

**1 WOODBURY HILL, LOUGHTON, IG10 1JB**

LPA ref: PLE/EPF/3036/17

Our ref: 0122/WOO001/APL

# APPEAL STATEMENT

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PREPARED ON BEHALF OF THE APPELLANT MS SAMANTHA JENNINGS

VERSION: 1.12



**Stewart**  
Management & Planning Solutions

# Project Document Control

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## Prepared By:

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Ransford Stewart	Planning consultant

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# 1 Woodbury Hill, Loughton, IG10 1JB

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Removal of further sections of roof above ground floor addition at the rear and raising of part of ground floor back addition – representing revisions to previously approved scheme ref EPF/2744/16

## INTRODUCTION

This statement has been produced by Stewart Management & Planning Solutions to support an appeal concerning the refusal of planning permission for the above development.

The application that is the subject of this appeal was submitted to Epping Forest District Council, the Local Planning Authority, via the Planning Portal on 8<sup>th</sup> November 2017 and validated on 24<sup>th</sup> November 2018. Planning permission was refused on 21<sup>st</sup> February 2018 by the Planning Committee, against officer recommendation, due to their concerns regarding the impact of the proposed development on the streetscene and the York Hill Conservation Area.

This statement considers the development in relation to the development plan/local development framework and then considers the amenity implications of the proposal and its impact on the character and appearance of the street scene and the York Hill Conservation Area.

This statement demonstrates that the appeal proposal is in general accordance with the development plan/local development framework.

The statement concludes that the proposed development is properly conceived to reflect its planning circumstances and would be entirely consistent with the character of the area, contrary to the Local Planning Authority's assertions and should therefore have been approved consistent with paragraph 14 of the NPPF.

## THE SITE AND ITS SURROUNDINGS

Woodbury Hill is an unclassified road that forms part of a network of streets on the north east fringe of Loughton, east of the A121. The area is on generally rising land and commands views over Epping Forest to the north and east and over the Thames Valley to Canary Wharf and the Kent Hills to the south. Much of the area falls within the York Hill Conservation Area, designated first in 1977.

The site overlooks the green at the top of York Hill which is the centre of the Conservation Area.

Woodbury Hill loops round first north west then south west from its junction with York Hill in the east to its junction with King's Hill in west. The area is generally residential in character with houses varying in age from 17th Century to late 20th Century with a correspondingly wide range of size, designs and styles.

The application property is a mid-20th Century two storey chalet style house with an asymmetrical ridge roof profile. The property fronts onto Woodbury Hill but has a flank elevation facing onto York Hill whilst the rear elevation looks onto Potters Close. However, all elevations are heavily treed. The application property is one of a group of 6 properties of similar style fronting Woodbury Hill or Potters Close to the rear.

A site location plan is included with the appeal documentation.

## PLANNING HISTORY

The property appears to have been built in the mid- to late- 20th Century as a 4-bedroom single family house. It has been extended to include single storey rear extensions and side dormer windows pursuant to planning permissions EPF/0361/81/ EPF/1164/80, EPF/0578/80, EPF/0576/92 and EPF/1180/97. It is understood that some if not all of the single storey rear extensions originally proposed flat roofs as the 1992 consent proposed the installation of a pitched roof over an existing rear extension (**Document 2**).

In December 2016, planning application EPF/2744/16 was approved for:

Rearward extension of depth of existing patio by 1.5m and erection of 2m high privacy screen, removal of hanging tiles from elevations to be replaced with render, provision of two Juliet balconies at first floor rear, erection of front porch underneath existing first floor front projection, and alterations to elevations.

As part of the proposals it was intended to remove two segments from within the existing pitched roof volume beneath the two, existing rear facing first floor windows so that the cills could be lowered to accommodate patio doors and Juliet balconies. However, in preparing the construction details, it became apparent that this would entail creating two, unrelated areas of flat roof and at least 10 points with significant risk of unwanted water penetration from the roof cut-out area into the rooms below. It was noted that the simplest solution that would enable the provision of the patio doors and Juliet balconies would be removal of the pitched roof elements in total. An application was made to enable this adjustment as a non-material amendment to the approved development scheme but this was dismissed by the Local Planning Authority and the appellant was advised that a full application would be required (application EPF/2629/17).

The application that is the subject of this appeal was submitted in response to advice contained in the decision notice for application EPF/2629/17.

## THE APPEAL PROPOSAL

The application that is the subject of this appeal proposes the wholesale removal of the pitched roof elements over the existing ground floor rear extensions. The roofing would then be reinstated as a unified conventional warm deck flat roof across all of the rear extensions. The datum for the new flat roof would be set by the floor level at first floor level. Therefore, whilst the bulk of the existing roofs and their slopes would be lost, the eaves level of the southern portion of the rear extensions would need to be raised to match the eaves level over the northern portion. Overall, the height of the rear extensions would be reduced as a result of the proposed development.

The development approved under application EPF/2744/16 is in the course of construction and whilst the original lean-to roofs have been removed. No work has been commenced in relation to their reinstatement pending the outcome of this appeal.

### The application process

The application was publicised by the Local Planning Authority by way of individual notification letters to the adjacent properties. Two letters of objection were received in response as well as an objection from the Loughton Town Council. Details of the grounds of objection raised by local residents are set out in the officers' report which is attached as **Document 1**. Document 1 also contains the officers' responses. In the main, officers were of the view that the concerns raised were without foundation or were not valid planning considerations. Officers duly recommended approval, subject to planning conditions primarily aimed at safeguarding the amenity of adjoining and nearby residents against overlooking from the flat roof elements of the development scheme.

However, when the officers' recommendations were considered by the planning committee on 21<sup>st</sup> February 2018, the committee chose to set aside their officers recommendation for approval and refuse planning permission, expressing concerns regarding the likely impact of the development on street scene and the character of the York Hill Conservation Area.

A copy of the decision notice has been supplied as part of the appeal documentation.

This appeal was lodged on 19<sup>th</sup> March 2018.

## PLANNING POLICY CONTEXT

Sections 54A and 70(2) of the Town and Country Planning Act 1990 lay down the basic rules for determining planning applications. Section 54(A) states that:

Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination should be made in accordance with the plan unless material considerations indicate otherwise.

The principle of the plan-led system of development control articulated in section 54(A) of the 1990 Act is carried forward, in slightly modified form, in Section 38(6) of the Planning and Compulsory Purchase Act 2004.

### National Planning Context

In March 2012 the National Planning Policy Framework was adopted, replacing all existing Planning Policy Statements and Guidance.

The NPPF granted Local Planning Authorities one year from publication (to 27th March 2013) to apply their relevant policies adopted since 2004 to the determination of planning applications. As this period has now elapsed, Local Planning Authorities may only give relevant policies weight according to their consistency with the NPPF.

At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. The social role, which references supporting strong, vibrant and healthy communities, and the environmental role, which refers to protection and enhancement of the natural and built environment, are of most relevance to the appeal proposal.

It is a core principle of the NPPF that planning should proactively drive and support sustainable development to deliver the homes, businesses and workspaces, and thriving places that the country needs. For decision-making, Local Planning Authorities are therefore encouraged to approve without delay development proposals that accord with the development plan (paragraph 14).

Paragraph 50 calls upon the planning system to deliver a wide choice of quality homes to meet local needs and support the creation of sustainable, inclusive and mixed communities.

The NPPF also recognises that good design is a key aspect of sustainable development and is a key aspect of good planning. However, paragraph 60 warns that:

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or styles.

In relation to heritage matters, the NPPF advises that the conservation and enhancement of the historic environment is a key purpose of the planning system. Paragraph 132 advises that:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more significant the asset the greater the weight should be.

However, a proportional approach is advised in the consideration of heritage matters and developments that might impact on the significance of heritage assets, in particular. Paragraph 133 advises that where development leads to substantial harm or loss of significance of a heritage asset, planning permission should be refused. Paragraph 134 goes on to advise that where development would lead to less than substantial harm a more balance approach should be taken. Specific advice concerning development in Conservation Areas is set out in Paragraph 138 which states:

Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation area or world Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole

## Development Plan

For the purposes of the appeal proposal, the development plan for the area comprises the Epping Forest District Local Plan, adopted in 1998. Some of these policies are still in force. In 2006 the Council adopted the Local Plan Alterations, which replaced parts of the 1998 Local Plan.

The Local Planning Authority is preparing to submit a new Local Plan to the Secretary of State for Communities and Local Government for independent examination. The Epping Forest District Local Plan (Submission Version) 2017 has been subjected to two rounds of consultation prior to being approved for submission. It therefore has some weight.

Both documents contain policies designed to enable the provision of new development generally and in a sustainable manner and have been reviewed for consistency with the NPPF.

## [Epping Forest District Local Plan 1998 and Alternations 2006 \(published 2008\)](#)

The Local Planning Authority's decision notice refers to Policies CP2 (iv), HC7 and DBE10.

Policy CP2 (iv) is part of an overarching strategic policy. It is concerned with the protection and enhancement of designated areas of recognised environmental merit. This would include Conservation Areas.

Policy DM1 is a broadly-based policy mainly concerned with the physical aspects of development within Conservation Areas. It calls for new developments to be sympathetic to the character and appearance of the Conservation Area within which it is proposed. It also sets out a range of building features typically found in Conservation Areas that it is desirable to safeguard or replicate. This includes "traditional" pitched roofs, visual intricacy consistent with the facades of historic buildings, "traditional" facing materials. However, officers passed comment on all of these matters in their report to committee observing that the building dates back to the 1960s or 1970s; there is screening along the highway boundaries; the trees are protected by virtue of their location within a Conservation Area; and that the flat roofs are compatible with the more contemporary design of the host building.

Policy DBE10 is specifically concerned with residential extensions which it requires to complement and, where appropriate, enhance the street scene and the host building. This it says will be achieved paying close attention to:

- (a) the scale, form, detail, elevations, materials, roof treatment and fenestration of the existing building; and
- (b) separation from any neighbouring buildings; and
- (c) the existence of any landscaping in the locality.

The officers' report to committee gives comment on each of these elements, as indicated above, and concludes by finding the proposed arrangements acceptable.

## [Epping Forest District Local Plan \(Submission Version\) 2017](#)

Policies DM7A and DM9 are development management policies which are also cited in the Local Planning Authority's decision notice.

Policy DM7A is concerned with the historic environment and carries forward the requirements of Policy CP2 (iv). Whilst DM9 is a generic design policy that aims to secure high quality design in all developments and, which in this regard, carries forward the requirements of DBE10.

## [York Hill Conservation Area – Character Appraisal and Management Plan April 2014](#)

Although not mentioned by the Local Planning Authority in the officers' report to the planning committee or the decision notice, the York Hill Conservation Area – Character Appraisal and Management Plan is relevant to the consideration of the appeal proposal.



## Comments on reasons for refusal

The application that is the subject of this appeal was refused for the following reason

*By reason of their bulk, design and prominence when seen from the highway, the proposed alterations to the existing rear extensions result in a form of development that appears incongruous within the street scene and consequently fails to preserve the character and appearance of the York Hill Conservation Area. Accordingly, the proposal is contrary to the adopted Local Plan and Alterations policies CP2 (iv), HC7 and DBE10 (i) and to the Draft Local Plan (Submission Version 2017) policies DM7 A and DM9, all of which are consistent with the National Planning Policy Framework.*

The main issues of concern raised by the committee can be summarised as follows:

- (i) The bulk and design of the resulting from the alterations;
- (ii) The visibility of the proposed alterations;
- (iii) The impact on the character of the area.

The planning committee's reasoned justification for reaching this decision against its officers' recommendation is not set out in detail within the published agenda and minutes of the committee. The planning officers' report to committee addresses each of the concerns raised by the committee and constitutes the grounds of appeal against the Council's decision to refuse planning permission. This section of the appeal statement examines each of these issues in turn.

### Bulk and design

By virtue of a series planning permissions granted in the 1980s and 90s, there is already planning permission in place for the erection of the existing rear extensions at the appeal site. Those original extensions were provided with lean-to style pitched roofs which, by virtue of the depth of the extensions and the roof pitch angle, presented a considerable bulk of roof above the eaves line. They also concealed a substantial amount of the original rear elevation of the host building such that the original character of the building was substantially changed and effectively lost.

The application EPF/2744/16 sought to install full height patio doors, in place of the existing windows in the rear elevation, by cutting out sections of the roofs over the ground floor extensions (**Document 2**). This would have created a mess of roof pitches, slope angles, inward-facing cheeks and external balconies. Moreover, the design and appearance of the rear elevation would be further changed from its original form in a manner that paid little attention to the design conventions of the building or the area. Nonetheless, the scheme was granted planning permission.

By contrast, the appeal proposal sets out to remove the bulk of roofs over the existing rear elevations and reinstate much of the original rear elevation above ground floor level; the portion that is readily visible from outside of the site. Whilst the eaves height of the southern rear extension would be raised, the point at which it would join to the rear elevation at first floor level would be correspondingly reduced.

With regard to the resulting design of the rear extensions, the appellant would concur with the case officer's view that the flat roofs would be more in-keeping with the more contemporary design of the host building. It is significant to note in this regard that the property is not listed and that there are no listed buildings in the immediate surroundings that might be impacted by the appeal proposal.

The appellant is mindful that the Council's Conservation officer did not share this view, however, the references to the appearance of the original building fails to recognise that the building has been substantially altered from its original form in all elevations. Moreover, the appeal proposals offer the opportunity to reveal more of the form of the original rear elevation. Whilst we would accept that the application site is not a heritage asset in its own right, we would nonetheless submit that revealing more of the original building would have a beneficial effect on the Conservation Area pursuant to Local Plan and NPPF requirements.

### Visibility

It is significant that both the Case Officer and the Conservation Officer refer to the tree screen on each highway boundary which would partially conceal the works that are the subject of this appeal. In fact, the tree screen on the York Hill boundary is recognised as a positive feature in the appraisal document for the York Hill Conservation Area. In common with all trees in Conservation Areas, these trees are protected by the Conservation Area designation and cannot be lopped, topped or removed without the prior consent of the Local Planning Authority. Moreover, according to paragraph 11.4 of the York Hill Conservation Area Appraisal and Management Plan, the Council has stated that it will not give consent for any work to trees that could be detrimental to the character, appearance or setting of the conservation area (policy HC6). The long-term retention of these trees is therefore entirely within the Local Planning Authority's hands and there should be no concern that the tree screen could be readily removed.

The appellant is mindful that the tree screen is deciduous in nature and that during the winter months there are ready views into the appeal site from York Hill, however, those views show, primarily the elevations above ground floor. Little, if any, of the ground floor, flat roofed extensions would be visible from outside the site. However, removal of the pitched roof elements would allow more of the original rear elevation to be revealed which it is considered would be a benefit to the area.

With such limited views of the appeal proposal from adjacent highways, the appellant would submit that the appeal proposal would be barely visible in the street scene and could not have the deleterious effect alleged by the Local Planning Authority in that regard.

## Character of the area

Whilst it is clear that the Planning Committee was concerned that the proposed development would have an adverse effect on the character and appearance of the Conservation Area, they did not clearly set out what aspects of character and appearance they felt would be deleteriously affected. The appellant has therefore closely examined the York Hill Conservation Area – Character Appraisal and Management Plan 2014 in order to assess the relevance and extent of that concern.

The character of the York Hill Conservation Area is defined in paragraph 3.2 of the York Hill Conservation Area – Character Appraisal and Management Plan and refers to a number of landscape features – the steep hills, the triangular greens, the tall hedges; and a number of built features – the narrow lanes, the shape and size of house plots and the age range of the dwellings. None of these would be affected by the proposed development.

The greens at the top of York Hill, in front of the Gardeners Arms public house are acknowledged to be the heart of the York Hill Conservation Area. Whilst the appeal site fronts onto this area, there are no views to be had of the rear elevation of the appeal site where the works are proposed to be carried on. Similarly, the proposed works would not appear in any of the key views identified in paragraph 7.2 of the York Hill Conservation Area – Character Appraisal and Management Plan.

Detailed descriptions of the 6 character areas within the Conservation Area are set out in paragraph 7.3. However, the appeal site and its environs are not mentioned under character areas 5 or 6 which are the most relevant.

Finally, the site or proposals similar to the appeal proposal are not mentioned in paragraph 8.1 of the appraisal which deals with threats to the character of the area.

In all the circumstances, we would submit that the alleged threat to the character of the Conservation Area posed by the proposed development has been overstated.

## Concluding remarks

The Council's reasons for refusal are based on Policies CP2 (iv), HC7 and DBE10 (i) of the adopted Local Plan and Alterations policies and policies DM7 A and DM9 of the Draft Local Plan (Submission Version 2017).

This statement has examined the appeal proposals in relation to both the national and the local planning policy framework before looking at the planning and other merits of the design and their implications on the streetscene and the character of the Conservation Area.

The proposed development has been carefully designed to correspond to the design conventions of the existing house and the character of the area in which the appeal site is located.

The appellant considers that there would be no adverse implications for the street scene or the character and appearance of the York Hill Conservation Area. Indeed, as the bulk of the existing roofs is to be removed and more of the original building revealed at first floor level, the scheme would help to reinforce the integrity of the Conservation Area as on where well-designed buildings from many different eras happily co-exist. At worst it would simply not harm the area by virtue of its of it being barely visible from the public realm.

As the scheme is both consistent with the objectives of both local and national planning policy guidance and would have no adverse impacts on the character or appearance of the locality, the Inspector is respectfully requested to allow this appeal.

**Stewart M&PS**

**19<sup>th</sup> March 2018**

### Documents

Document 1	Officers' report to Planning Committee 29th June 2016
Document 2	PL/EPF/576/92 Alteration from Flat to Pitch Roof
Document 3	York Hill Conservation Area – Character Appraisal and Management Plan April 2014

## DOCUMENTS



STEWART MANAGEMENT & PLANNING SOLUTIONS LTD  
THE WINDMILL STUDIO CENTRE,  
106 PEMBROKE ROAD,  
RUISLIP,  
HA4 8NW

TELEPHONE 0203 330 0530  
SWITCHBOARD 01895 624755

E-MAIL [INFO@STEWARTMAPS.CO.UK](mailto:INFO@STEWARTMAPS.CO.UK)

 [www.stewartmaps.co.uk](http://www.stewartmaps.co.uk)