

***Report to the District Development  
Management Committee***



**Epping Forest  
District Council**

**Report Reference: EPF/1973/17**

**Date of meeting: 29 November 2017**

**Address: Newstead, 19 Coopersale Common, Coopersale.**

**Subject: Demolition of the existing dwelling at 19 Coopersale Common and the erection of six detached houses (2 x 3 bedroom and 4 x 4 bedroom) and associated amenity space, car parking, cycle storage and landscaping.**

**Responsible Officer: Sukhi Dhadwar (01992 564018).**

**Democratic Services: Gary Woodhall (01992 564470).**

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**Recommendation(s):**

**(1) That planning application EPF/1973/17 at Newstead 19 Coopersale Common in Coopersale be granted permission, subject to the following conditions:**

- 1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.**
- 2. The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:**

**Design and Access Statement reference CCE-DS-01-ZZ-RP-A-P650-SO-P3 dated June 2017, CCE- P022-SO-P1, CCE-DS-01-ZZ-DR-A-D350 P1, CCE - P153 - SO P1, CCE-DS-01-ZZ-DR-A-D350 P1, CCE-P153-SO P1, CCE-P 021 - SO- P1, DFCP3814 C, DFCP3814 C, Soft Landscape Strategy, CCE - P150-SO-P4, CCE P151 SO-P2, CCE- P152- SO-P2, CCE-DS-01-ZZ-DR-A-S001 PO, CCE-DS-01-ZZ-DR-A-P250 P1, CCE-DS-01-ZZ-DR-A-P251 P1, CCE-DS-01-ZZ-DR-A-P252 P1, 473/100 P, 7442/2, 7442/3, 7442/4,.P6319 PLANNING STATEMENT, DF CLARK BIONOMIQUE LTD, Arboricultural Impact Assessment dated 12/7/17 reference 3814 rev C.**

- 3. A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.**
- 4. No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.**

5. The development shall not be commenced until details of the treatment of all boundaries including drawings of any gates, fences, walls or other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed prior to the first occupation of the development and shall thereafter be permanently retained and maintained.
6. Prior to the commencement of any works a bat survey must be submitted to EFDC for approval. Should the survey reveal the presence of bats or their breeding sites or resting places then a detailed mitigation strategy must be written in accordance with any guidelines available from Natural England (or other relevant body) and submitted to EFDC for approval. In some cases a European Protected Species Licence may be required from Natural England. All recommendations made by the ecologist in the survey shall be followed. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
7. Prior to above ground level works a plan showing the type and location of bat brick to be installed within each dwelling will be submitted to and approved by the Council, All works shall then proceed in accordance with the approved plan and maintained as such thereafter.
8. The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works. Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
9. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
10. No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained:

proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

11. If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased 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, unless the Local Planning Authority gives its written consent to any variation. 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.
12. Prior to first occupation of the development hereby approved, the proposed window openings in the northern and southern upper floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
14. No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
15. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

16. No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.
  17. Prior to the first occupation of the development the vegetation will be cleared, to ground level, to the extent of the highway boundary along Parklands, from parking space no.5 to the junction with Coopersale Common, and maintained as such in perpetuity.
  18. Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
  19. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
  20. Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
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#### **Report:**

1. This application is put to the District Development Management Committee since Members of the Area Plans East Sub Committee voted for it to be referred to this Committee for a final decision.
2. This application was reported to Area Plans East Sub Committee on 11 October 2017 with a recommendation that planning permission be granted. Following a debate at the meeting, members of the committee agreed to grant permission but referred the application to District Development Management Committee for decision.
3. Since that meeting the appeal decision for the original application under PF/2113/16 proposing 8 terraced houses has been published. (A copy has been attached to the end of this report).
4. The Planning Inspector dismissed the appeal on the grounds that the eight houses, as a result of their scale and cramped appearance along Coopersale Common, would harm the character and appearance of the area and the proposed landscaping would be insufficient to overcome this harm. The Inspector also found that the proposal would have an overbearing impact on the living conditions of the adjacent residential property, White House.
5. However the Inspector did not support Officer concerns in relation to lack of parking and loss of existing trees and hedging. At a risk of appeal costs awarded against the Council, should this latest proposal before the committee be refused and appealed against, officers strongly advise that it would therefore be very unwise to refuse planning permission

to this less developed proposal on these two grounds.

6. Looking at the current scheme, the reduced 6 house scheme has lowered the density of development on the site and as a result provides gaps between the houses, this allows views through the site and together and increased good quality soft landscaping within the front curtilage areas and boundary areas of the site. This feature will result in sufficient verdant spaciousness to soften the appearance of the scheme. Officers therefore consider that the applicant has addressed the first reason for dismissal of the previous appeal.

7. Looking at the impact on the living conditions of the residents of the White House, plans have been revised to show a gap of 2.9m between the conservatory positioned on the side elevation of The White House Coopersale Common and unit 1 within the proposed scheme. Hedgerows are also proposed on the mutual boundary between this neighbour and the application site. Given this distance, which is greater than the 2m gap that already exists between Woodlands and The White House, along with the partial natural screening and pattern of development along Coopersale Common, it is considered that the impact in terms of loss of light, and dominance will not be excessive to this neighbour.

8. It is for these reasons that officers consider that the proposal both overcomes the reasons for refusal contained within the refusal notice EPF/2113/16 and the reasons for dismissal contained within the subsequent dismissal letter from the Planning Inspectorate.

9. The Planning Officer's report to Area Plans Sub-Committee East is set out below for reference.

## **Original Report to Area Plans Sub-Committee East meeting held on 11 October 2017**

*This application is before this Committee since it is an application for residential development consisting of 5 dwellings or more and is recommended for approval; It also has had more than four objections and is contrary to the views of the Town Council (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application relates to a 1420 sqm plot of land which is irregularly shaped. Currently the site contains and late Victorian/early twentieth century large detached house and garage within a generous mature landscaped curtilage. Its principle elevation faces Coopersale Common; its southern and eastern boundaries adjoin highway land at Parklands and the northern boundary adjoins the side boundaries of The Shrubberies Parklands (a semi detached house, and The White House Coopersale Common (a detached two storey house). The site is in an urban area which is not listed nor within a conservation area.

The surrounding area is predominately defined by two storey semi detached and detached dwellings, however there is a 3 storey block of flats located further south of the site.

### **Description of Proposal:**

Permission is being sought for the demolition of 19 Coopersale Common and erection of six detached houses (2 x 3 bedrooms and 4 x 4 bedrooms) with amenity space, car parking and cycle storage.

Two of the houses will face eastwards onto Coopersale Common and four will have a staggered position looking eastwards onto Parklands. All houses will be provided with 2 parking spaces and 1 additional visitor parking space is proposed adjoining the rear garden of plot no. 3.

All units have an internal area ranging from 102 sqm and 121 sqm. They measure between 5.8m and 7.9m wide by 7.8m and 10.2m deep. All houses have a height of 9.5m to the ridge of their gable roofs. Each plot will provide between 100 and 135 sqm of garden space.

Materials include clay tiles for the roof, brick and natural orange clay tiles for the walls, Powder coated composite timber/aluminium framed fenestration.

The southern flank boundary with Parklands will be defined by a 1.8m high red brick wall.

### **Relevant History:**

Planning permission was refused under reference EPF/2113/16 for the demolition of existing structures on the site and the erection of eight x three bedroom terraced houses with amenity space, car parking and cycle storage.

The grounds of refusal were as follows:-

- (1) The proposal due to the number of units proposed; its height; size; mass; the provision of insufficient private and useable amenity space; lack of sufficient gaps between the proposed units and its position close to the neighbouring property at the White House, Coopersale Common represents an overdevelopment of the site resulting in a cramped appearance in the street scene and detracting from the*

*distinctive local character of the group of dwellings within which it is situated and will significantly increase the sense of enclosure as a result of its dominance felt by the occupiers of The White House and for the new residents of unit 2 of the proposal. It is therefore contrary to Paragraph 17 and Chapter 7 of the NPPF along with policies DBE1, DBE 2, DBE 9 and CP2 of the Epping Forest District adopted Local Plan and Alterations.*

- (2) *The site is located on a corner plot which is highly prominent visually and currently is characterised by significant greening. The proposal will result in the loss of nearly every tree on the site and will retain an unacceptably limited space for any meaningful replacement planting. The existing trees on the site have recognised amenity and nature conservation value in themselves and collectively contribute to the distinctive local character, and amenity of the area within which they are situated and as such the proposed insufficient replacement provided for within this application will have a serious detrimental impact on the character; amenity and biodiversity of the surrounding area and as such is contrary to chapter 11 of the NPPF along with LL11 of the Combined Policies of Epping Forest District Local Plan and alterations.*
- (3) *The proposal, due to the inadequate provision made for parking, is likely to lead to inappropriate kerbside parking in the surrounding vicinity and would set a precedent for future similar developments which could in time lead to additional inappropriate parking and would undermine the principle of seeking to discourage on-street parking in the locality. It is therefore contrary to chapter 4 of the NPPF and policy ST6 of the Epping Forest District Local Plan and alterations.*

This application is currently at appeal.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP5 – Sustainable Building  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban Form and Quality  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties`  
DBE3 – Design in Urban Areas  
DBE8 – Private Amenity Space  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
H2A – Previously Developed Land  
H4A – Dwelling Mix  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### *Draft Local Plan:*

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

SP1 – Presumption in favour of sustainable development  
H1 – Housing mix and accommodation types  
H2 – Affordable housing  
T1 – Sustainable transport choices  
DM9 – High quality design  
DM10 – Housing design and quality  
DM 11 – Waste recycling facilities on new developments  
DM16 – Sustainable drainage systems  
DM18 – On site management of waste water and water supply  
DM21 – Local environmental impacts, pollution and land contamination

### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 66

Site notice posted: Yes

Responses received: as follows:-

THE WHITE HOUSE COOPERSALE COMMON; 18 COOPERSALE COMMON; 20 COOPERSALE COMMON; 22 COOPERSALE COMMON; 30 COOPERSALE COMMON; THE SHRUBBERIES PARKLANDS; 22 GARNON MEAD; 22 PARKLANDS; 41 PARKLANDS; 42 PARKLANDS AND 48 PARKLANDS which collectively raised the following Objections:-

-Complete overdevelopment of the site;

-Visually overbearing;

-Inappropriate design for village location especially given recent approvals for new houses on other sites in the local area;

- Coopersale Common is already a cut through route; proposal will further exacerbate traffic problems and create safety problems for other motorists. The development will be set 1m away from the house from the boundary wall of The White House. This will lead to loss of privacy and will certainly impact on the peaceful enjoyment of their home and garden;

-Loss of natural light;

-Loss of existing trees on the site;

-Loss of privacy due to the removal of existing trees on the boundary and resultant clear visibility from the 3 storey development along with the amount of development proposed;

-Overdevelopment of the site which will result in potential highway hazards given the existing number of drivers, school children and refuse lorry that pass this area;

-In adequate parking provision; Proposal will result in the loss of three layby parking spaces



and is insufficient for number of houses proposed.

-Local infrastructure and services cannot handle level of development that is happening in the area;

PARISH COUNCIL: OBJECT: Whilst Committee note that the reduction in the number of proposed dwellings; many of the previous issues remain. The proposal is still a vast overdevelopment of this site in terms of its scale, height, bulk and density. The size and design of the properties do not respect the character of the surrounding area and would have a detrimental effect on the street scene and style of the village, particularly as it faces properties of traditional character on Coopersale Common. The size of both the properties and the development, which comes right up to the site boundaries, would result in a loss of amenity for neighbouring properties in terms of light, overlooking, privacy and would be overly dominant and overbearing. The size, design and materials of the proposed houses would be completely out of keeping with the street scene and change the character of this urban area irrevocably.

Committee feel that losing a perfectly good family house and such a vast loss of trees and greenery should not be permitted, as both contribute to the character of the surrounding area. Policy requests a mix of dwellings and good quality larger, family homes are an important part of that mix. The greenery also acts as privacy screening for neighbouring properties and its removal would add to their loss of amenity.

Planning permission has recently been granted for several developments in Coopersale and Committee do not feel there are adequate facilities for yet further bulk development. This is not a commuter area and has limited shops and school facilities for yet further bulk development. The infrastructure is not sufficient for higher density living and constantly developing this area will change its character to an unacceptable level which will have a long-term negative impact. National policy states that development should be sustainable, seeking positive improvements in people's quality of life and not be detrimental to future generations. The proposal does not enhance the urban environment, will overstretch amenities and this level of development is not sustainable.

Whilst the development allows for two parking spaces for each property, in reality, multiple family homes of this size will have additional cars. There are already parking pressures in this area as there is a large, family estate and a school and any overflow parking pressures in this area as there is a large, family estate and school and any overflow parking from this bulk development will spill out into the surrounding roads and exacerbate the parking problems. Committee also note the loss of a layby, which is currently already used to capacity. This development would be located on a busy junction, with a vast increase in the number of cars accessing the site, which would be detrimental to Highway safety and the character of the area through which the new traffic will move.

New development which results in unsympathetic change, overdevelopment and loss of amenity should not be permitted.

Relevant policies: CP2(iv), CP3, CP6, CP7, DBE2, DBE9, DBE10, H4A, ST4. NPPF (paras 9 and 17). Emerging Local Plan: Draft Policy H1.

### **Main Issues and Considerations:**

The key considerations for the determination of this application area:

The principle of the development;  
Impact on the character and appearance of the site and surrounding area.  
Impact on the living conditions of surrounding residents;  
Quality of resulting residential accommodation; and  
Impact on parking provision and highway safety.

### Principle

In terms of planning policy, the site is considered as previously developed land, and in line with Government policy redevelopment of this land is encouraged.

### Five year housing supply

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate around a 1.35 year supply of land for housing purposes. Due to this, it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However, this still has to be weighed against other material planning considerations.

The proposal has a density of 43 units per hectare and is compatible with the character and appearance of the surrounding area. It therefore meets the requirements of policies CP1, CP3 and H3A of the Local Plan.

### Design and appearance

One of the core planning principles of sustainable development is that planning should decisions should seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 60 of the NPPF requires that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however proper to seek to promote or reinforce local distinctiveness.”*

Plans have been amended since the previous 8 terraced houses scheme under reference EPF/2113/16 to now provide 6 detached houses.

It is acknowledged that the height of the buildings remains 0.9m higher than the adjoining ‘White House’ and 1m higher than the Shrubberies, however, the reduced density has resulted in the position of the proposed houses now being positioned significantly southwards from these neighbours. Along with the provision of gaps between the houses, this allows views through the site and together with increased soft landscaping within the

front curtilage areas and boundary areas of the site will result in sufficient verdant spaciousness to soften the appearance of the scheme in order to mitigate against the additional height of the development in comparison to neighbouring buildings.

The design of the scheme is a contemporary interpretation of the post war housing that surround the application site and the proposed materials are of good quality. (The detailed specification of materials within the application documents ensure that a condition requiring details of materials is not necessary). It is therefore considered that the proposal will preserve the distinctive local character of this area in accordance with chapter 7 of the NPPF and policies DB1 and DBE3 of the Local Plan.

### Trees and Landscaping

The proposal will remove fifteen trees and six groups (group means a cluster of more than two small young spindly trees). The submitted Arboricultural Impact Assessment which has been compiled by independent tree professionals advises that of the fifteen individual trees and six groups, all have been categorised as low amenity specimens that do not significantly contribute to the surrounding landscape on an individual basis. The proposal will also not result in significant root protection area incursions of the remaining trees that are proposed to be retained.

A range of semi mature medium/large indigenous trees will then be planted in each of the front driveways where space permits. A single Oak tree is proposed for the centre of the rear gardens and near to the southern end of the site adjoining the boundary with Parklands. Smaller native garden trees are proposed in the rear gardens and mixed native hedgerows are proposed to boundaries throughout and on the frontages of properties.

The Council's Tree Officer is satisfied that these provisions and the retention of the existing hedge adjoining the southern boundary of the site is sufficient to overcome concerns raised in the previous reasons for refusal for the scheme under reference EPF/2113/16 and therefore she has no objection to the proposed scheme subject to conditions agreeing landscaping and tree protection measures. The proposal therefore complies with the requirements of policies LL10 and LL 11 of the Local Plan.

### Quality of resultant residential accommodation

The 4 three bedroom and 2 four bedroom dwellings are considered suitable for families, the proposal would therefore meet an existing housing need within the borough in line with the requirements of policy H4A of the Local Plan.

The proposed self - contained units have an adequate internal size outlook, layout and ventilation in accordance with principles laid out in the National Technical Housing Standards (2015) and the Essex Design Guide.

The amenity space provision is also private, useable and of sufficient size to meet requirements laid out by policy DBE 8 of the Local Plan.

Details regarding the storage of waste are also acceptable.

### Impact on neighbouring amenity

Plans have been revised to show a gap of 2.9m between the conservatory positioned on the side elevation of The White House Coopersale Common and unit 1 within the proposed scheme. Hedgerows are also proposed on the mutual boundary between this neighbour and the application site. Given this distance, which is greater than the 2m gap that already exists

between the current application house and The White House, along with the partial natural screening, it is considered that the impact in terms of loss of light, and dominance will not be excessive to this neighbour.

Proposed House Unit 1 contains a bathroom window proposed on the first floor and a secondary bedroom window within the second floor of the northern flank wall. It is recommended that a condition is imposed on any permission requiring that these windows be obscure glazed. The proposed unit number 6 is 24m away from The White House. It is therefore considered that the proposal will not result in excessive loss of privacy to this neighbour.

The proposed House Unit no. 6 extends 3.15m beyond the line of the rear elevation of The Shrubberies Parklands, however the two properties will be separated from each other by a gap of 3.8m and again the mutual boundary between the two properties will be partially screened by hedging. No windows are proposed for the northern side flank wall of unit no. 6.

Unit number 1 is separated from this neighbour by a distance of over 30m. It is for these reasons considered that the proposal will not have an excessive impact on the amenities of this neighbour in terms of light, outlook or privacy.

The proposed units 1 and 2 are positioned a minimum of 21m away from the building line of properties at 22 and 24 Coopersale Common. This separation distance is acceptable in a built-up area such as this.

The proposed units 3, 4, 5, and 6 are a minimum of 25m away from the properties at Parklands, which face the application site. It is therefore considered that they will not be excessively affected in terms of light, outlook or privacy.

All other neighbouring residential properties are sufficiently distant as to not be materially affected.

The proposal therefore complies with the requirements of paragraph 17 of the NPPF and policy DBE9 of the Local Plan.

#### Parking and Highway Safety

The Highways Authority is satisfied that the proposal now provides sufficient parking to meet the needs of the new occupiers and will not compromise highway safety. The proposal therefore complies with the requirements of ST4 and ST6 of the Local Plan.

#### Land Drainage

The site lies within an Epping Forest District flood risk assessment zone therefore the Land Drainage Officer requests that a condition be imposed requiring approval of foul and sustainable surface water drainage details prior to works commencing on the site in accordance with policy U3B of the Local Plan.

#### Ecology

The Countryside Officer is satisfied that subject to condition, the proposal will make adequate provision for the protection and enhancement of established habitats of local significance for wildlife in accordance with NC4 of the Local Plan.

### Other matters

The layby adjoining the eastern boundary of the site is on Council owned land (as is the hedge on the southern boundary of the site). Since the Highways Authority have not raised an objection to its removal, this issue would be outside the scope of planning legislation and would instead be a civil matter between the Council's Communities Directorate and the applicant.

(The applicant will have to apply to the Highways Authority to have the layby removed. The Highways Authority would then consult the Communities Directorate on whether they should grant this consent. Any decision would then be based on the comments made by the Council's Communities Directorate).

### Conclusion:

The proposal will provide much needed housing which is of a type which meets an existing local housing need within an urban area of Epping Forest District Council. This benefit outweighs the limited harm as a result of the height of the houses being higher than neighbouring properties surrounding the site (excluding the block of flats numbered 28 to 29 Parklands which is 11.3m). This additional height would only be visible as the receding apex of the roof and the space provided around the boundaries of the site alongside the provision of good quality soft landscaping will ensure that this additional height will not be stark or prominent.

It is also considered that if the height of the roof were to be reduced; it could compromise the design of the houses (i.e. the creation of crown type roofs). The design of the houses in all other terms is acceptable and is considered to preserve the character and appearance of this area. The proposal will not cause serious harm to highway safety or parking provision and will not have an excessive impact on neighbouring amenity. It is therefore considered that the proposal meets the requirements of sustainable development in accordance with policy contained within the NPPF. Approval is therefore recommended.

***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: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



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## Appeal Decision

Site visit made on 4 October 2017

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27<sup>th</sup> October 2017

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**Appeal Ref: APP/J1535/W/17/3177849**

**Newstead, 19 Coopersale Common, Coopersale, Epping CM16 7QS**

- 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 Mafi Holdings Ltd against the decision of Epping Forest District Council.
  - The application Ref EPF/2113/16, dated 4 August 2016, was refused by notice dated 15 December 2016.
  - The development proposed is the demolition of 19 Coopersale Common and erection of eight x 3 bedroom terraced houses and associated amenity space, car parking and cycle storage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. An amended ground floor plan, a landscape proposal drawing<sup>1</sup> and a soft landscape strategy have been submitted with the appeal. These were not available to the Council when it made its decision. However, as they mainly show detailed landscape proposals and the overall scheme is unaltered I am satisfied that interested parties would not be prejudiced. I have therefore considered them accordingly.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the area including its effect on trees;
  - the living conditions of the occupants of the White House and the future occupiers of proposed unit 2 with particular regard to outlook;
  - highway safety.

### Reasons

#### *Character and appearance*

4. The appeal site is a detached dwelling positioned centrally in a large plot with mature landscaped boundaries on the corner of Coopersale Common and Parklands.

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<sup>1</sup> Drawing No CCE-DS-01-GF-DR-A-P101 Rev P4 - Proposed Ground Floor Plan & Landscape Proposal Drawing No 473/100



5. Coopersale Common is characterised by mainly modern and traditional detached and semi-detached dwellings set back varying distances from the road with spaces between them, giving it a varied and spacious character and appearance. The more modern, compact and formally arranged properties on Parklands give it a more uniform and compact character and appearance.
6. I acknowledge that the proposed dwellings would be finished in materials which would match both the modern and traditional properties nearby. I also note that through the provision of eight dwellings with rooms in the roof spaces the proposal would represent an efficient use of land.
7. However, whilst I note the proposed terrace facing Coopersale Common would be positioned in line with the Whitehouse, it would be tall and wide expanding almost the full width of the Coopersale Common road frontage.
8. Even with extensive landscaping, which would take some time to become established, through its scale and expanse it would appear cramped. It would dominate a prominent corner position and would conflict with the more spacious pattern of development on Coopersale Common.
9. However, the proposed terrace fronting Parklands would be viewed in the context of a more compact pattern of development. It would have changes in depth, providing relief to its width and although taller than the Shrubberies this would not be noticeable within the street scene.
10. The detailed landscape proposals would soften the overall impact of the proposed development. Even though the proposal would involve the removal of trees and substantial hedging, with the detailed landscape proposals in place including replacing the existing trees with native species I find there would be no harm to the character and appearance of the area as a result of the loss of trees and hedging.
11. However, through the scale and cramped appearance of the proposed terrace fronting Coopersale Common the proposal would harm the character and appearance of the area and the landscape proposals would not overcome this harm.
12. Thus, for the reasons given the proposal would conflict with saved Policy CP2 of the Epping Forest Local Plan Alterations (2006) (LPA) and saved Policies DBE1 and DBE2 of the Epping Forest Local Plan (1998) (LP) and the National Planning Policy Framework (the Framework) which taken together, aim to ensure good design and that new development does not harm the character and appearance of an area.

#### *Living conditions*

13. The White House has a conservatory attached to its south facing side elevation and a small area of private garden in the space between its side elevation and the shared boundary with the appeal site. The proposed terrace fronting Coopersale Common would be positioned close to the shared boundary with the White House.
14. I acknowledge that the existing dwelling extends some six metres to the rear of the White House. However, the proposed elevation adjacent to the appeal site boundary with the White House would be tall and wide. When viewed from the side garden of the White House and its conservatory through its scale and

proximity to the boundary it would be overbearing and therefore harmful to the living conditions of the occupants of the White House with particular regard to outlook. The proposed landscaping would not overcome this harm.

15. Turning my attention to the living conditions of the future occupiers of the proposed development. I note that proposed unit 1 would project some 2.9 metres beyond the rear elevation of proposed unit 2 at two storey level.
16. However, proposed unit 2 would have a reasonably sized private amenity area with views beyond the two storey rear projection and in all other directions. Thus the depth of this projection, visible through an oblique angle is not such that it would generate a sense of enclosure. Thus, the proposal would not be harmful to the living conditions of future occupiers with particular regard to outlook.
17. For these reasons, even though I find the proposed development would not harm the living conditions of future occupiers it would harm the living conditions of the occupants of the White House with particular regard to outlook. It would therefore be in conflict with saved Policy DBE9 of the LP which aims to ensure good design and that new development does not harm the amenities of the occupiers of neighbouring properties.

#### *Highway safety*

18. Policy ST6 of the LP states the council will expect all development proposals to provide on-site parking in accordance with the adopted 2001 standards or its successor documents. The Parking Standards Design and Good Practice (2009) (DGP) require the proposed development to provide 18 on-site car parking spaces whereas it would provide 12.
19. However, the DGP states that a reduction in the standards may be considered if the development is within an urban area that has good links to sustainable transport links. Furthermore, the Framework seeks to encourage sustainable development that reduces greenhouse gas emissions and gives people a real choice about how they travel and supports the use of sustainable modes of transport.
20. I acknowledge the Highway Authority have objected to the proposal on the basis that it does not meet the car parking standard. I also note residents' concerns with regard to the availability of on-street parking in the area.
21. However, even if the proposal would generate a demand for on-street parking greater than that provided on-site, on-street parking nearby is mainly unrestricted and the parking survey included in the appellants transport statement shows ample on street parking to serve any demand which is not met on site.
22. Furthermore, even though the appeal site is not within a main urban area it is close to a local parade of shops and served by good public transport connections which provide frequent connections to services and employment.
23. The appellant has produced evidence to suggest the amount of parking provided would meet the demand generated by the proposal. However, there is no substantive evidence to the contrary, or any substantive evidence to suggest that if the demand could not be met on-site any shortfall met on-street would pose any risk to highway safety in the area.



24. For these reasons, on the basis of the evidence before me, I am led to the conclusion that the proposal would not harm highway safety in the area as a result of the proposed parking provision. It would therefore accord with the aims of Policy ST6 of the LP and the Framework which seek to ensure that new development is served by appropriate parking provision and does not compromise highway safety.

#### **Other Matters**

25. I note that eight new homes would be provided in a location where services and employment can be easily accessed. I also note new residents would provide customers and employees to the benefit of the local economy and there would be economic benefits associated with construction.
26. I acknowledge that the Council is unable to demonstrate a five year housing land supply. However, the council does not object to the principle of development and I have found harm to the character and appearance of the area and the living conditions of nearby residents. Whilst eight new dwellings would make a minor contribution to meeting the housing shortfall even with the tilted balance engaged, the social and economic benefits are significantly and demonstrably outweighed by the environmental harm I have identified.

#### **Conclusion**

27. For the reasons given above, having had regard to all other matters raised, I conclude that the proposal would not accord with the development plan or the Framework and thus the appeal should be dismissed.

*L Fleming*

INSPECTOR