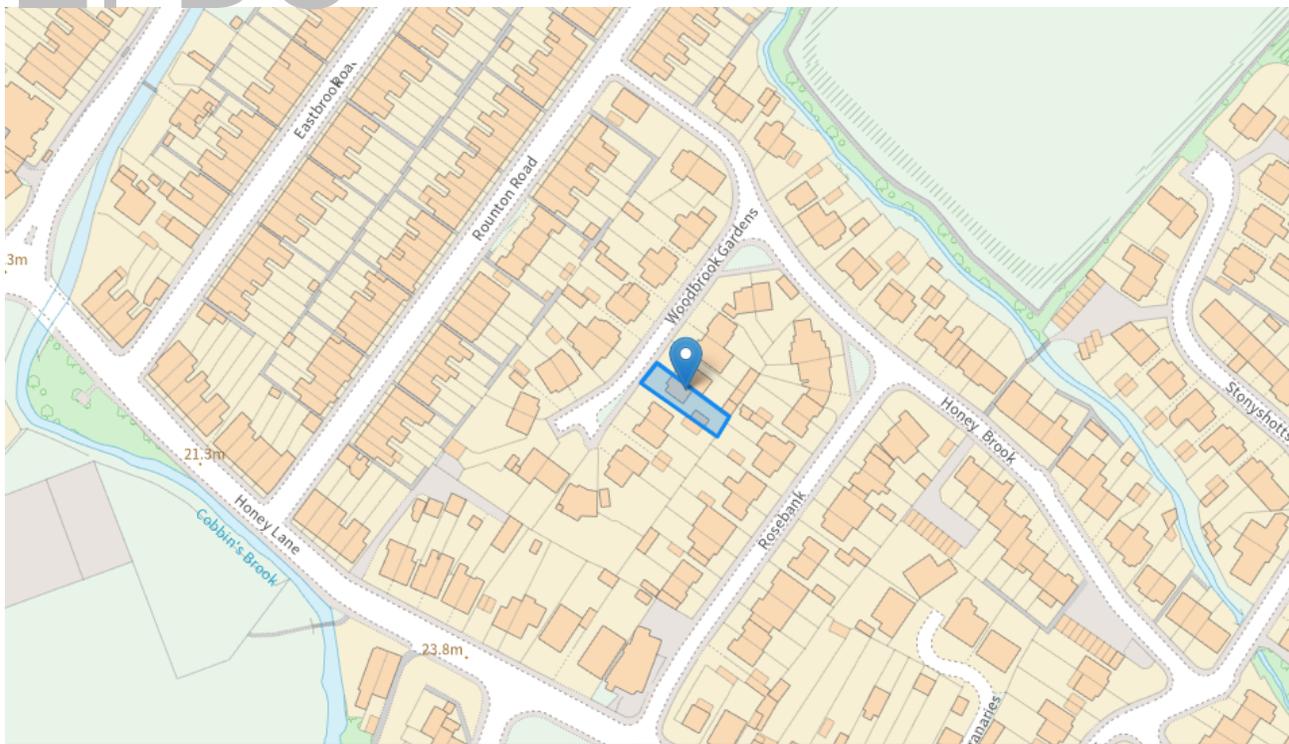




# EFDC



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|                     |  |
|---------------------|--|
| Application Number: | EPF/1024/22  |
| Site Name:          | 26 Woodbrook Gardens<br>Waltham Abbey Essex<br>EN9 3DA |

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# OFFICER REPORT

**Application Ref:** EPF/1024/22  
**Application Type:** Householder planning permission  
**Applicant:** Mr Bervan Altun  
**Case Officer:** Muhammad Rahman  
**Site Address:** 26 Woodbrook Gardens  
Waltham Abbey  
Essex  
EN9 3DA  
**Proposal:** Single storey wraparound side/rear/front extension and partial first floor rear extension  
**Ward:** Waltham Abbey Honey Lane  
**Parish:** Waltham Abbey  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nz0D>  
**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 Waltham Abbey. It is not listed nor in a conservation area.

## **Proposal**

The proposal is for a single storey wraparound side/rear/front extension and partial first floor rear extension.

The single storey rear wraparound extension extends some 3.5m from the rear wall, and the partial first floor rear extension extends some 1.5m from the rear wall.

## **Relevant Planning History**

WHX/0154/71 - Conservatory & Detached Garage. (BR/WHX/154/71 - approved) – Approved

## **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 14<sup>th</sup> 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 2<sup>nd</sup> 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

25 WOODBROOK GARDENS – Comments on non-planning matters i.e. covenants, party wall matters, and construction phase.

13 & 14 WOODBROOK GARDENS – Objections – Summarised as:

- Overdevelopment;
- Out of Character;
- Loss of light;
- Overbearing/Visual impact;
- Parking Concerns; and
- Comments on construction phase.

WALTHAM ABBEY TOWN COUNCIL – The committees finds this plan to be unacceptable due to it requirement to build up to the boundary line.

### **Planning Considerations**

The main issues for consideration in this case are:

1. The impact on the character and appearance of the locality; and
2. The impact on the living conditions of neighbouring properties.

#### *Character and Appearance*

The proposed single storey wraparound extension, whilst built up to the common boundary, is of a simple design that complements the appearance of the existing building. It would have a mono-pitched roof to the front with a ridge height of 3.2m, with a 2.9m flat roof behind this. Members attention is drawn to the fact that a similar scale side extension right up to the boundary can be built under permitted development. There is sufficient spacing to the front and rear of the property, so officers are not of the opinion that it amounts to harmful overdevelopment of the site. As mentioned above, under permitted development a similar scheme can be constructed, albeit without the first-floor element (i.e. a porch, single storey side extension & single storey rear extension up to a depth of 3m – or up to 6m via a prior approval application).

The partial first floor rear extension is of a limited scale, measuring just 1.5m in depth, and appears as a subservient extension which complements the appearance of the existing building. It would not be readily visible from the street, so there is no impact to the street scene.

On that basis, the proposal would not have a harmful effect to the character and appearance of the area.

## *Living Conditions*

Given the existing single storey rear extension to the attached neighbour, the visual gap between the flank wall of the partial first floor rear extension to the common boundary, and the orientation of the host house facing northwest, it is considered that there would be no material impact to their living conditions, in terms of loss of light, overshadowing, overbearing and visual impact, that warrants a reason for refusal.

With regards to the impact to No. 25, the proposed single storey extension would extend 2.5m beyond the existing rear wall to a height of 2.9m. Whilst built to the shared boundary, given the orientation and separation between the dwellings, it is not considered that this extension would cause any significant loss of amenity to the neighbour. Although there may be a greater sense of enclosure/visual impact from the wraparound extension when viewed from their garden area, it is insufficient to warrant a reason for refusal, as the extension is contained within the rear wall and the existing garage. No harmful impact is envisaged from the partial first floor rear extension, due to its limited scale, visual gap from the common boundary and orientation of the host house,

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.

## *Other Considerations*

The concerns raised re drainage, covenants, damage to boundary wall etc are non-planning matters, normally dealt with under the Building regs and party wall. Lastly, disturbance from the construction phase is only temporary and cannot form a reason for refusal that can be sustained on appeal.

There is ample space to park cars on the retained driveway, so the loss of garage in this instance is acceptable. On another note, the garage was constructed in the 70's, so it may not be suitable for the parking of modern cars.

## **Conclusion**

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

**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](mailto:mrahman@eppingforestdc.gov.uk). If no direct contact can be made please email:**

**[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (4)**

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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: DPL.01, DPL.02, DPL.03, DPL.04, DPL.05, DPL.06, DPL.07, DPL.08, DPL.09, DPL.10, DPL.11, DPL.12, DPL.13, DPL.14, DPL.15, DPL.16, and DPL.17.

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 of the existing building.

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 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 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.