



Epping Forest District Council

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Application Number:	EPF/2954/21
Site Name:	1 Grange Crescent Chigwell, IG7 5JB

OFFICER REPORT

Application Ref: EPF/2954/21
Application Type: Householder planning permission
Applicant: Lachani
Case Officer: Muhammad Rahman
Site Address: 1 Grange Crescent
Chigwell
IG7 5JB
Proposal: Application for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof).
Ward: Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxIY>
Recommendation: Approve with Conditions

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a semi-detached house, located within a built-up area of Chigwell. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The application is for Variation of Condition 2 for EPF/2061/20. (Double side, double rear extension with alteration to the roof). The main changes are;

- Inset balcony to loft conversion (rear facing hipped end);
- Changes to rear fenestrations; and
- Addition of a sky window to single storey element.

Relevant Planning History

EPF/1200/20 - Prior approval for a 6-metre-deep single storey rear extension, height to eaves 3.0 metres and overall height of 4.0 metres – Prior approval granted

EPF/2061/20 - Double side, double rear extension with alteration to roof – Approved

EPF/2177/21 - Non-Material amendment to EPF/2061/21 (Variation to Rear First Floor Window & Installation of Juliet Balcony) – Refused

Development Plan Context

Local Plan & Alterations 1998 & 2006 (LP)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate

otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form & Quality
DBE9	Loss of Amenity
DBE10	Residential Extensions

National Planning Policy Framework 2021 (Framework)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a. approving development proposals that accord with an up-to-date development plan without delay; or
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 126 & 130

Epping Forest District Local Plan Submission Version 2017 (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions

required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

DM9 High Quality Design

Summary of Representations

Number of neighbours Consulted: 7. 3 response(s) received

Site notice posted: No, not required

1B GRANGE MANOR – Comments not related to this application

1 & 3 OAK LODGE & CHIGWELL RESIDENTS ASSOCIATION – Objections – Summarised as;

- Overlooking/Loss of privacy.

CHIGWELL PARISH COUNCIL – The Council Strongly Objects to this application because the proposed balcony would create the potential for a loss of privacy and over-looking into the neighbouring property, thereby adversely affecting the amenity of neighbouring residents.

Planning Considerations

The main issue for consideration in this case is the impact on the living conditions of neighbouring properties, with particular regard to overlooking.

The main concern is regarding the potential overlooking from the unauthorised balcony to the rear facing hipped end. The previous approval consisted of a single rooflight, however, what has been constructed on site is a balcony, with the railings protruding out the roof. This enables the occupiers of the host building to walk right up to the edge of the balcony and have unrestricted views to both sides of the property and the rear. Notwithstanding the above, this concern was raised with the applicants and the plans were revised to what is now before Members, and all parties were given an opportunity to comment on them. The proposal would now consist of an inset balcony, which would prevent the occupiers from walking right up to the edge of the balcony, with the edges of the roof also acting as natural privacy screens.

In summary, the proposed development will have no material impact to the living conditions of both neighbouring properties, in terms of harmful overlooking that warrants a reason for refusal. Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted. The previous conditions have been reattached and modified where necessary.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest:

Case Officer: Muhammad Rahman | mrahman@eppingforestdc.gov.uk or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Conditions: (4)

1 The development hereby permitted shall begin not later than 10 November 2023.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 OS 01, 01 PA 02, 01 HH 03, 01 B 01, and 01 MA 03 Rev 4.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

4 Prior to first occupation of the extensions hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant

planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.