



Appeal Decision

Site visit made on 27 June 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

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

Decision date: 8th August 2017

Appeal Ref: APP/J1535/W/17/3170174
Flat C, 66 Valley Hill, Loughton IG10 3AT

- 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 Mr Robin Minchin against the decision of Epping Forest District Council.
 - The application Ref EPF/2445/16, dated 15 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed is described as 'retrospective application for a studio flat on the second floor'.
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Decision

1. The appeal is allowed and planning permission is granted for a retrospective application for a studio flat on the second floor at Flat C, 66 Valley Hill, Loughton IG10 3AT in accordance with the terms of the application, Ref EPF/2445/16, dated 15 September 2016, subject to the conditions set out in the attached Schedule.

Procedural Matter

2. The description in the heading above is that given on the application form. The studio flat was in place at the time of my visit and reflects the details submitted. I therefore intend to treat the appeal as one for planning permission for development as originally carried out. At the time of my site inspection, the works relating to the external amenity area to the rear and site boundary treatment had also been completed. The appellant also proposes a revised parking layout and front garden landscaping scheme, but these works have not yet taken place. Given that the Council, Town Council and nearby residents have referred to these issues in their submissions, I have considered the appeal on this basis and am satisfied that this has not prejudiced the interests of any other party.

Main Issue

3. The main issue is whether or not the development provides appropriate living conditions for the occupiers of the studio flat and those of all three flats, with specific regard to the size of accommodation, outlook and amenity space.

Reasons

4. The appeal site is comprised of the original 2-storey end-of-terrace dwelling (No 66 Valley Hill) and three apartments which have been attached to this within a new 2-storey building. The studio flat has been developed in addition to the two apartments previously granted planning permission and is housed within the roof of the building on the third floor.

Size and outlook

5. The studio flat is approximately 37 square metres and contains a defined kitchen/living room area, sleeping area, storage space in the eaves and separate bathroom. There are 2 rooflight windows from the kitchen/living room area and a side elevation gable window to the sleeping area.
6. Although the size of internal accommodation is somewhat constrained for two people cohabitating together, I am satisfied that it would be of a good standard for a single person. In terms of visual outlook, the main habitable areas have windows providing a reasonable degree of outlook whilst not compromising the privacy of neighbours.
7. The Council states that the proposal would not fully comply with the internal dimensions referred to in the Government's 'technical housing standards – nationally described space standard' (March 2015). However, I have given this little weight in my assessment. The Secretary of State for Communities and Local Government confirmed via a Written Ministerial Statement, dated 25 March 2015, that they are optional for planning purposes and should only be required if they address a clearly evidenced need and are incorporated into a Local Plan. There is no evidence before me to indicate that these requirements have been met in this case.
8. In any event, even if they were applicable, I am satisfied that any deficit in space would be marginal and that the proposed studio flat would provide a good standard of accommodation for a single occupant. In reaching this conclusion, I have given a significant amount of weight to the objectives of Policy H4A of the Epping Forest District Local Plan Alterations 2006 and the National Planning Policy Framework (NPPF) of seeking to deliver a wider choice of homes.
9. I therefore conclude that the development provides acceptable living conditions for its occupiers, with specific regard to internal size and outlook. It complies with Policy DBE11 of the Epping Forest District Local Plan 1998 (the Local Plan), which seeks, among other things, to ensure that new development would not result in a harmful intensification of residential uses.
10. I am also satisfied that the development complies with paragraph 17 (bullet point 4) of the NPPF which seeks a good standard of amenity for all existing and future occupants of buildings.

Amenity space

11. There is approximately 40 square metres of amenity space for 3 apartments in the form of a patio area to the rear of the building. Paragraph 15.52, which accompanies policy DBE8 of the Local Plan, states that flats should allow for at least 25 square metres of communal space for each unit. However, it also states that these standards may be relaxed where the size and disposition of plot does not quite facilitate what would otherwise be an acceptable form of development.
12. The amenity space is adjacent to the flats and is sufficiently private, being screened from public view by fencing. There would appear to be adequate space for drying facilities, bins and residents to sit outside. Given their size, I consider it unlikely that the studio flat (and the two other existing one bedroom apartments) would accommodate families with children. The 3 apartments would also be within reasonable walking distance (approximately half a mile) from public recreation space. Although the development has not resulted in the 75 square metres normally required by the Local Plan, I am satisfied that the amenity space provided is of a standard sufficient to meet the reasonably likely needs of the occupiers of

its associated accommodation and that the scheme is acceptable in all other respects.

13. I therefore conclude that the development provides acceptable living conditions for its occupiers, with specific regard to amenity space. It complies with Policies DBE8 and DBE11 of the Local Plan, which seek, among other things, to ensure an acceptable standard of communal space for flats.

Other matters

14. Although the Council did not raise any technical objections in terms of highway safety and parking, the Town Council and nearby residents have. Having considered these matters, I have concluded that the amount of parking spaces would be acceptable and that one additional unit would not result in a material increase in on-road parking congestion to the detriment of highway and pedestrian safety. I therefore see no reason to take a different view from the Council.

Conditions

15. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. I have made some amendments in the interests of precision. A condition requiring development to be in accordance with the plans is needed for clarity and to reflect Planning Practice Guidance. A condition relating to landscaping of the front garden is necessary as the submitted plans are not well-defined on the matter of species, size and position of planting. A condition will also be necessary for car-park layout and surfacing as the submitted plans are not entirely clear on dimensions and materials (the reference to shingle surface is annotated on the turning area only).
16. As the permission sought is retrospective, to ensure that the conditions are enforceable, time periods are included for the submission and approval of details and for the subsequent implementation of the details as approved. A 90 day compliance period has been set to enable occupants to find alternative accommodation if the conditions are not complied with.
17. A condition requiring a residential traffic information pack for sustainable transport has not been imposed as the scheme would provide a satisfactory level of off-road parking and no evidence has been given by the Council as to why it would lead to unsustainable travel patterns.

Conclusion

18. I have found that the development provides acceptable living conditions for its occupiers, with specific regard to internal size, outlook and amenity space. The proposal accords with the development plan and I conclude, having had regard to all other matters raised, that the appeal should be allowed. The Emerging Local Plan is at a very early stage and its policies have not altered my conclusions.

Robert Fallon

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: - Site Plan, Site Layout Plan and drawing no. R.4.A. revision B.
- 2) Notwithstanding the submitted plans and in the interest of certainty, the use of the studio flat hereby permitted shall cease within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this decision a scheme for landscaping of the front garden to the north-west of the building shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved works specified in this condition, that scheme shall thereafter be retained and the front garden shall not at any time be used for the parking of cars.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Notwithstanding the submitted plans and in the interest of certainty, the use of the studio flat hereby permitted shall cease within 90 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 2 months of the date of this decision a scheme for the car-park layout and surfacing of the area to the rear of the flats, to the south east of the building, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 6 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved works specified in this condition, that scheme shall thereafter be retained for that use.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.