



Epping Forest District Council

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Application Number:	EPF/0377/23
Site Name:	5 Nafferton Rise Loughton IG10 1UB

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OFFICER REPORT

Application Ref: EPF/0377/23
Application Type: Householder planning permission
Applicant: Mr Nabil Dar
Case Officer: Muhammad Rahman
Site Address: 5, Nafferton Rise, Loughton, IG10 1UB
Proposal: Proposed double storey rear extension, single storey side extension & single storey front extension
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VS74>
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 detached house, located within a cul-de-sac on a hill. It is not listed nor in a conservation area or a flood zone. Protected trees lie within the site.

Proposal

The proposal is for a double storey rear extension, single storey side extension & single storey front extension.

This application follows on from a recent pre-application discussion and officer recommendations are present within the scheme.

Relevant Planning History

PRE/0156/22 - Pre-Application for a proposed double storey rear extension, single storey side extension & single storey front extension + Comments on revised set of plans - Advice Given

EPF/2693/21 - Loft conversion with a front dormer - Approved with Conditions

EPF/0170/22 - Application for a Lawful Development certificate for a proposed loft conversion with a rear dormer - Lawful

Development Plan Context

Epping Forest Local Plan 2011-2033 (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 policies within the current Development Plan are considered to be of relevance to this application:

DM9 High Quality Design

Epping Forest Local Plan (1998) and Alterations (2006):

On the 06 March 2023 at an Extraordinary Council meeting, it was agreed that 'on adoption of the Epping Forest District Local Plan 2011–2033 and following the end of the six-week period for legal challenge that the following Development Plan Documents and associated Proposals Maps are revoked and should not be used for decision-making:

- a. Those policies of the Epping Forest District Local Plan adopted January 1998 that had not previously been replaced; and
- b. Epping Forest District Local Plan Alterations adopted July 2006'.

The relevant policies from these documents are listed below:

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. The following paragraphs are considered to be of relevance to this application:

Paragraphs 126 & 130
Paragraph 180

Summary of Representations

Number of neighbours Consulted: 4. 3 response(s) received.
Site notice posted: No, not required.

3 & 6 NAFFERTON RISE & 12 ALBION PARK – Objections – Summarised as:

- Impact on Trees;
- Overbearing Impact;
- Out of Character;
- Loss of privacy; and
- Concerns re foul disposal.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection.

The Committee OBJECTED to this application on the grounds that the proposed extension would have a negative effect on neighbouring properties, and assurances should be obtained before any application is considered.

A Tree Officers report should be requested to verify the contents of the current tree report.

A structural report regarding the retaining walls in the back garden should be prepared to ensure that before any work is started that the retaining walls or replacements are stable and able to support the slope of the hill at the rear of the property.

Planning Considerations

The main issues for consideration in this case are:

- a. The impact on the character and appearance of the locality; and
- b. The impact on the living conditions of neighbouring properties.

Character and Appearance

The group of properties in this cul-de-sac share similar design features, such as the cat-slide roofs, half-hipped roofs, two tone finish etc. which would be mostly retained on the host house to the front, so the view from the street scene would not materially change.

On this note, it is considered that the proposed works which are mostly limited to the rear and side appear subservient to the property and would complement and enhance the appearance of the existing building. The front porch extension raises no design concerns.

On balance, the proposed works would not have a harmful effect to the established character and appearance of the area.

Living Conditions

The host building is orientated towards the southeast and given its siting including that of the neighbouring buildings at a slight angle, together with the limited projection past the rear building line of both neighbouring buildings, there will be no material loss of light, overshadowing, overbearing and visual impact that warrants a reason for refusal.

Flank windows can be conditioned to be obscure glazed to prevent any harmful overlooking to neighbouring amenities on either side.

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

Officers note the drainage concerns, however the Councils drainage officer has reviewed the case and concludes that there are no issues in this regard nor recommend any additional conditions.

Concern has been raised with regards to the impact on the trees located to the rear of 12 Albion Park. The Councils Tree Officer has reviewed the submitted information and is satisfied that the trees to be retained can be protected through development with the recommended tree protection measures, which can be secured via conditions. The only proposed tree works listed in their Arb Report are to trees and hedges in the front garden, well away from the trees to the rear of 12 Albion Park.

Any joint ownership or damage to the trees is ultimately a civil issue. However, in this instance those trees are protected by virtue of them being behind the trees in the applicant's garden (which are shown to be retained and protected). Given that there are two retaining walls at differing heights between the trees and the development, no separate measures should be required. The height of the retaining walls is considered to be acting as a root barrier for all the trees behind it.

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, or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman | mrahman@eppignforestdc.gov.uk

Conditions: (11)

- 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: EX000, EX001, EX002, EX003, EX004, EX005, EX006, PR100, PR101, PR102, PR103, PR104, PR105, and PR106.

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

- 3 Tree protection shall be installed as shown on Hallwood Associates Ltd Tree Protection Plan, Drawing No: HWA10822-TPP dated 29/11/2022, prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 4 Prior to first occupation of the building/extension, all material excavated from the below ground works & the garden area hereby approved shall have been removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP2, DEB1 & DBE9 of the adopted Local Plan 1998 & 2006.

- 5 1 replacement tree (in the front garden), sized 12-14cm girth, of a species and in a position as agreed in writing by the Local Planning Authority, shall be planted prior to the occupation of the building or completion of the development, whichever is the sooner. If within a period of five years from the date of the planting or establishment of these trees, if any of these trees are removed, uprooted, destroyed or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 6 Prior to first occupation of the building/extension 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006.

- 7 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 & DBE10 of the adopted Local Plan 1998 & 2006.

- 8 Access to the flat roof(s) 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006.

- 9 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy ST4 of the adopted Local Plan and Alterations 1998 & 2006.

- 10 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, and Policy LL10 of the adopted Local Plan and Alterations 1998 & 2006.

- 11 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)

- 12 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.