have a larger ground or other storeys floor to ceiling distance. Although such buildings may only contain 4 stories, due to the greater head height these buildings are higher per storey than that which is proposed.

12. The rear of the appeal site is relatively well screened from the High Road and the proposed building would be located to the rear of and some considerable distance away from the High Road. Only a limited section of the upper part of the building would be visible and it would not appear unduly prominent within the context of the High Road or from the public open space. Furthermore, the

proposal would not detract from buildings such as the Lopping Hall which would remain a distinctive feature of the area.

13. To the rear of the site is a public car park and behind this is Station Road that contains predominantly residential properties. The rear of the site and the adjoining commercial buildings are visible from this road although partially screened by mature trees. The proposed rear building would be visible but due to the distance between it and the road to the rear I do not consider the building would appear dominant or prominent in the streetscene.

14. The design of the development also introduces more active frontages within the site and enhancements to the service road that runs off the High Road and the opposite retail store. These elements of the proposal would lead to an improvement in the appearance of the area.

15. Having considered carefully all the submissions, including those of interested parties, I conclude the proposal would lead to enhancement of the area and that the height of the proposed rear building would not be unduly prominent or overly dominant. The proposal would therefore respect the character and appearance of the area and comply with Epping Forest District Local Plan and Alteration Policies CP2(iv), CP7 and DBE1 (i) and (ii) which seek, amongst other things, to safeguard and enhance the urban environment, provide a high quality of design and be of a scale, massing and height that respects their setting.

Other matters

16. Interested parties have raised a number of concerns and those relating to the main issue have been considered above. Concerns have also been raised in respect of loss of privacy, light and view, overdevelopment, parking and precedent.

17. Given the relative positions of the proposed development and existing developments nearby and the design of the rear building including positioning of windows and balconies the proposal would not result in a loss of privacy, light or view that would make the proposal unacceptable. The development would result in the efficient use of a previously developed site which would contribute towards the vitality and viability of the town centre.

18. The site is within an area that is well served by public transport and close to services and facilities. The proposal does not provide any off street parking provision but given the town centre location the Council has confirmed that the proposal is in accordance with its Vehicle Parking Standards.

19. In respect of precedent given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area. No directly similar or comparable sites to which this might apply were put forward. Each application and appeal must in any event be determined on its individual merits and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

20. I have considered the conditions suggested by the Council and, where appropriate, amended them to ensure they comply with the advice in the Planning Practice Guidance. In addition to the standard time limit conditions

requiring the development to be completed in accordance with the approved plans and the submission of external materials are necessary to ensure the development provides a satisfactory appearance.

21. To ensure the living conditions of the occupants of the proposed units and nearby properties are protected conditions restricting the times demolition and construction works can be undertaken; requiring the submission of a construction method statement; and details of glazing and ventilation are necessary. As the site has been previously developed and to ensure the wellbeing of persons living or working on or near the site conditions are necessary regarding the mitigation of any contamination found on the site and the removal of excavated material from the site.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Sarah Stevens

INSPECTOR

Schedule of Conditions

1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

2) The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 229-PL-01, 229-PL-02, 229-PL-03, 229-PL-04, 229-PL-05, 229-PL-06, 229-PL-07, 229-EX-01, 229-EX-02 and 229-EX-03

3) All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

    1. The parking of vehicles of site operatives and visitors
    2. Loading and unloading of plant and materials
    3. Storage of plant and materials used in constructing the development
    4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
    5. Measures to control the emission of dust and dirt during construction, including wheel washing.
    6. A scheme for recycling/disposal of waste resulting from demolition and construction works.

5) The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

    Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

    Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

6) All material excavated from the below ground works hereby approved

shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

7) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

8) All bedrooms within the new residential top floor of the existing building hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233: 2014 - Guidance on Sound Insulation and Noise Reduction for buildings - Code of practice (or such other standard which may supersede it from time to time).

9) Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to in Condition No 8 shall be submitted to and agreed in writing by the Local Planning Authority and installed before any of the proposed residential development is occupied.