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# Appeal Decision

Site visit made on 11 April 2018

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 April 2018

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**Appeal Ref: APP/J1535/W/17/3188051**

**1 Ollards Grove, Loughton, Essex IG10 4DJ.**

- 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 Assets Rock Ollards Ltd against the decision of Epping Forest District Council.
  - The application Ref EPF/0897/17, dated 22 March 2017, was refused by notice dated 26 July 2017.
  - The development proposed is first floor extension, new mansard roof, and new rear extension to provide 4 flats comprising 2 x 1bed and 2 x 2bed flats.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The appellant has raised concerns about detail provided in the Council's statement. As the appellant has had the opportunity to respond to these matters in their final comments, I do not consider that any party has been prejudiced. I have determined the appeal accordingly.

## Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site at 1 Ollards Grove is located within Loughton Town Centre at the junction of High Road and Ollards Grove, facing a busy mini-roundabout. Opposite No 1, a two-storey red brick and stone bank building occupies another corner of the junction at 102 High Road. Diagonally opposite the appeal site, 149 High Road is a two-storey red brick building which turns the corner of Old Station Road and High Road. On the other corner of High Road and Old Station Road, 151 High Road is a large four-storey building which has a concave corner facing the mini-roundabout. Directly adjacent to the appeal site on High Road, 106 – 108 High Road is approximately 3 storeys high.
5. No 1 is a two-storey white rendered building with brick and timber accents, a hipped roof and a front dormer. It is occupied by 2 retail units at ground floor level on the High Road and Ollards Grove frontages respectively. To the rear of No 1, the appeal site contains a single-storey garage. The first floor of No 1 is

occupied by a two-bedroom flat. 1 Connaught Avenue, a locally listed building, lies north of the appeal site.

6. The proposed development would comprise the erection of 2 additional floors. The proposed third floor of No 1 would be accommodated within a proposed mansard roof with numerous dormer windows. The proposed development would replace the existing garage with a three-storey extension to the rear of No 1. The extended building would retain the ground floor retail units and the first floor two-bedroom flat, and would introduce 2 further two-bedroom units at second and third floors, a one-bedroom maisonette at ground and first floors, and a one-bedroom maisonette at second and third floors. Communal external amenity space, refuse and cycle storage would be provided to the rear of No 1.
7. While all the buildings which directly address the junction of High Road, Ollards Grove and Old Station Road differ in their architectural treatment, the existing building at No 1 relates well to its neighbours at 102 and 149 High Road in terms of their overall height and the massing of the buildings in turning their respective corners. In particular, the eaves of No 1 currently relate well to the balustrade on top of No 102. This congruity and visual harmony would be lost as a result of the proposed development, which would be 2 storeys taller and would appear visually dominant when viewed with its neighbour at No 102, particularly when approaching the mini-roundabout from Old Station Road.
8. 106 – 108 High Road is a 1970s block situated between the appeal site and another older two-storey building at 110 High Road. It is one storey taller than the neighbouring buildings and differs from its neighbours given its height, strong vertical emphasis, and design in comparison to their more vernacular architecture. However, despite being shorter than nearby 151 High Road, the proposed development would result in a building of a storey greater in height than 106 – 108 High Road. Given its relatively narrow frontage on High Road and its overall architectural composition, its greater height than 106 – 108 High Road and the relationship of its proposed windows to its proposed frontage would not redress the balance of the area, but would instead create a new vertical emphasis which would appear visually jarring and incongruous.
9. Furthermore, while the existing two-storey building at No 1 has a single small pitched roofed dormer window positioned on a hipped roof facing the road junction, the proposed development would significantly alter the angles of the roof to allow for an additional storey to be accommodated and would include a large number of dormer windows. Despite the roofing of the nearby building close to the junction of High Beech Road and High Road, the height and bulk of the proposed roof and the number of dormer windows proposed would result in an overly dominant roofscape at odds with the building's overall composition. The proposed roof would be particularly evident from Ollards Grove and when approaching the mini-roundabout from the south-east and south-west.
10. While there are a number of three or four-storey buildings along the High Road, including 151, 188, 238, and 273 High Road, all of the examples provided are very different from the existing building on the appeal site both architecturally and in terms of the size and shape of their sites. Although High Road is a long road and the mixture of buildings along its length contribute to its varying character, which one experiences when travelling along it, this does

not mitigate my concerns about the proposed development and its relationship with neighbouring properties.

11. Despite the appellant's approach of seeking to reflect the character of the existing building by using matching materials, repeating existing fenestration details, and stepping the height of the proposed development down to allow a transition between Ollards Grove and Connaught Avenue, the height and bulk of the proposed development would not satisfactorily address its corner position and it would not be sufficiently sensitive in its architectural treatment to maintain the character and appearance of the area.
12. I recognise that the officer's recommendation to the Council's Planning Committee was overturned by members and that the appellant has referred me to the officer's report, however this does not alter my findings with regard to the effect of the proposed development on the character and appearance of the area. While it is also evident from the committee minutes that members considered that reducing the height of the proposed development by one storey might overcome their concerns, I am required to deal with the appeal before me.
13. Concluding on this main issue, I find that the proposed development would not preserve the character and appearance of the area. Therefore, the proposed development would not accord with policy DBE1(i) of the Epping Forest District Local Plan 1998 (the Local Plan) and policies CP2(iv) and CP7 of the Epping Forest District Local Plan Alterations 2006 (the Local Plan Alterations). Policy DBE1(i) states that new buildings will be required to respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing. Policy CP2(iv) requires development to safeguard and enhance setting, character and townscape, while policy CP7 states that, amongst other things, new urban development resulting in over-development or unsympathetic change will not be permitted. It would also fail to comply with the National Planning Policy Framework (the Framework) at paragraph 17 where one of the core principles seeks high quality design; at paragraph 58 which aims to ensure that development responds to local character; and at paragraph 60 which considers it proper to promote or reinforce local distinctiveness. The Council has also referred to the Essex Design Guide, but as this document was not provided to me, I have not taken it into account.

#### *Planning Balance*

14. The appellant and the Council have both confirmed that the Council is unable to demonstrate 5 year housing land supply. The Council's officer report refers to 1.35 years of housing land supply. I have therefore had regard to the extent of the shortfall. As such, paragraph 49 of the Framework applies. Accordingly, relevant policies for the supply of housing should not be considered up to date where sufficient housing land supply cannot be demonstrated. Paragraph 14 of the Framework indicates that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as whole.
15. Policy DBE1(i) of the Local Plan and policies CP2(iv) and CP7 of the Local Plan Alterations are general policies which broadly accord with the Framework in respect of design and do not prevent improvements to the existing shortfall in

- the supply of housing. I also note that the principle of development is accepted to an extent by the Council.
16. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. In environmental terms, the proposed development would be located in an accessible location in terms of services, facilities and sustainable transport. In economic and social respects, the proposed development would provide 4 small residential units suitable for people stepping onto the housing ladder, while retaining the ground floor retail units which support the vitality and viability of the town centre. However, there would also be harm to the character and appearance of the area as identified above.
  17. The proposed development would be of a suitable density for its location and would not cause harm to the living conditions of future occupiers of the residential units or any neighbouring occupiers. Furthermore, the Council did not find harm in respect of parking. These matters have only neutral effects.
  18. I note the fallback position referred to by the appellant. This comprises a planning permission EPF/3425/17 dated 8 March 2018 for 4 additional flats on the same site, but with the addition of only one further storey in comparison to the appeal before me. However, I have very limited evidence in front of me regarding the fallback position and I give it limited weight.
  19. Reference has been made by the Council to the Epping Forest District Local Plan (Submission Version), which has been approved for publication by the Council and has not yet been examined and adopted. I consequently give this plan very limited weight in this instance.
  20. The appellant has referred to paragraph 75 of the draft revised National Planning Policy Framework in respect of housing land supply. However, as this document is currently being consulted upon, its content could be subject to change. Accordingly, I give it limited weight in this instance.
  21. Whilst the 4 additional flats proposed would make a modest contribution to the supply of housing, they would nonetheless provide positive benefits in a district where there is a shortfall in housing land supply. However, there would be harm to character and appearance and I give the conflict with the development plan in this respect significant weight. I therefore consider the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the proposed development, when assessed against the policies in the Framework taken as a whole. The scheme would thus fail to represent sustainable development.

## **Conclusion**

22. For the reasons given above, and having taken account of all other matters raised, the appeal should be dismissed.

*J Gilbert*

INSPECTOR