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Application Number:	EPF/0074/23
Site Name:	6, Lyndhurst Rise, Chigwell, IG7 5BA

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OFFICER REPORT

Application Ref: EPF/0074/23
Application Type: Householder planning permission
Applicant: Dr Lakhvinder Larh
Case Officer: Caroline Brown
Site Address: 6, Lyndhurst Rise, Chigwell, IG7 5BA
Proposal: Retrospective - detached rear garden room to be used as a home office/ hobby room.
Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001V8GO>
Recommendation: Approve with Conditions

The 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

No 6 is a 2-storey semi-detached dwellinghouse located within the built-up urban area of Chigwell and has been extended with a half width single storey addition and rear dormer extension.

Lyndhurst Rise comprises of dwellings that vary in scale and form. The property lies outside of a conservation area and is not listed.

Proposed Development

The proposal seeks part retrospective consent for a flat roof, rear outbuilding with central lantern measuring a width of 7.4m, a depth of 5m and a height of 2.6m set in 0.5m from the shared boundary with no. 4 and over 3m from the shared boundary with no. 8. The outbuilding is set in a min of 0.7m from the rear shared boundary with 18 and 19 Tudor Close and has a footprint of 30m².

Works have commenced on the development, however as of early April the building was not quite to roof level.

Relevant History

EPF/0218/09 - Single storey rear extension- Approved -11/03/2009.

EPF/1995/06 - Ground floor rear extension and first floor front extension and garage conversion- Approved - 04/12/2006.

DEVELOPMENT PLAN

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.

Epping Forest District Local Plan (2011-2033) (March 2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption.

The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following table lists the relevant policies to the determination of this application:

DM9 - High Quality Design
DM10 - Housing Design and Quality

Local Plan (1998) and Alterations (2006)

CP1- Achieving sustainable development objectives.
CP2 Protecting the quality of the rural and built environment.
DBE2 Impact on Neighbouring Properties
DBE3 Design in Urban Areas
DBE9 Loss of Amenity
DBE10 - Residential Extensions

NPPF, 2021

The NPPF is a material consideration in determining planning applications. 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:

Paragraph 126-7 - Achieving well designed Places.

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

Chigwell Parish Council: - Objection

- The development is not adequately set back from the side boundary.

2 adjoining neighbours were notified, and 2 objections and one comment has been received that raise the following concerns:

19 Tudor Close: Object due to:

- Use of outbuilding for living accommodation.
- Trees felled contractors prior to levelling off the ground resulting in a loss of privacy.

'Insufficient details if the home office is intended for private business. House already extended. The outbuilding can be seen very clearly and is unsightly - devalue surrounding properties and deter potential buyers. Our understanding was that another larger shed was being erected in place of the small one that was torn down.

There are no weep holes in the retaining walls. This will cause structural issues as the build-up of the weight of rainwater and damp soil will apply pressure to the walls and eventually cause a collapse.

- This type of structure is not suitable for our small gardens and is overbearing. It can be seen from every window at the rear of our property.

18 Tudor Close:

- The building too high, and the roof lantern will further exacerbate this.
- The ground levels either side of the boundary fence between my rear garden and the applicants rear garden are not level and as such a retaining fence has been installed. The section drawing does not reflect the true impact of the proposed build on my property.
- Trees removed is an eyesore, devalue surrounding properties and deter potential buyers. It can be seen very clearly and is unsightly.

4 Lyndhurst Rise:

- Agree the difference in the height, but we would like a site visit to check the base has not been built up too high as it seems above ground level. The building is large and close to our boundary, and I would like it to be checked that the sizes are within the correct limits.

Main Issues & Considerations:

- Design and siting of the development to the character and appearance of the property and surrounding area.
- Impact on neighbour's amenity

Impact on the character and appearance of the property and the surrounding area

Epping Forest adopted Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

The rear garden to No. 6 has been lowered in height by approximately 0.5m to accommodate the outbuilding. Notwithstanding this, the proposed outbuilding does not constitute permitted development since it is situated within 2m of the boundary and at its highest point it exceeds 2.5m.

The lowering of the garden height by 0.5m, the external height of the outbuilding at 2.6m along (excluding the roof lantern), with a 1.8m high timber fencing enclosing the garden would limit the views

of the outbuilding from the neighbouring properties of no. 4 Lyndhurst Rise, and 18 and 19 Tudor Close; particularly as adjoining properties have rear gardens that are on a higher level.

Furthermore, whilst the proposal does not constitute permitted development, it is likely that a slightly lower outbuilding could be constructed without the need for planning permission. Therefore the potential for a permitted development fallback should be given due consideration.

In line with the above, the proposal is supported as it is considered a proportionate addition that preserves the character and appearance of the property and surrounding area and complies with policy DM10 of the Epping Forest Local Plan (2011-2033) and Local Plan & Alterations (1998- 2006) and of the NPPF (2021).

Impact on Neighbours' Amenities

In terms of amenity, No. 4 has a rear garden that is 0.5m higher than no. 6 and with a 1.8m high timber fence located on the shared boundary the outbuilding is obscured from view and does not result in any overlooking or loss of privacy.

The properties on Tudor Close, sited to the rear of no. 6, are also on a higher level. The separation distance, lowering of the rear garden level, and erection of a 1.8m high timber fence on top of the 0.5m high retaining wall would mean that the only view that the neighbours on Tudor Close have is the roof of the outbuilding.

The comments of the Parish Council and adjoining neighbours are noted. In response to the objections received, the design, scale and siting of the development is proportionate in scale. The lowering of the garden level to accommodate the outbuilding, the enclosed nature of the rear garden, along with the difference in garden levels of the adjoining properties would not result in any demonstrable harm to the living conditions of the adjoining properties.

No. 18 and 19 Tudor Close already had views of the rear garden to No. 6 before the siting of the outbuilding. The outbuilding would be conditioned at any approval to only be used for purposes incidental to the main dwellinghouse and, given the limited depth of the rear garden, very little else could be constructed under permitted development without contravention of the 50% area restriction.

There are no protected trees within the perimeter of the site, and it is not located in a conservation area.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DM9 of the adopted Local Plan (2011-2033) and policy DBE9 of the Local Plan and Alterations (1998-2006).

Conclusion

Having regard to all matters, the development is considered of an appropriate design and scale that is in keeping with the character and appearance of the dwelling and surrounding area which maintains an acceptable level of amenity to adjoining properties and is supported by the policies of the adopted Local Plan (2011-2033) and the Local Plan and Alterations (1998-2006) and the NPPF, 2021. In the light of the above considerations, it is recommended that planning permission is approved subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (4)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 856-200-L-X01 Rev F; 856-200-L-X00 Rev A; 856-200-L-002 Rev A; 856-200-L-003 Rev A

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

- 2 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2 & DBE1 [DBE10] of the adopted Local Plan 1998 & 2006.

- 3 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling and shall not be used for any primary residential accommodation.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with Policies DM9 & DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2, DBE1 and DBE10 of the adopted Local Plan and Alterations (1998 & 2006).

- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies RP5A and DBE9 of the adopted Local Plan and Alterations 1998 & 2006.

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.