

## AREA PLANS SUB-COMMITTEE 'EAST'

7 March 2018

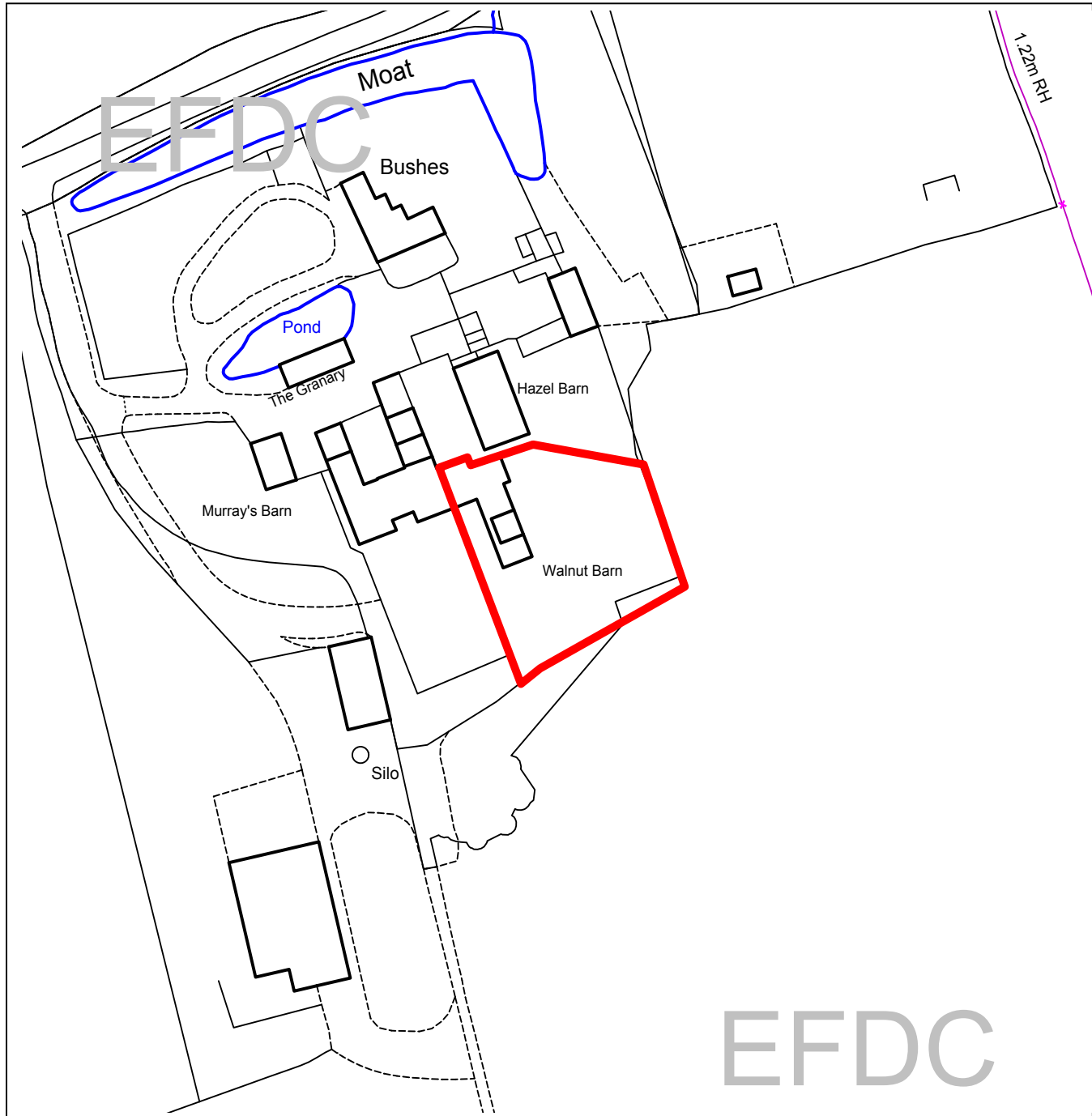
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2522/17
Site Name:	Walnut Barn Bushes, Wind Hill, Magdalen Laver, CM5 0DS
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2522/17
<b>SITE ADDRESS:</b>	Walnut Barn Bushes Wind Hill Magdalen Laver Ongar Essex CM5 0DS
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr & Mrs D Spencer
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey kitchen and utility room extension. Single storey living room extension in order to provide a home gym. Regularisation of the existing car port conversion into habitable space. Enlargement of the first floor bedroom windows. Installation of a new swimming pool and erection of a pool/garden outbuilding; and removal of existing perimeter drive and relocation of parking within a newly formed parking court. No demolition of the existing building is proposed, however, some existing external walls are to be removed/adapted.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=599999](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=599999)

**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 Samples of the types and colours of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to their installation. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 Additional drawings of the type, colour, and position of new boundary treatments shall be submitted to and approved by the Local Planning Authority in writing prior to the use of the new car parking area

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of site:**

Walnut Barn forms part of the historic group of farm buildings associated with the Grade II\* listed Bushes farmhouse. The barn is curtilage listed by virtue of its age and historic ownership and use in connection with the listed farmhouse. In 2007 planning and listed building consent (EPF/0349/07 and LB/EPF/0350/07) was granted for the conversion of the farm buildings to three dwellings.

Walnut Barn is a semi-detached property occupying one half of a historic barn with the single storey, slate roofed wing running south east of the barn replacing a former extension/outbuilding.

The site is located within the Metropolitan Green Belt.

**Description of proposal:**

Planning consent is being sought for a single storey kitchen and utility room extension, single storey living room extension, retrospective consent for the conversion of the integral car port into habitable space, enlargement of first floor windows, installation of a new swimming pool and associated outbuilding, removal of perimeter driveway, and relocation of parking area.

The proposal has been subject to pre-application discussion and subsequent revisions during the course of the application with regards to the windows, the location of the new relocated entrance and parking area, and the size and location of the pool and associated outbuilding.

The proposed kitchen extension would measure 5.6m in width and 3.9m in depth with a pitched roof to an eaves height of 2.1m and ridge height of 3.6m. This would extend beyond the eastern part of the main (two storey) element of the dwelling.

The proposed living room extension would measure 4m in depth and 6m in width and would continue the existing ridged roof of the single storey rear projection at 2.1m eaves height and 4.6m ridge height.

The converted car port proposes to retain the bi-fold door that have already been installed and continue to use this area as habitable space.

The existing first floor front (southern) windows are proposed to be replaced with new, enlarged windows.

The proposed swimming pool would measure 4.6m x 10m and be situated to the east of the existing single storey projection. This would be served by a 4.4m x 2.2m outbuilding to house pool/pump equipment, which would have a dual pitched roof with an eaves height of 2.2m and ridge height of 3.2m.

The existing perimeter driveway that led to the former (now enclosed) car port would be removed and a new parking area created immediately adjacent to the entrance of the site. The pedestrian entrance to the dwelling would also be relocated so that access to the house is within the southern elevation through the new living room extension.

### **Relevant History:**

EPF/0349/07 & LB/EPF/0350/07 - Change of use and conversion of redundant agricultural buildings to three dwellings including the demolition of newer portal frame outbuildings as indicated – approved/conditions 14/05/07

LB/EPF/0136/12 - Curtilage Grade II\* listed building application to add bi-fold doors to cart lodge building – withdrawn 21/06/12

### **Policies Applied:**

#### **Epping Forest Local Plan and Alterations (1998/2006)**

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

DBE1 – Design of new buildings

DBE4 – Design in the Green Belt

DBE9 – Loss of amenity

DBE10 – Residential extensions

HC10 – Works to listed buildings

HC12 – Development affecting the setting of listed buildings

ST4 – Road safety

ST6 – Vehicle parking

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### **Epping Forest District Local Plan (Submission Version) 2017:**

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 - Presumption in Favour of Sustainable Development

SP6 - Green Belt and District Open Land

T1 - Sustainable transport choices

DM4 - Green Belt

DM7 - Heritage assets

DM9 - High Quality Design

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

5 neighbouring residents were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object on the following grounds:

- Due to the previously converted Cart lodge, the proposed additional building extensions amount to around 135 sq mtrs added to the existing 230 sq mtrs which is an increase of 59%. This is deemed excessive.

- The Kitchen extension will block all light from the small (18" x 18" approx.) window on the southern end of the neighbouring property Maple Barn No 2. This room has only 3 (12" x 12") windows on the eastern side for any other natural light.
- The Gym Room extension would greatly reduce the openness of visual aspect from the adjoining Barn no 3 Murrays Barn, resulting in a detrimental impact on the neighbouring resident amenity.
- The Pool and the pool building seem excessive in size
- The proposed alteration of vehicular movements and parking on the site would, we believe, have a detrimental impact on the amenity of the neighbouring property.

Whilst retrospective planning is perfectly acceptable, works to a Grade II listed building without the required planning permission is a criminal offence. Conversion works to the cart lodge took place some 3 years ago, and no planning permission has been sought until now.

Following a further reconsultation on the proposals, the PARISH COUNCIL wishes to object to these applications on the following grounds:

- Due to the previously converted Cart lodge, the proposed additional building extensions are still deemed excessive, despite the reduced size of the proposed pool building, and as such inappropriate development within the Green Belt.
- The proposals cause harm and are detrimental to both the adjoining barn conversions and are not in keeping with the original permission for these Historic Barn Conversions.
- The proposed alteration of vehicular movements and parking on the site would, we believe, have a detrimental impact on the amenity of the neighbouring property. If permitted the revised parking area would mean at night headlights would shine directly into the (floor to roof line feature windows) of the neighbouring Barn both when driving in and reversing out. The additional noise of vehicle movements on all three sides of the adjoining neighbouring Barn is completely unacceptable. The proposal to erect a timber fence from the eastern boundary of the neighbouring Barn across to join the end of the Gym extension, would prevent vehicles driving up to the western rear door of Walnuts Barn but could be easily removed at any time.
- The siting of the main entrance door on the southern flank would cause great nuisance to the amenity of the neighbouring barn.

HAZEL BARN, WIND HILL – Object since the proposed kitchen extension will block light to the ground floor south facing window and cause a loss of amenity, the altered first floor windows will upset the continued fenestration across the barn, any enlarged windows overlooking their site will cause a loss of amenity, the level of extensions will be harmful to the Green Belt, and since works have already taken place without first obtaining consent.

MURRAYS BARN, WIND HILL – Object since the kitchen extension would restrict the daylight/sunlight into Hazel Barn, the home gym extension would disproportionately increase the single storey projection to the detriment of the character, appearance and historic significance of the site and their amenities, the retrospective infilling of the carport causes car parking concerns, since the enlargement of the windows would not compliment the form and fenestration of the building and the reasoning for the proposed enlargements are untrue and therefore the works are unnecessary, the swimming pool and associated outbuilding would still be excessive in size and eliminate the driveway to the original carport, the proposed new parking area will overlook their garden since it is on elevated land, the entire development would constitute inappropriate development harmful to the Green Belt, the enlargements and alterations to the site will cause a detrimental visual impact to their site and the wider group of historic buildings, and since works have already taken place with total disregard to planning law.

### **Issues and Considerations:**

The key considerations are the impact on the Curtilage Listed Barn and adjacent Grade II\* Listed Building, the appropriateness of the development in the Green Belt, and amenity considerations.

#### Listed building/design considerations:

Walnut Barn forms part of the historic group of farm buildings associated with the Grade II\* listed Bushes farmhouse. The barn is curtilage listed by virtue of its age and historic ownership and use in connection with the listed farmhouse. In 2007 planning permission was granted for the conversion of the farm buildings to three dwellings. Walnut Barn is a semi-detached property occupying one half of a historic barn with the single storey, slate roofed wing running south east of the barn replacing a former extension/outbuilding.

A consultation was undertaken with Historic England who raised no comments and is happy for the Council to reach a decision, subject to relevant Listed Buildings advice.

#### *Extensions and infill*

The proposed kitchen extension is a lean-to addition to the side of the original barn. A site visit revealed that it is likely that the existing external wall (at least at ground floor level) is predominantly a rebuild dating from the 2007 conversion and therefore creating a larger opening in this wall would not result in the loss of historic fabric. The proposed extension is considered to be sympathetic in terms of overall form, size, and materials and will not detract from the barn, particularly as lean-to extensions are common features on former agricultural buildings such as this.

The single storey, slate roofed wing containing the living room is a replacement extension constructed following the granting of permission in 2007. The proposed addition to this end of the building will extend in line with the existing (to cover the area currently occupied by a pergola) and will not involve the loss of any historic fabric. The appearance of the building will also remain largely unchanged as the materials will match the existing. Concern has been raised by neighbours that this extension would result in the single storey projection appearance 'disproportionate' to the main two storey (historic) section of the barn as it would increase the 16m deep projection to 20m. Given that there are two similar single storey projections to the north of the site, one of which serves Murrays Barn and one of which serves Hazel Barn, which measure approximately 22m and 17m in depth it is not considered that this enlargement would appear disproportionate to the existing range of barns.

The original 2007 conversion provided open cart lodges for two cars. In 2012 an application was made to convert the cart lodges to habitable space by inserting timber bi-fold doors. This application was withdrawn seemingly following advice from the Planning Officer that permission would likely be refused due to the impact of unenclosed car parking on the Green Belt. However, in terms of the listed building, there are not considered to be any harmful effects through the insertion of timber bi-fold doors in this location as the former open bays can still be read as such.

#### *Alteration of bedroom windows*

There are no objections from the Listed Buildings Officer to enlarging the bedroom windows to square openings sitting between the lean-to roof and eaves of the barn. The two smaller bedrooms are lit by rooflights in the lean-to roof and very small fixed square windows under the eaves. The 2007 drawings show the rooflights to be 'escape' rooflights – ones which are side-hung and can be easily opened in emergencies. The applicant claims that since these rooflights are at a low level internally they are within the reach of children and therefore cause a safety concern. They also state that there are problems with ventilation in these rooms as the square windows are fixed shut and opening the low level rooflights is a safety concern. The justification given for the need for new

windows has been challenged by the attached neighbouring resident who has identical windows that are restricted in terms of opening by a threaded rod and therefore overcomes any safety concerns about children falling out of these. It is also stated that the ability to open these windows, which the neighbour claims is done regularly, along with the mechanical ventilation system that was installed in these buildings when originally converted shows that there are no ventilation issues in the application site and therefore the justification for the proposed new windows is claimed to be incorrect.

Irrespective of the justification submitted from the applicant and the counter evidence provided by the neighbour, the 2007 approved elevation drawings appear to show larger square windows under the eaves, which span the gap between the top of the lean-to roof and the bottom of the eaves, than those that were actually installed on site. As such it was previously accepted that larger windows than those installed would not appear detrimental to the overall character and appearance of the curtilage listed barn. The 2007 existing drawings also show that these windows are not original features and were inserted at the time of conversion.

Whilst the provision of larger windows on Walnut Barn would fail to match the smaller windows installed at Murrays Barn (also contrary to the 2007 approval) it is not considered that this would result in any significant harm to the overall character or historic significance of the curtilage listed barn or the setting of the adjacent Grade II\* listed building.

#### *Swimming pool and outbuilding*

The proposed swimming pool and outbuilding have been subject to revisions following concerns raised by the Listed Buildings Officer. It is acknowledged that swimming pools can be incongruous features within the settings of historic barns/farm complexes, however if sensitively designed they can be considered acceptable. Some examples of this within barn conversions at Little Thorbens, Toot Hill and North Barn, Peakes Farm, Theydon Mount, both of which have had outdoor swimming pools approved and constructed.

The impact of the proposed swimming pool on the setting of the traditional barns can be suitably mitigated through the use of appropriate materials for the pool lining and surrounding hard surfacing, the details of which can be approved by condition.

The proposed outbuilding has been significantly reduced in size from what was originally submitted and has been relocated and orientated to run parallel with the living room extension. It is proposed to be weatherboard clad and roofed in slate and will therefore appear as an acceptable ancillary outbuilding to the barn. It is not considered to be a harmful feature within the barn's setting given the prevalence of multiple small agricultural outbuildings on former farmsteads.

Due to the above it is not considered that any of the proposed works would harm the character, appearance or historic significance of the curtilage listed barn, the setting of the Grade II\* listed building, or the general rural location of the site.

#### *Green Belt:*

The erection of new buildings within the Green Belt constitutes inappropriate development unless it meets one of the exceptions stated within the NPPF. These include "*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*".

The curtilage listed barns approved in 2007 and with the exception of the cart lodge conversion, which is proposed to be retained as part of this development, the building has not been extended/altered since its conversion.



The original barn conversion has a total floor area of some 230m<sup>2</sup>. The proposed extensions equate to 50m<sup>2</sup> and the proposed outbuilding would equate to 10m<sup>2</sup>.

Whilst the infilling of the previously open cart lodge does not add any additional bulk to the dwelling this nonetheless equates to a further 25m<sup>2</sup> of additional habitable floor space.

In total additional built form, excluding the converted cartlodge, would equate to 60m<sup>2</sup>, which 26% increase over and above the original floor area. When taking into account the converted cart lodge this would increase to 85m<sup>2</sup>, which equates to a 37% increase over and above the original dwelling.

It has long been accepted that a 40% increase is considered to be appropriately 'limited' in all instances, with greater being acceptable in certain other circumstances. As such the proposal would not constitute inappropriate development harmful to the Green Belt.

The retrospective enclosing of the cartlodge has resulted in vehicles being parked within the curtilage, which has some impact on the visual impact of the Green Belt, however even with the cartlodge being retained there is no method to prevent vehicles being parked within the open hardstanding areas, and therefore this matter is not considered to be unduly harmful to the openness and character of the Green Belt.

#### Amenity considerations:

The original barn conversion created three separate dwellings known as Walnut Barn, Murrays Barn and Hazel Barn. Walnut Barn and Murrays Barn are attached and Hazel Barn is detached and sits at a right angle to the other two barns. Both Murray Barn and Hazel Barn are accessed from the north by way of private courtyards, however Walnut Barn is accessed from the south through its private amenity area. At present there is a long driveway that runs along the rear of Murray Barns private (rear) amenity space and around the perimeter of Walnut Barns amenity area and leads to the parking area and main access to the dwelling that is currently situated adjacent to the flank wall of Hazel Barn.

The proposed development would significantly alter the layout of the existing property by removing the perimeter driveway and providing parking immediately at the entrance to the site (adjacent to the garden of Murrays Barn. This would enable the remainder of the curtilage of Walnut Barn to be made private amenity space for the enjoyment of the occupants.

The existing parking area would accommodate the proposed kitchen/utility extension and, in part, the swimming pool. The main entrance to the dwelling would be relocated to the proposed living room extension with the area of land between the single storey projection and the shared boundary with Murrays Barn being utilised as an enclosed courtyard (revised from being an originally submitted open access route to the dwelling).

Concerns have been raised from both the residents of both neighbouring properties with regards to the potential impact on amenities as a result of the proposed extensions.

One of the concerns raised by both neighbours is the impact on light and outlook to Hazel Barn as a result of the proposed kitchen extension. The residents of Hazels Barn have highlighted that this window serves a lounge and is the largest of the four windows serving this room, with the other

three being higher level windows located within the eastern elevation. The neighbour claims that *"this will be blocked by Walnut Barns proposed kitchen extension"*.

As highlighted by the neighbour this is one of four windows serving this living area (which on the original 2007 approval was a bedroom), however is the largest and faces south(east). Despite the statement of the neighbour the proposed extension would not extend across this window but would in fact fall slightly short of blocking this window. The window under consideration is at a low level externally (approximately 500mm above the adjacent site level of Walnut Barn) and is set away from the boundary by approximately 1m. The light levels and outlook of this window are already compromised by the presence of a 2m willow weave fence along the shared boundary and the presence of cars parked within this part of the site. Whilst the proposed extension may have some additional impact on the level of direct afternoon sunlight reaching this window the impact would not be excessive or significant enough to justify a refusal given the presence of other windows serving the room and the existing compromised nature of this window.

The proposed living room extension would be situated some 4.8m from the shared boundary with Murrays Barn and whilst would be an additional 4m addition this would simply extend an already prominent single storey projection. Whilst there would be views of this extension from the rear windows of Murrays Barn it is not considered that this would cause any excessive visual harm or detrimental impact on light.

Objection has been raised by the neighbour at Murrays Barn regarding the relocation of the parking area adjacent to their boundary since this land is elevated and there are concerns about visual impact, overlooking, noise and light pollution from headlights due to this. Whilst the proposed relocation of the parking area and entrance to the dwelling would result in cars being parked adjacent to the shared boundary with Murrays Barn it would remove vehicles from being parked adjacent to Hazel Barn and would enable private amenity space to be created for the occupants of Walnut Barn. This would therefore be beneficial to the amenities of the residents of Hazel Barn and Walnut Barn. The development proposes some landscaping to be retained/provided along the shared boundary which would help to mitigate any impact from noise or light pollution and would act as screening from any visual harm or overlooking. The rear garden of Murrays Barn is already impacted from the presence of the access running along its side and rear boundary, which would already cause some noise, light and visual nuisance, and the private rear garden is to some degree already overlooked from the access road and adjacent public footpath. As such it is not considered that the relocation of the parking area would cause any significant additional undue harm to the amenities of these neighbouring residents.

Given the location and modest size of the (revised) outbuilding there would be no detrimental impact on the amenities of neighbours as a result of this.

#### Prior works:

Concerns have been raised with regards to works commencing prior to approval, both in terms of the enclosure of the cartlodge (undertaken some three years ago) and the change to the windows (undertaken recently). Since the planning system allows for retrospective applications to be submitted and highlights that these should be treated no differently to proposed works the fact that some elements of the scheme have already taken place is not a material planning consideration.

#### Conclusion:

The proposed additions to the existing building would be limited extensions that do not constitute inappropriate development harmful to the Green Belt. The design, scale, location and detailing of the works would not cause any detrimental impact on the character, appearance and historic significance of the curtilage listed barns, the Grade II\* listed building, or the wider rural area.

Whilst the proposed works would have some impact on the amenities of neighbouring residents due to the proximity of the kitchen extension to the ground floor window within Hazel Barn and the relocation of the parking area adjacent to Murrays Barn's private amenity area the impact from these would not be excessive or significant enough to warrant refusal.

As such the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and therefore the application is recommended for approval, 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:***

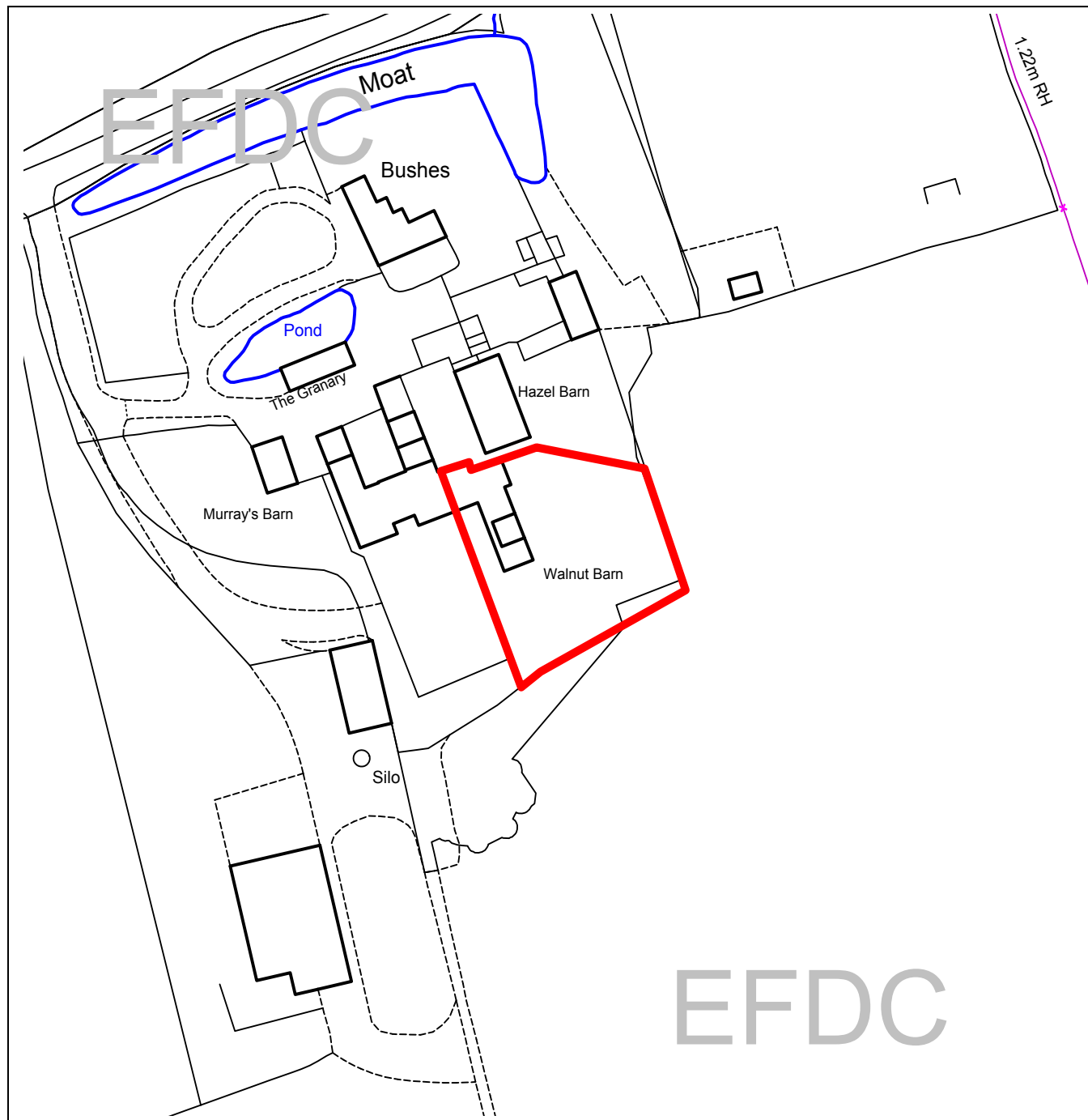
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/2582/17
Site Name:	Walnut Barn Bushes, Wind Hill, Magdalen Laver, CM5 0DS
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2582/17
<b>SITE ADDRESS:</b>	Walnut Barn Bushes Wind Hill Magdalen Laver Ongar Essex CM5 0DS
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr & Mrs D Spencer
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II* curtilage listed building application for a single storey kitchen and utility room extension. Single storey living room extension in order to provide a home gym. Regularisation of the existing car port conversion into habitable space. Enlargement of the first floor bedroom windows. Installation of a new swimming pool and erection of a pool/garden outbuilding and removal of existing perimeter drive and relocation of parking within a newly formed parking court. No demolition of the existing building is proposed, however, some existing external walls are to be removed/adapted.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=600193](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=600193)

**CONDITIONS**

- 1 The works hereby permitted must be begun not later than the expiration of three years, beginning with the date on which the consent was granted.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 17035\_001 Rev: A, 17035\_002, 17035\_003 Rev: D, 17035\_004 Rev: D, 17035\_005 Rev: A, 17035\_006 Rev: D, 17035\_007 Rev: C, 17035\_008 Rev: D, 17035\_009 Rev: D, 17035\_0010 Rev: D
- 3 Details of the types and colours of all external materials shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 4 Additional drawings that show details of proposed new windows and doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.

- 5 Full photographic details and drawings of the types and colours of the hard surfacing surrounding the pool, the external pool lining, and the pool furniture shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 6 Additional drawings of the type, colour, and position of new boundary treatments shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 7 All new rainwater goods shall be of black painted metal.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of site:**

Walnut Barn forms part of the historic group of farm buildings associated with the Grade II\* listed Bushes farmhouse. The barn is curtilage listed by virtue of its age and historic ownership and use in connection with the listed farmhouse. In 2007 permission (EPF/0349/07 and LB/EPF/0350/07) was granted for the conversion of the farm buildings to three dwellings.

Walnut Barn is a semi-detached property occupying one half of a historic barn with the single storey, slate roofed wing running south east of the barn replacing a former extension/outbuilding.

**Description of proposal:**

Curtilage listed building consent is being sought for a single storey kitchen and utility room extension, single storey living room extension, retrospective consent for the conversion of the integral car port into habitable space, enlargement of first floor windows, installation of a new swimming pool and associated outbuilding, removal of perimeter driveway, and relocation of parking area.

The proposal has been subject to pre-application discussion and subsequent revisions during the course of the application with regards to the windows, the location of the new relocated entrance and parking area, and the size and location of the pool and associated outbuilding.

The proposed kitchen extension would measure 5.6m in width and 3.9m in depth with a pitched roof to an eaves height of 2.1m and ridge height of 3.6m. This would extend beyond the eastern part of the main (two storey) element of the dwelling.

The proposed living room extension would measure 4m in depth and 6m in width and would continue the existing ridged roof of the single storey rear projection at 2.1m eaves height and 4.6m ridge height.

The converted car port proposes to retain the bi-fold door that have already been installed and continue to use this area as habitable space.

The existing first floor front (southern) windows are proposed to be replaced with new, enlarged windows.

The proposed swimming pool would measure 4.6m x 10m and be situated to the east of the existing single storey projection. This would be served by a 4.4m x 2.2m outbuilding to house pool/pump equipment, which would have a dual pitched roof with an eaves height of 2.2m and ridge height of 3.2m.

The existing perimeter driveway that led to the former (now enclosed) car port would be removed and a new parking area created immediately adjacent to the entrance of the site. The pedestrian entrance to the dwelling would also be relocated so that access to the house is within the southern elevation through the new living room extension.

### **Relevant History:**

LB/EPF/0350/07 - Change of use and conversion of redundant agricultural buildings to three dwellings including the demolition of newer portal frame outbuildings as indicated – approved/conditions 14/05/07

LB/EPF/0136/12 - Curtilage Grade II\* listed building application to add bi-fold doors to cart lodge building – withdrawn 21/06/12

### **Policies Applied:**

#### **Epping Forest Local Plan and Alterations (1998/2006)**

HC10 – Works to listed buildings

HC12 – Development affecting the setting of listed buildings

The above policies form part of the Council's 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

#### **Epping Forest District Local Plan (Submission Version) 2017:**

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM7 - Heritage assets

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

5 neighbouring residents were consulted and a Site Notice was displayed.

PARISH COUNCIL – Object on the following grounds:

- Due to the previously converted Cart lodge, the proposed additional building extensions amount to around 135 sq mtrs added to the existing 230 sq mtrs which is an increase of 59%. This is deemed excessive.

- The Kitchen extension will block all light from the small (18" x 18" approx.) window on the southern end of the neighbouring property Maple Barn No 2. This room has only 3 (12" x 12") windows on the eastern side for any other natural light.
- The Gym Room extension would greatly reduce the openness of visual aspect from the adjoining Barn no 3 Murrays Barn, resulting in a detrimental impact on the neighbouring resident amenity.
- The Pool and the pool building seem excessive in size
- The proposed alteration of vehicular movements and parking on the site would, we believe, have a detrimental impact on the amenity of the neighbouring property.

Whilst retrospective planning is perfectly acceptable, works to a Grade II listed building without the required planning permission is a criminal offence. Conversion works to the cart lodge took place some 3 years ago, and no planning permission has been sought until now.

Following a further reconsultation on the proposals, the PARISH COUNCIL wishes to object to these applications on the following grounds:

- Due to the previously converted Cart lodge, the proposed additional building extensions are still deemed excessive, despite the reduced size of the proposed pool building, and as such inappropriate development within the Green Belt.
- The proposals cause harm and are detrimental to both the adjoining barn conversions and are not in keeping with the original permission for these Historic Barn Conversions.
- The proposed alteration of vehicular movements and parking on the site would, we believe, have a detrimental impact on the amenity of the neighbouring property. If permitted the revised parking area would mean at night headlights would shine directly into the (floor to roof line feature windows) of the neighbouring Barn both when driving in and reversing out. The additional noise of vehicle movements on all three sides of the adjoining neighbouring Barn is completely unacceptable. The proposal to erect a timber fence from the eastern boundary of the neighbouring Barn across to join the end of the Gym extension, would prevent vehicles driving up to the western rear door of Walnuts Barn but could be easily removed at any time.
- The siting of the main entrance door on the southern flank would cause great nuisance to the amenity of the neighbouring barn.

HAZEL BARN, WIND HILL – Object since the proposed kitchen extension will block light to the ground floor south facing window and cause a loss of amenity, the altered first floor windows will upset the continued fenestration across the barn, any enlarged windows overlooking their site will cause a loss of amenity, the level of extensions will be harmful to the Green Belt, and since works have already taken place without first obtaining consent.

MURRAYS BARN, WIND HILL – Object since the kitchen extension would restrict the daylight/sunlight into Hazel Barn, the home gym extension would disproportionately increase the single storey projection to the detriment of the character, appearance and historic significance of the site and their amenities, the retrospective infilling of the carport causes car parking concerns, since the enlargement of the windows would not compliment the form and fenestration of the building and the reasoning for the proposed enlargements are untrue and therefore the works are unnecessary, the swimming pool and associated outbuilding would still be excessive in size and eliminate the driveway to the original carport, the proposed new parking area will overlook their garden since it is on elevated land, the entire development would constitute inappropriate development harmful to the Green Belt, the enlargements and alterations to the site will cause a detrimental visual impact to their site and the wider group of historic buildings, and since works have already taken place with total disregard to planning law.



### **Issues and Considerations:**

The key considerations are the impact on the Curtilage Listed Barn and adjacent Grade II\* Listed Building.

Walnut Barn forms part of the historic group of farm buildings associated with the Grade II\* listed Bushes farmhouse. The barn is curtilage listed by virtue of its age and historic ownership and use in connection with the listed farmhouse. In 2007 planning permission was granted for the conversion of the farm buildings to three dwellings. Walnut Barn is a semi-detached property occupying one half of a historic barn with the single storey, slate roofed wing running south east of the barn replacing a former extension/outbuilding.

A consultation was undertaken with Historic England who raised no comments and is happy for the Council to reach a decision, subject to relevant Listed Buildings advice.

#### *Extensions and infill*

The proposed kitchen extension is a lean-to addition to the side of the original barn. A site visit revealed that it is likely that the existing external wall (at least at ground floor level) is predominantly a rebuild dating from the 2007 conversion and therefore creating a larger opening in this wall would not result in the loss of historic fabric. The proposed extension is considered to be sympathetic in terms of overall form, size, and materials and will not detract from the barn, particularly as lean-to extensions are common features on former agricultural buildings such as this.

The single storey, slate roofed wing containing the living room is a replacement extension constructed following the granting of permission in 2007. The proposed addition to this end of the building will extend in line with the existing (to cover the area currently occupied by a pergola) and will not involve the loss of any historic fabric. The appearance of the building will also remain largely unchanged as the materials will match the existing. Concern has been raised by neighbours that this extension would result in the single storey projection appearance 'disproportionate' to the main two storey (historic) section of the barn as it would increase the 16m deep projection to 20m. Given that there are two similar single storey projections to the north of the site, one of which serves Murrays Barn and one of which serves Hazel Barn, which measure approximately 22m and 17m in depth it is not considered that this enlargement would appear disproportionate to the existing range of barns.

The original 2007 conversion provided open cart lodges for two cars. In 2012 an application was made to convert the cart lodges to habitable space by inserting timber bi-fold doors. This application was withdrawn seemingly following advice from the Planning Officer that permission would likely be refused due to the impact of unenclosed car parking on the Green Belt. However, in terms of the listed building, there are not considered to be any harmful effects through the insertion of timber bi-fold doors in this location as the former open bays can still be read as such.

#### *Alteration of bedroom windows*

There are no objections from the Listed Buildings Officer to enlarging the bedroom windows to square openings sitting between the lean-to roof and eaves of the barn. The two smaller bedrooms are lit by rooflights in the lean-to roof and very small fixed square windows under the eaves. The 2007 drawings show the rooflights to be 'escape' rooflights – ones which are side-hung and can be easily opened in emergencies. The applicant claims that since these rooflights are at a low level internally they are within the reach of children and therefore cause a safety concern. They also state that there are problems with ventilation in these rooms as the square windows are fixed shut and opening the low level rooflights is a safety concern. The justification given for the need for new windows has been challenged by the attached neighbouring resident who has identical windows

that are restricted in terms of opening by a threaded rod and therefore overcomes any safety concerns about children falling out of these. It is also stated that the ability to open these windows, which the neighbour claims is done regularly, along with the mechanical ventilation system that was installed in these buildings when originally converted shows that there are no ventilation issues in the application site and therefore the justification for the proposed new windows is claimed to be incorrect.

Irrespective of the justification submitted from the applicant and the counter evidence provided by the neighbour, the 2007 approved elevation drawings appear to show larger square windows under the eaves, which span the gap between the top of the lean-to roof and the bottom of the eaves, than those that were actually installed on site. As such it was previously accepted that larger windows than those installed would not appear detrimental to the overall character and appearance of the curtilage listed barn. The 2007 existing drawings also show that these windows are not original features and were inserted at the time of conversion.

Whilst the provision of larger windows on Walnut Barn would fail to match the smaller windows installed at Murrays Barn (also contrary to the 2007 approval) it is not considered that this would result in any significant harm to the overall character or historic significance of the curtilage listed barn or the setting of the adjacent Grade II\* listed building.

#### *Swimming pool and outbuilding*

The proposed swimming pool and outbuilding have been subject to revisions following concerns raised by the Listed Buildings Officer. It is acknowledged that swimming pools can be incongruous features within the settings of historic barns/farm complexes, however if sensitively designed they can be considered acceptable. Some examples of this within barn conversions at Little Thorbens, Toot Hill and North Barn, Peakes Farm, Theydon Mount, both of which have had outdoor swimming pools approved and constructed.

The impact of the proposed swimming pool on the setting of the traditional barns can be suitably mitigated through the use of appropriate materials for the pool lining and surrounding hard surfacing, the details of which can be approved by condition.

The proposed outbuilding has been significantly reduced in size from what was originally submitted and has been relocated and orientated to run parallel with the living room extension. It is proposed to be weatherboard clad and roofed in slate and will therefore appear as an acceptable ancillary outbuilding to the barn. It is not considered to be a harmful feature within the barn's setting given the prevalence of multiple small agricultural outbuildings on former farmsteads.

Due to the above it is not considered that any of the proposed works would harm the character, appearance or historic significance of the curtilage listed barn, the setting of the Grade II\* listed building, or the general rural location of the site.

#### *Prior works:*

Concerns have been raised with regards to works commencing prior to approval, both in terms of the enclosure of the cartlodge (undertaken some three years ago) and the change to the windows (undertaken recently). Since the planning system allows for retrospective applications to be submitted and highlights that these should be treated no differently to proposed works the fact that some elements of the scheme have already taken place is not a material planning consideration.

#### **Conclusion:**

The design, scale, location and detailing of the works would not cause any detrimental impact on the character, appearance and historic significance of the curtilage listed barns, the Grade II\* listed

building, or the wider rural area. As such the proposal complies with the guidance contained within the NPPF and the relevant Local Plan policies and therefore the application is recommended for approval, 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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

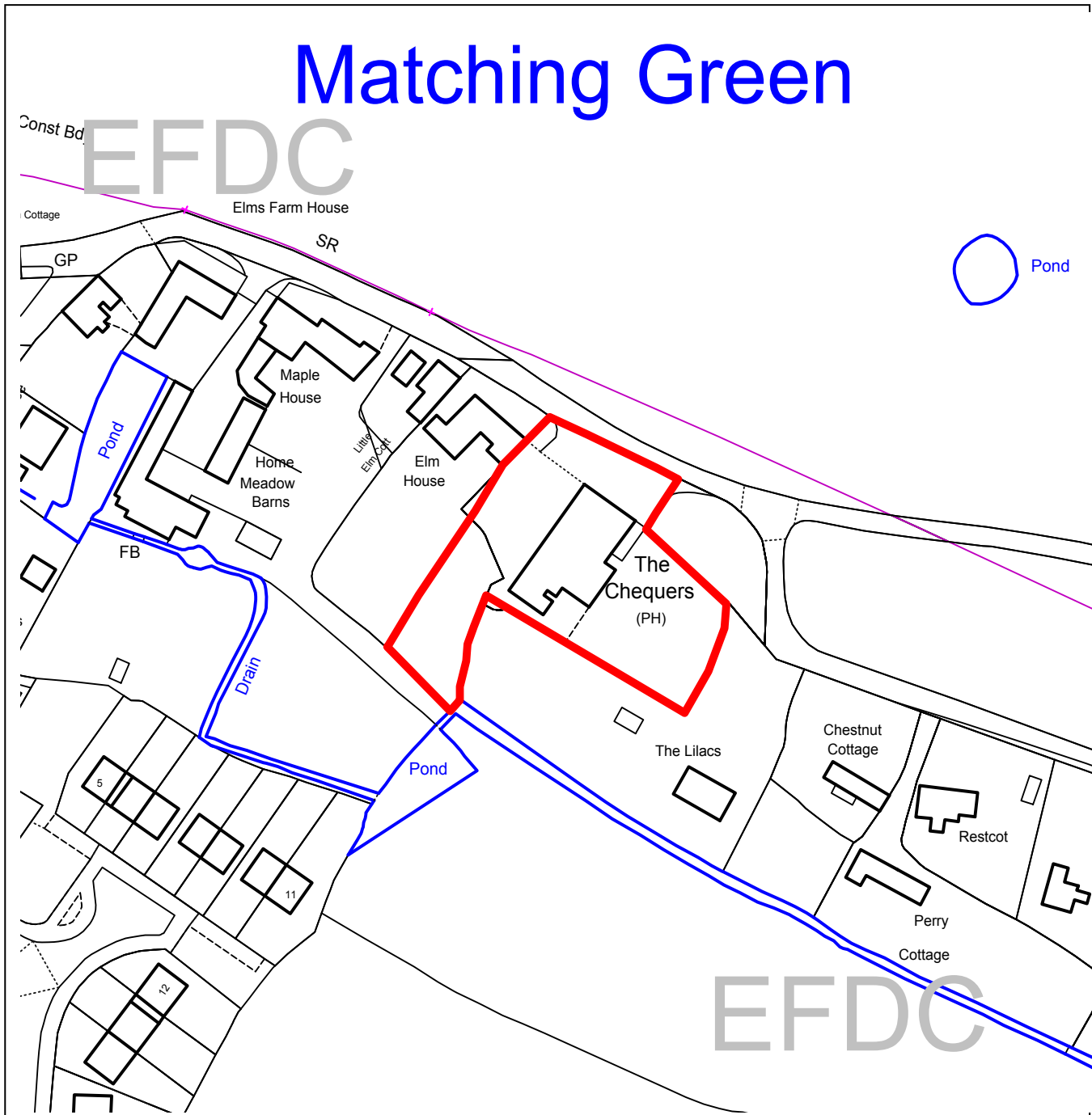
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Agenda Item Number 3

### Matching Green



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Application Number:	EPF/2654/17
Site Name:	The Chequers, Matching Green, Matching, CM17 0PZ
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2654/17
<b>SITE ADDRESS:</b>	The Chequers Matching Green Matching Essex CM17 0PZ
<b>PARISH:</b>	Matching
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr R Zeolla
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed rear extension to enclose existing outdoor dining area.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=600581](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=600581)

**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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the southern elevation 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.
- 4 No development shall take place until details of 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 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 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, 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.

- 6 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Landscape Planning Ltd 'Tree protection plan' drawing number 70291-01 dated 3rd October 2017.
- 7 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.
- 8 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.
- 9 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: E.1623 - 17 - 10 A, E.1623 - 17 - 11 A, E.1623 - 17 - 12, E.1623 - 17 - 13.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

#### **Description of Site:**

The application site is located on the southern side of Matching Green and accommodates a previously extended detached public house named The Chequers with associated parking for 24 vehicles and garden area. A decking area to the rear of the building accommodates an external dining area. The site is surrounded on three sides by residential properties with an open green to the north.

The site is located within the Metropolitan Green Belt and Matching Green Conservation Area.

#### **Description of Proposal:**

Planning permission is sought for the erection of a rear extension to enclose an existing outdoor dining area and food preparation area. The existing decking and outbuildings would be removed.

The extension would be between 7.556m and 9.95m deep by 21.29m wide. It would extend the existing building to the southern boundary with The Lilacs to the rear. It would be finished with horizontal black weatherboarding to the sides and slate roof tiles to match the existing. The extension would also accommodate a separate smaller bar and customer toilets and store cupboard.

The applicant argues that one of the ideas of the extension is to transfer existing dining facilities from the front bar area to the rear of the property so that the front bar area is available only as a “pub” basis rather than being for dining so this will reduce customers eating. The project is therefore one of remodeling the interior of the restaurant area and to allow the traditional pub zone to the front of the property to be re-created. The extension would effectively enclose and existing dining area that is covered by large umbrellas. This area is used when weather is conducive to do so although there are external heaters. The extension would result in the restaurant area being extended so that it could be used all year round.

The existing parking to the side of the building would remain. The applicant’s agent states that there are 24 parking spaces on site.

### **Relevant History:**

EPF/0086/87 – Single Storey Side Extension – Approved  
EPF/1293/91 – Single Storey Kitchen Extension – Approved  
EPF/1103/99 – Alterations and Extensions – Refused  
EPF/1775/99 – Amended application, alterations and extensions – Approved  
EPF/0456/03 - Proposed addition to improve kitchen facilities, provide new toilet and rest room form fire escape from first floor, change of use of residential garden to extend existing car park – Approved

### **Policies Applied:**

National Planning Policy Framework 2012

Local Plan (1998) and Alterations (2006)

CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
DBE1 – Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE4 - Design in the Green Belt  
DBE9 - Loss of amenity  
HC4 – Protected Lanes, Commons and Village Greens  
HC6 – Character, Appearance and Setting of Conservation Area  
HC7 – Development within Conservation Areas  
ST4 – Road safety  
ST6 – Vehicle parking  
LL10 – Adequacy of provision for landscape retention

Epping Forest Local Plan 2017 (submission version)

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council’s decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the

Plans are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP5 – Green Belt and district open land  
DM4 – Green Belt  
DM5 – Green and Blue Infrastructure  
DM7 – Heritage Assets  
DM9 – High quality design

### **Summary of Representations:**

#### **MATCHING PARISH COUNCIL – OBJECTION –**

At the recent Parish Council Meeting on 06/11/2017 it was clearly demonstrated by members of the public in attendance and letters submitted to the Parish Council and Epping Forest District Council, that there was an overwhelming objection to the planning application submitted by The Chequers Public House in Matching Green.

The points that were discussed are listed below:

- The village of Matching Green is located in a conservation area with The Green being a Protected Village Green.
- The Greenbelt must be considered regarding parking in this application.
- The fire hydrant, located outside of Chestnut Cottage, is constantly obscured by patrons, parking, creating a fire hazard.
- Access for the Fire and Emergency Services are often blocked by cars.
- The Chequers currently has a severe lack of parking spaces which leaves visitors no other option but to park on the Village Green ~ causing erosion of the verges.
- The Parish Council are spending £1000's to prevent the erosion as we have a duty of care for this Protected Village Green
- The Chequers has been developed (by 300%) from the original build ~ The last extension being carried out in the 1990's
- The homes either side of The Chequers are Grade 2 listed and have been experiencing noise for many years, especially when people are leaving The Chequers late at night, and also have issues with parking outside of their homes. Being Grade 2 Listed buildings, they do not have the luxury of the option of secondary glazing.
- Other residents are also currently subjected to increased noise levels and traffic in large volumes from visitors to The Chequers, even more so on 'special events evenings ' of which there are many.
- Although the proposal is mainly a rear extension, there is a visual difference to the front aspect of The Chequers, albeit small,
- Matching Parish Council feel that this application is a disregard of Essex County Council's building guidelines.
- Summary

Matching Parish Council is concerned about the increase in vehicles to the area on a year-round basis. The Village is struggling to control the current seasonal influx of cars, whose drivers having little or no regard to the village green and the residents that surround it. The careless manner in which visitors' park is detrimental to the surroundings. The road outside of The Chequers is narrow and at times difficult for two vehicles to pass each other. On busy occasions due to the volume of cars parking on the roadway, it becomes a danger. Parked vehicles can stretch all along the verges creating disruption and devastation to a protected area of land that Matching Parish Council have spent time and money trying to keep from being destroyed.

The Parish Council realise that The Chequers has been a valuable and integral part of Matching Green for 200 years. However, as in many rural locations, the homes surrounding it are much



older and so are the roads, which are not able to withstand the sheer volume of traffic which is repeatedly and haphazardly, parking on the protected verges and narrow slip roads, thereby creating an even more narrow pathway. The Council acknowledges that cars are a troublesome point the world over, however, Matching Green is a unique picturesque well cared for Village, being the reason why many of us choose to live here. We as a community simply cannot warrant the need for more cars in the village when it will not be in the interest of the Village.

We draw your attention to the following statement taken from DEFRA Management and Protection of Town and Village Greens:

In our view, a court is more likely to find that vehicular use contravenes section 12 or section 29:

- if the use is very frequent;
- if the use is by very large or slow moving vehicles
- if the vehicle is parked on the green or
- if damage is caused to the green by the vehicular use.

Listed buildings and conservation areas act Section 72 requires that LPAs pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 neighbours were consulted by letter and a site notice was displayed – Occupiers of 12 neighbouring properties have OBJECTED to the proposal on the following grounds:-

#### CHESTNUT COTTAGE, MATCHING GREEN

- Noise from live music and events have been loud and intrusive and from customers leaving the pub including vehicles noise – More of an events venue now – music levels audible at a considerable distance
- Pub has doubled in size
- Substantial increase in cars has led to parking and access problems which impacts on the green and highway safety
- The present activities at the limit of acceptability so further development is unthinkable
- Impact on new house at Lilacs behind.
- Increase in size would require 80 spaces – Matching Green has neither the public transport or public car park
- The extension will mean more customers, more traffic, more noise, more erosion and more parking throughout the village.
- Land ownership issues
- Incorrect use class A3 not A4

#### MAYTREES, MATCHING GREEN

- Changed from being a small country pub to substantial restaurant and events business
- Premises has been significantly extended
- Loud voices and general noise from visitors
- Indiscriminate and chaotic parking on and around village green
- Road safety issues
- Application will exacerbate all this
- Over development of already busy commercial business
- Wholly disproportionate increase in footprint of building.

- Anomalies/irregularities with application including land ownership issues/site boundaries etc
- Seven spaces shown on plan not accurate as not being used
- Increase in floorspace would require 80 parking spaces
- No planning permission for decking to the rear
- The building is locally listed -should a listed building application be submitted?
- Over 50% of buildings nearby are of historic significance (listed or locally listed) – character of conservation area would be affected

#### JASMIN COTTAGE, MATCHING GREEN

- Increased traffic
- Increased parking
- Increased noise
- Increased damage to the village green
- Increased damage to the verges of the narrow roads around the green.

#### HORSE GATE, MATCHING GREEN

- Over expansion
- Noise levels
- Traffic and parking problems
- Highway safety
- And additional erosion of the green
- The situation has become intolerable and this will only magnify the problem

#### 5 HULL GREEN, MATCHING GREEN

- Will result in additional parking problems
- Road safety issues
- Impact on green
- Less parking as more staff required

#### WINGATES, MATCHING GREEN

- Over development on a business that has been allowed to expand out of proportion to the detriment of the village.
- Noise issues
- Traffic issues
- Parking on green
- Tables on parish council land
- Tables to front where parking should be

#### FAIRFIELD, DOWN HALL ROAD, MATCHING GREEN

- Increase in parking – pub has limited parking so will lead to parking on green
- Proposal would result in dining all year round
- Erosion of green will get worse
- Overdevelopment in village
- Extension out of keeping with the surrounding area

#### 3 BRICK COTTAGES, MATCHING GREEN

- Overdevelopment
- Increased traffic
- Noise
- Parking
- Erosion of the green

#### 10, HULL GREEN, MATCHING GREEN

- Green can not accommodate any more cars – erosion
- Difficult to drive away from green some days
- Supporter of Mr Zeolla but pub has reached its capacity

#### THE LILACS, MATCHING GREEN

- Contrary to LL5 – protection of urban spaces
- Contrary to HC4 – Protected lanes, commons and village greens – adverse impact upon.
- Block plan shows land not owned by the Chequers
- Spaces to the front cannot be used as parking
- Lack of parking
- Cars damage green and block entrances and proposal would cause further damage
- Contrary to DBE2, 3 and 4
- Noise impact on neighbour to rear from rooflights within the extension
- Development out of keeping with listed buildings and area
- Water pollution issue
- Land ownership issues
- Building regulations issues

No address supplied – email only

- Parking
- Overdevelopment

No address supplied – email only

- Appears insufficient parking,
- Parking and access problems
- Extension will exacerbate existing situation
- Noise, both from music at regular functions and events and from customers and cars entering and leaving the premises at all hours.

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

The main considerations in relation to the proposal are the principle of development, the impact on the Green Belt, the overall design and impact on the surrounding area, living conditions considerations, landscaping issues and highway safety/access.

#### *Principle of Development*

Paragraph 28 of The National Planning Policy Framework argues that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Bullet point 4 of that paragraph states that Local Plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and

places of worship. The proposed extension is therefore acceptable in that it would be promoting the development of the business.

### *Green Belt*

The building has been extended a number of times over the years that it is likely that any additional extension would be considered, when added to the previous permissions, disproportionate to the original building.

However, the application site is located in a built-up enclave within a 'village' for the purposes of paragraph 89 of the NPPF. Limited infills are acceptable within a village and since there is no requirement for 'limited infill' to "*not to have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development*" the increased size of the proposed extensions over the original dwelling, in Green Belt terms, is not a factor in whether the proposal is acceptable or not.

In addition there is no definition of what constitutes "limited" and what constitutes as "infill", whether that is an outbuilding, a new building to extensions attached to the building. Therefore Officers consider it can be reasonably interpreted that extensions qualify as infill and in this case the extension proposed here is considered limited and as such would not constitute inappropriate development harmful to the Green Belt.

Notwithstanding the fact that the building has been extended a number of times previously given that the site is located within an existing village and the extensions is considered to be limited infill, the proposal is considered acceptable in this instance.

### *Impact of Conservation Area*

The proposal here is considered to be of a design in keeping with the rural location however given its siting within a conservation area, the Council's Conservation Officer has commented on the proposal.

This building subject to this planning application is locally listed, is an early Victorian red brick coach Inn fronting the green and makes a strong contribution to the Matching Green Conservation Area. The building has been significantly extended to the rear; however, it has been done in a way that preserves the character and appearance of both the locally listed building and the wider conservation area. The existing additions feature traditional building and roof forms. The use of black stained weatherboarding gives them an immediate subordinate appearance and helps reducing their visual impact.

This planning application follows pre-application advice given on a similar scheme where the size and general appearance of the development was deemed acceptable. Although it is acknowledged that the building has been already substantially extended it is considered that the visual impact that will result as part of the proposed enclosure will be minimal. The proposal would not appear cramped within the site.

As the outdoor dining area already exists the proposal would not encroach the land around the building further. In addition, the existing area is covered with large awnings so there is already some feeling of enclosure. In addition, due to its design which has drawn on architectural references from the existing and using matching materials, the proposal will blend in nicely with the previously approved extensions. It is therefore considered that the proposal will preserve the character and appearance of both the locally listed building and the surrounding conservation area.

With regards to the potential impact on the green itself and the objections received, the proposal could have a detrimental impact on the conservation area by increasing the parking of cars on the green causing further erosion of its edges. It is not considered that enclosing this area would materially increase the level of parking around the green than that which is currently experienced and thereby the enclosing of the existing external dining area is not considered contrary to policy HC4 of the Local Plan which seeks to protect, amongst other things, village greens.

It is understood that the Parish Council started to address the issues by installing kerbs on some portions of the green however notwithstanding this cars are still "bumping" up onto the green. Photographs have been submitted by the Parish Council which show this. In terms of protecting the green, if possible the Parish Council could consider the installation of low timber posts that by being visually passive they would preserve the appearance of the green while effectively preventing the parking of cars. If customers knew that it was difficult to park either within or near to the pub when visiting the site, this may force them into alternative ways of travelling to the pub and/or potentially car sharing, which is the thinking behind of the maximum parking standards policy.

### *Living Conditions*

In terms of visual impact, The Lilacs is the only dwelling that could be potentially materially affected by the proposal but given the size of the extension and the location of the dwelling it is not considered that the maximum height which is approximately 3.2m to eaves level then hipping away would not appear excessively overbearing when viewed from the neighbouring property.

A new dwelling has been approved recently within the garden of the Lilacs (EPF/0320/17) which would be closer to the extension than the existing dwelling. The main fenestration of the approved dwelling faces away from where the extension would be sited. Although the dwelling would be close to the shared boundary given the height of the existing boundary hedge only the upper part of the extension and the roof hipping away would be visible. There is already an awning at a similar height in this location. It is not considered that the proposed extension would result in excessive harm to this future neighbour's amenity. Given also that there is an abundance of amenity space serving this property the extension would not appear overbearing with outlook from the approved dwelling being maintained to an acceptable level especially from the principal elevation facing away from the pub to south where the main fenestration serving the habitable rooms are sited. The southern facing windows of the pub extension would serve toilets so these can be conditioned to be obscured as to avoid any potential overlooking issues.

With regards to noise a number of neighbours have objected on the grounds that the proposed extension would result in an excessive amount of noise emanating from the premises especially as the area to be enclosed would be used all year round instead of in months with milder weather. The Council's Noise Team were consulted on the application and no objections have been raised by them due to the fact that there is no evidence to demonstrate that the extension would result in increased noise levels that would excessively harm the living conditions of neighbouring occupiers.

The Environment & Neighbourhood Manager has confirmed that the Environment & Neighbourhoods team received two unsubstantiated complaints regarding noise from music in December 2013 and January 2014. They have not visited the property recently from their records and the application does not warrant an objection.

It is accepted that a number of the dwellings close to the pub are listed so do not benefit from the double glazing which would mean that they could be more affected however an external dining area already exists along with a large area of garden which would inevitably result in higher noise levels when busy.

Although the enclosing of this external seating area would result in this area being able to be used all year round, there is no evidence to demonstrate that this would generate such an excessive amount of noise to justify a refusal on these grounds. In addition, during the months where the external seating areas would be more heavily used, the noise generated would likely to be much higher than that generated if it was this area enclosed as proposed. As stated, no objections have been raised by the Council's Environment and Neighbourhoods Team.

### *Highways Issues*

Essex County Highways have been consulted on the application and they have no objection to the proposal. The applicant contests that as the proposal is to enclose an already existing albeit external dining area, there would not be an increase in vehicle movement and therefore no additional parking is required.

Apart from existing parking to the side of the pub, the permission in 1999 for extensions under EPF/1775/99 showed an area to the front of the building being set aside for parking for 6 vehicles. A condition was imposed for this area to be retained for parking. An approved extension under EPF/0456/03 showed additional car parking spaces being provided by extending the car park to the southwest by including garden area from the adjacent dwelling Elm House. However the parking to the front was not included in the approved site plan. This area is now being used for outdoor seating.

With regards to the current proposal, the submitted application form states that there are 21 parking spaces proposed with 2 for disabled parking. However this appears to include the spaces to the front and not the additional spaces approved under the 2003 permission. Upon discussion with the applicant's agent, a revised site plan has been submitted with the spaces to the front of the building removed and the additional parking approved under the 2003 approved shown. The applicant has subsequently clarified that there are 24 spaces in total off road and although the spaces have not been formally marked on the plan given the area set aside this figure appears reasonable.

In terms of parking standards, Essex County Council Parking Standards Design and Good Practice September 2009 seeks a maximum of 1 parking space per 5sqm of floorspace for A3/A4 uses.

The extension (according to the drawings) would add a further 160sqm to the existing building which would result in an overall floorspace of around 470sqm. According to the standards a maximum number of parking spaces required would be 94. The amount provided would be 24 which is well below this figure.

However, this is a maximum standard as current policy is to discourage additional vehicle movements to and from sites, so by providing an amount less than the maximum this would still comply with the standards.

The proposal is effectively to replace an existing dining area located on decking to the rear with an enclosed extension. No formal consent has been received for the decking however it appears from Council's records that the decking has been in situ in excess of four years which would make now make it lawful. Notwithstanding this, the area in question could be used anyway for external dining with or without the erection of decking. Whilst, officers accept that this area could be used all year round for both dining and possible functions, it is difficult to justify a refusal on the grounds that the extension would result in such an intensification of the overall use on the site to unacceptably increase the amount of vehicles parking in the area which would be detrimental to highway safety.

Objections have been raised stating that the existing situation is already unbearable and that indiscriminate car parking off site around the green in busy periods has an impact both visually and on highway safety grounds.

No objections have been raised by Essex County Council in relation to highway safety and the visual impact from cars parking around the green has been addressed in the section above.

### *Trees and Landscaping*

In terms of impact on trees, the Council's Tree and Landscape Officer has no objections to the proposal subject to the imposition of relevant conditions relating to retention of trees and shrubs shown on the submitted plans and to ensure that the development is carried out in accordance with the details contained within the submitted tree reports.

### *Third party representations*

The objections received regarding impact on the green belt, the green and conservation area, neighbours living conditions and parking have been considered in the main body of the report above.

In terms of use class, an objector states that the use is A4 (pub) and not A3 (restaurant) as stated on the form. Notwithstanding this, the parking standards are the same for both and the assessment of the application is not materially prejudiced by this.

Issues raised by the Parish Council relating to patrons parking in front of a fire hydrant and emergency access cannot be controlled by the Local Planning Authority. In addition inappropriate parking habits allegedly displayed by customers is not a material planning consideration. Approving an extension does not automatically mean that the customers using it would park inappropriately and a refusal on this could not be justified on planning grounds.

The quote provided from Defra sits outside of planning legislation so is not a material planning consideration.

Again, although not necessarily material planning considerations, some concerns were raised regarding land ownership issues. The Location Plan has been amended to address the concern relating to these. In addition, notwithstanding the legal titles, the car parking area that originally belonged to Elm House was approved to be car parking space used in conjunction with the pub in 2003 and has been used as such ever since. There is no intention for this area to be removed and is shown on the proposed site plan.

A neighbour has raised the issue of some pollution entering a watercourse from the application site. Whilst not a planning matter, the issue been brought to the attention of the Land and Water Quality Officer within the Engineering Drainage and Water Team who will investigate and take all reasonable steps to bring about a resolution.

The owner of The Lilacs is concerned regarding the extension encroaching onto his land however the question of boundaries with The Lilacs has been subject to a Personal Boundary Agreement between the applicant and the new owners/developers of The Lilacs. The boundary line has been changed and this has been set out on the adjusted site plans as well. In addition the Applicant's agent has confirmed that there will be no guttering or overhang for the roof which would affect land owned by The Lilacs.

A further issue has been raised relating to the siting of the building within 1m of the boundary with The Lilacs to the rear as there would be no walkway creating a fire hazard. There is not planning restriction to the extension being sited on the boundary however.

Lastly it has been questioned whether listed building consent is required. The building is locally listed so no application for Listed Building consent is necessary.

**Conclusion:**

In light of the above, the principle of the proposed development is considered acceptable in that it is supporting a rural business and constitutes limited infilling within an existing village where there is no defined volume increase. The extension complements the existing building and would be in keeping with the character and appearance of the conservation area. Given its size and siting, it is not considered that existing and potential future neighbour's residential amenity would be excessively harmed by the proposal.

The Highways Authority have no objection to the scheme and by enclosing the existing dining area it is not considered that there would be a material increase in vehicular movements to and from the village over and above the existing situation.

In terms of impact on trees, the Council's Tree and Landscape Officer has no objections to the proposal subject to the imposition of relevant conditions.

In light of the above and taking into consideration the representation received, the proposal is considered to comply with both relevant National and Local Plan policy and is recommended for approval.

***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: Mr Steve Andrews  
Direct Line Telephone Number: (01992) 564337***

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

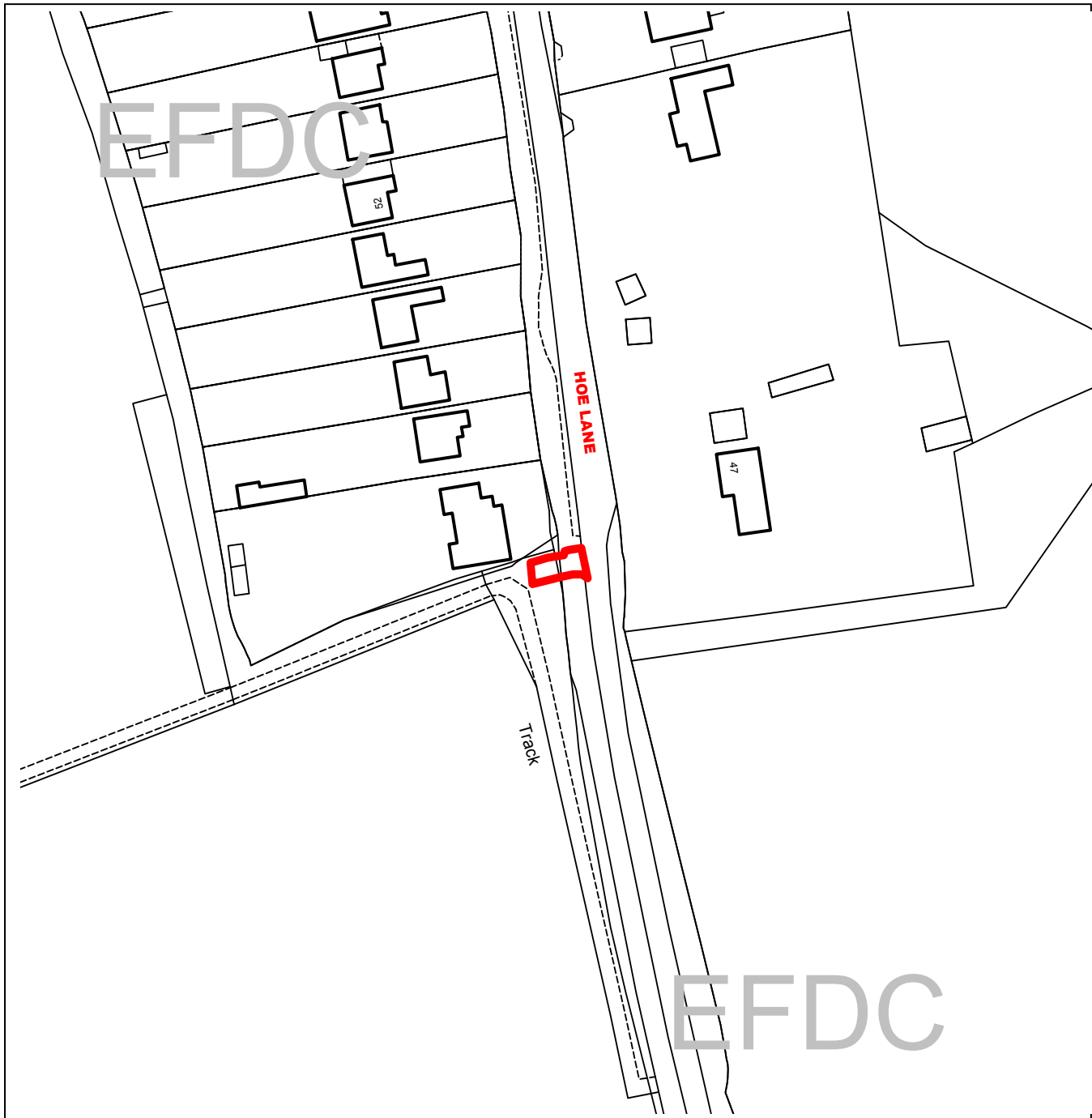


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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/2666/17
Site Name:	Land to rear of 40-62 Hoe Lane, Abridge, RM4 1AU
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2666/17
<b>SITE ADDRESS:</b>	Land to rear of 40 -62 Hoe Lane Abridge Essex RM4 1AU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr James Phillips
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new vehicular/highway access from Hoe Lane to the existing dwelling (ref. PN/EPF/3000/14) (Revised application to EPF/1706/17)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=600615](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=600615)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 17/102 01 A, 17/102 02 A
- 2 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 3 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 4 There shall be no discharge of surface water onto the Highway.
- 5 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 Class E of Part 9 of Schedule 2 to the Order shall be undertaken within the blue lined area without the prior written permission of the Local Planning Authority.

This application was deferred from the last meeting to enable members to visit the site, which will have taken place before the date of the meeting. The original report is reproduced below, and the presenting officer will update members with regard to the current enforcement situation.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)).*

### **Description of Site:**

The red lined application site is a strip of land, roughly 4m wide by 9m long, that runs west from Hoe Lane adjoining agricultural land with a rough track which leads to a building, formally an open sided agricultural building that was granted consent on appeal via a prior notification, for use as a dwelling with a small residential curtilage. The blue lined area surrounding the application site is agricultural land. The application site is within the Green Belt.

The site is situated adjacent to the highway on the eastern boundary of a field rear of houses on the west side of Hoe Lane, Abridge. Immediately to the rear of the site are a group of preserved trees and land that is part of Great Downs Farm. A pond immediately south of the site straddles the boundary of that field and Great Downs Farm. Land levels fall to the east and to the north.

The existing building is 16m in length, 5m wide and has a height of 3m with a mono pitched roof and will become a 2 bedroomed dwelling once works are completed.

### **Description of Proposal:**

Planning permission is sought for a new vehicular access from the highway in the form of an approximately 8 metre wide bell mouthed entrance with a 9 metre long by 4 metres wide area of hard surfaced roadway linking to an existing unsurfaced access track leading to the new dwelling.

### **Planning History:**

EPF/2389/12 – Erection of cattle barn and associated hardstanding - Allowed at appeal

EPF/3000/14 – Prior approval for change of use of cattle barn to a dwelling house – Allowed at appeal

EPF/1705/17 – Proposed new access and roadway – Refused

### **Policies Applied:**

National Planning Policy Framework 2012

Local Plan (1998) and Alterations (2006) policies relevant to this application are:

CP2	Protecting the rural and built environment
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of amenity
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
LL2	Inappropriate rural development
LL10	Adequacy of provision for landscape retention
ST4	Highway Safety

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.

*Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP6	Green Belt and District Open Land
SP7	The Natural Environment, Landscape Character and Green and Blue Infrastructure
T1	Sustainable Transport Choices

**Summary of Representations:**

LAMBOURNE PARISH COUNCIL - Objection – The proposed access would be detrimental to the amenities of 62 Hoe Lane and the land is already served by two existing accesses.

Neighbours:

7 neighbours notified - 6 OBJECTIONS RECEIVED – 47, 48, 50, 58, 60 and 62 HOE LANE-  
Summarised Below:

Impact on visual amenity and landscaping

Impact on the Green Belt

Impact on amenities of no. 62

Highway safety

### **Issues and Considerations:**

The main issues to be addressed are:

- Green Belt and effect on character and appearance
- Effect on neighbours living conditions
- Highways

#### **Green Belt and character and appearance**

A new 8 metre wide crossover and 4 metre by 9 metre area of hardstanding is proposed adjacent to Hoe Lane. The proposed access would connect to an existing loose track which runs to the dwelling at the top of the field. Currently this side of field is bound by vegetation along the roadside behind a post and rail fence.

Whilst a new track is not considered necessary, an improved access of an appropriate scale would be considered acceptable in order to serve the residential dwelling. The proposal would not permit any changes to the track and would not affect any existing vegetation or boundary treatment along the existing track.

Moreover the visual impact of 9 metres of asphalt at 4 metres wide would not be significantly detrimental to the appearance of the Green Belt or out of character with the rural area and would be very similar to the entrance to no. 47 Hoe Lane opposite. The development is in scale with the single residential property that it will serve.

Whilst the development is inappropriate in the Green Belt the fact that there is an authorised residential use currently without direct vehicular access, and which is likely therefore to lead to inappropriate roadside parking and /or confusion to visitors is considered to amount to very special circumstances sufficient to outweigh the relatively limited impact on openness from the creation of the access. The development would not be conspicuous within the street scene and the landscape, in line with policy GB7A of the Adopted Local Plan.

#### **Effect on neighbours living conditions**

Policy DBE9 seeks to ensure that development would not result in an excessive loss of amenity for neighbouring properties.

The provision of hard surfaced access of such a scale, adjacent to the boundary of no. 62 would be appropriate the scale of the property it will serve and would be unlikely to lead to an unacceptable amount of disturbance to the occupiers of number 62 as the two bedroomed dwelling under construction would only facilitate a limited number of vehicle movements.

## Highways

Essex County Council's Highways Engineers have been consulted as part of the application and have no objections to the proposed access subject to the relevant conditions being imposed.

### *Response to third party responses received*

These have been dealt with within the main body of the report.

## **Conclusion:**

It is considered that the proposed development will not have any significant impact on the character and appearance of the locality and to the rural and open character of the Green Belt. For these reasons, it is recommended that planning permission be approved.

***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:***

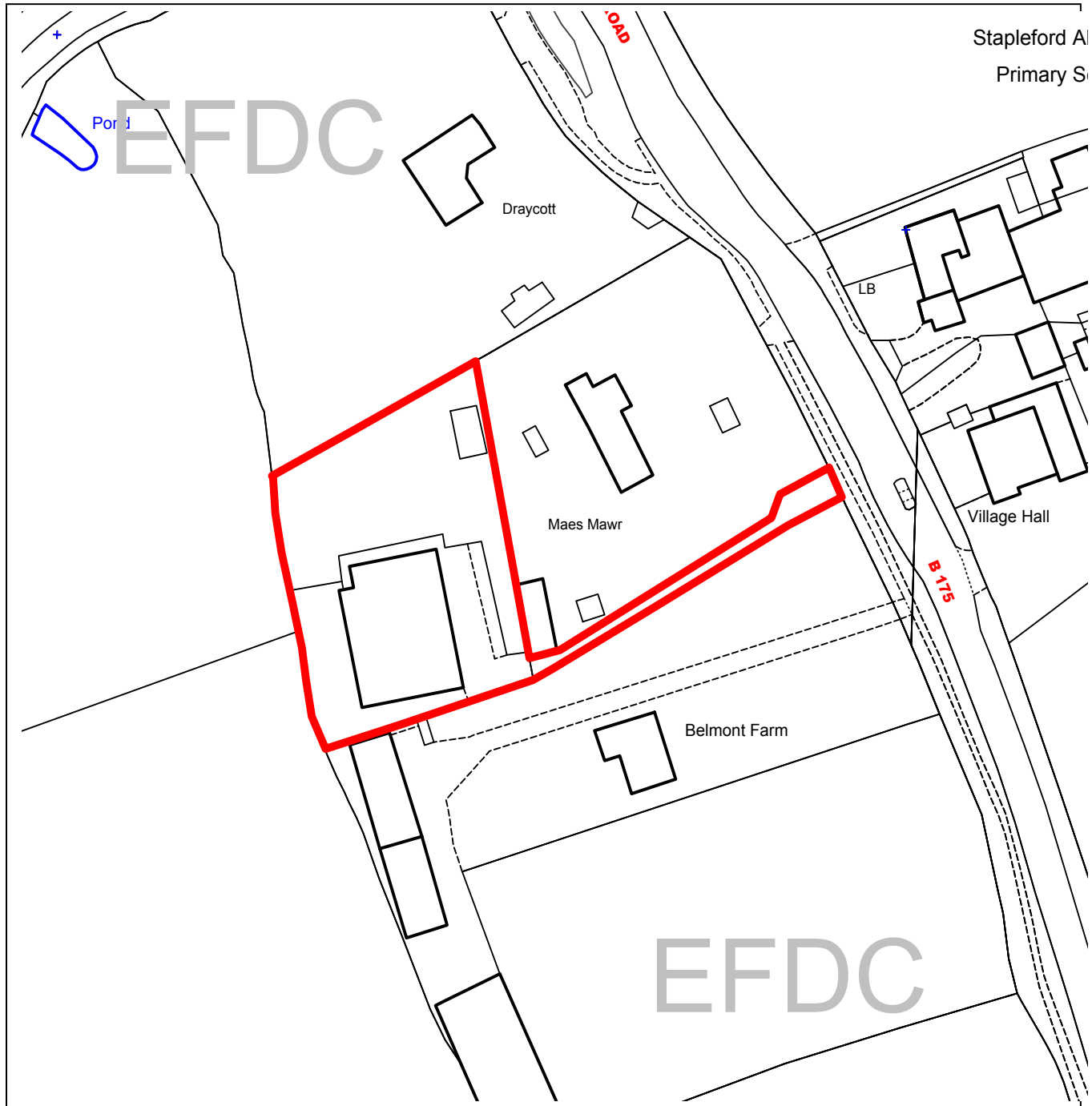
***Planning Application Case Officer: Corey Isolda  
Direct Line Telephone Number: 01992 564380***

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



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/2933/17
Site Name:	Maes Mawr, Stapleford Road, Stapleford Abbots, RM4 1EJ
Scale of Plot:	1/1250



**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2933/17
<b>SITE ADDRESS:</b>	Maes Mawr Stapleford Road Stapleford Abbotts Essex RM4 1EJ
<b>PARISH:</b>	Stapleford Abbotts
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Ms Siobhan Cook
<b>DESCRIPTION OF PROPOSAL:</b>	Demolish existing barn and erect three, two storey detached dwellings 2 (no.) x 4 bedroom and 1 (no.) x 3 bedroom
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=601835](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=601835)

**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 nos:  
  
199115: (1), (3), (4), (5),  
19417/SP dated October 2017,  
19417/SPH dated December 2017,  
SJG1401,  
Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 Rev A dated 29/1/15,  
4346-D-A- rev A,  
Phase 1 Geoenvironmental Assessment by Green Earth Management Co Ltd reference 975 R)1 Issue 2 June 2017
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

- 5 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 and 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.
- 6 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.
- 7 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.
- 8 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 tools. 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.
- 9 No development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The

report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 10      Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 11      Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 12      Prior to the installation of any lighting within the site, details of a bat friendly lighting scheme which accords with Bat Conservation Trust guidance shall be submitted to and approved in writing by the Local Planning Authority.  
  
The lighting scheme shall be carried out in accordance with the details so approved, and shall be maintained as such thereafter. No other lighting shall be installed within the site.
- 13      No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and / or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

- 14 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 15 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.
- 16 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.
- 17 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.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3).*

### **Description of Site:**

The site is located to the rear of the residential property at Maes Mawr, Stapleford Road. The access road running from eastern side of Stapleford Road and the south side of the site known as Maes Mawr to the development area is also included within the red line of the site. It covers an area of 0.3 hectares. Ground levels fall away from north to south.

There is ribbon development of sporadic housing along this part of Stapleford Road which is made up of chalet type houses within very generous verdant curtilages.

The site falls within land designated as Green Belt

**Description of Proposal:**

Permission is sought for the demolition of the existing barn and erection of three, two storey detached dwellings. (2 x four bedrooms and 1, three bedrooms).

**Relevant History:**

Reference	Description	Decision
EPF/1833/17	Application for approval of details reserved by condition 6 'contaminated land - phase 1' on planning application EPF/0252/15 (Demolition of existing barn, stables and shed and erection of two, two storey detached dwellings and garages with associated access and landscaping works (revised design). Revised application to EPF/1824/14)	Approved
EPF/3082/15	Non-Material amendment to planning permission reference EPF/0252/15 (Demolition of existing barn, stables and shed, and erection of two, two-storey detached dwellings and garages, with associated access and landscaping works) to enable Maes Mawr to retain use of southern access.	Approved
EPF/0252/15	Demolition of existing barn, stables and shed, and erection of two, two storey detached dwellings and garages, with associated access and landscaping works (revised design) Revised application to EPF/1824/14.	Grant Permission
EPF/1824/14	Demolition of existing barn, stables and shed, and erection of two detached dwellings and garages, with associated access and landscaping works.	Refused
EPF/0132/83	Replacement stables incorporating exercise area, horse box storage, and ancillary storage	Grant Permission
EPF/0769/82	Erection of barn	Refused

**Policies Applied:***Adopted Local Plan:*

CP1	Achieving sustainable development objectives
CP2	Protecting the quality of the rural and built environment
CP3	New development
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE4	Design in the Green Belt
DBE8	Private amenity space
DBE9	Excessive loss of amenity to neighbouring properties

ST4	Road safety
GB2A	Development in the Green Belt
GB7A	Conspicuous development
ST6	Vehicle parking
H2A	Previously developed land
RP4	Contaminated land

#### *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.

#### *Epping Forest District Local Plan Submission Version 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP1 -	Presumption in Favour of Sustainable Development
SP2 -	Spatial Development Strategy 2011-2033
SP6 -	Green Belt and District Open Land
SP7 -	The Natural Environment, Landscape Character and Green and Blue Infrastructure
H1 -	Housing Mix and Accommodation Types
T1 -	Sustainable Transport Choices
T2 -	Safeguarding of Routes and Facilities
DM1 -	Habitat Protection and Improving Biodiversity
DM4 -	Green Belt
DM5 -	Green and Blue Infrastructure
DM6 -	Designated and Undesignated Open Spaces
DM7 -	Heritage Assets
DM9 -	High Quality Design
DM10 -	Housing Design and Quality
DM11 -	Waste Recycling Facilities on New Development
DM15 -	Managing and Reducing Flood Risk
DM16 -	Sustainable Drainage Systems
DM18 -	On Site Management of Waste Water and Water Supply
DM19 -	Sustainable Water Use
DM20 -	Low Carbon and Renewable Energy
DM21 -	Local Environmental Impacts, Pollution and Land Contamination

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

Number of neighbours consulted: 5

Site notice posted: Yes

Responses received:

HOOK COTTAGE HOOK LANE– Object (two objections from same address),

Was not notified of approval of the initial application for 2 dwellings?

Massive overdevelopment of this village and this is the farming end of it, fear of how much encroachment this will have onto arable land once this granted, privacy will be affected as can see the development from the much used area of our garden, ménage had been granted planning permission following submissions that this had been used over a 10 year period by regular outsiders, but other neighbours said only the owners used it for themselves, the natural drainage across fields and land to a pond in Hook Lane will be affected. When this floods the road ices over and have people in the ditch and pond itself.

The area also incorporates many large oak trees and other natural species that are home to migrating birds during the year along with bats that regularly swoop across the road. We also have newts in the area, so a check on this will need to be carried out. The natural drainage across the fields and land to a pond in Hook Lane will also be affected. Entrance opposite school will harm highway safety.

Out of character with the low density of development of the area.

PARISH COUNCIL: Object: This is yet another development in the back garden and it is an over development of the site. One of the larger houses is certainly **not** within the footprint of the barn which in the application is to be demolished. This land may also be deemed part of the Green Belt.

- There is also the problem of entry and exit opposite the school and village hall. They currently have a circular in/out driveway if proposal goes ahead they will use one gate for in/out.
- New proposed development will use their other driveway for in/out. Plan shows 4 parking places for new build houses and the extra traffic this would cause on an already congested route (particularly at school pick up and drop off times where parking is already chaotic) is unacceptable.
- The proposed houses are opposite the school and village hall, how long before the new residents would be complaining about local noise and nuisance?
- If plan is approved we would recommend Conditions that the acceptance of noise and nuisance from school and village hall is acknowledged and non-negotiable at a later date.

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

#### **Background**

Looking at the historical planning applications on the site, it appears that there was previously a barn structure on the site which was used as an equestrian riding centre. It had a cubic volume of approximately 3,655 cubic metres and a floor space of 537 sqm. It also had a maximum height of 6.7m. This building has now been demolished in accordance with planning permission was granted under reference EPF/0252/15 for the demolition of existing barn, stables and shed, and erection of two, two storey detached dwellings and garages, with associated access and landscaping works. As a result of the barn now being demolished, the permission, it is considered that implementation of this permission has commenced and as such is a material consideration in the determination of this application.

#### **Is the development appropriate for the Green Belt**

The proposed development is seeking to increase the number of units approved on the site in comparison with the approved scheme for two houses under reference EPF/0252/15.

The proposed 3 unit residential scheme provides a footprint of 338m<sup>2</sup> of development compared with the total of 370 sqm of footprint previously approved under reference EPF/0252/15. The overall heights and volumes of the houses are also similar to the houses previously approved.

Other changes include omitting the attached double garages and as a result increasing the gap from the eastern and southern boundary of the site to the closest walls of the proposed buildings. (The basement level has also been omitted, however given that this element is below ground, its loss is not considered to have a material impact on the openness of the site.)

Therefore whilst there is additional building presence between the two houses as a result of the additional house, given the above proposed changes, the overall impact of the proposal is therefore not considered to have a greater impact on the openness of the Green Belt compared with the extant permission under reference EPF/0252/15.

The proposal is therefore considered to have a neutral impact on the aims and purposes of the Green Belt in comparison with the previously refused scheme. The proposal is therefore considered to be not inappropriate development in accordance with paragraph 89 of the NPPF and policies GB2A, and GB7A of the Local Plan, as well as DM4 and SP6 of the Submission Version.

#### Sustainability

Access to the site is via an existing highway. A bus service runs through this road. There is also a school and village hall in close proximity to the site. It is for these reasons considered that the proposal is sustainably located in accordance with policy CP1 of the Local Plan as well as T1 of the Submission Version.

#### Design

The character of the wider surrounding area is defined by detached chalet bungalows set within very generous verdant curtilages. The principle of the two houses has already been agreed under EPF/0252/15. The 3 bedroom unit with part gable and part hipped roof and minimum gaps of 1m will not materially alter the appearance of the site over and above what has already been approved. The proposal is therefore considered to have a neutral impact on the distinctive local character of this locality in accordance with the requirements of chapter 7 of the NPPF and policies DBE1 and DBE4 of the Local Plan as well as DM9 of the Submission Version.

#### Trees

The Trees Officer is satisfied that subject to carrying out works in accordance to the Arboricultural Impact Assessment submitted as part of this application and further conditions the proposal will not have an adverse impact on the health and stability of existing trees on and in close proximity of the site. The proposal therefore complies with the requirements of policy LL10 of the Local Plan as well as DM9 of the Submission Version.

#### Neighbouring residential amenity

The proposal is sufficiently distant from neighbouring residential properties to ensure that they will not be excessively affected in terms of loss of light, outlook, privacy or dominance. The proposal therefore complies with the requirements of policy DBE9 of the Local Plan as well as DM9 of the Submission Version.

#### Highways



The Highways Authority are satisfied that the proposed access and number of units will not be harmful to highway safety and parking provision meets policy ST6 standards. The proposal therefore complies with the requirements of policy ST4 of the Local Plan as well as T1 of the Submission Version.

### Ecology

The Countryside team have requested that a bat survey and if appropriate follow up mitigation plans. However since no similar request by the Council under reference EPF/0252/15; nor any conditions attached to the permission in this regard and that the barn has now been demolished. It is considered that it would be unreasonable to require that this information now be submitted prior to the determination of this application, instead conditions are recommended which require hedgerows and trees are not removed between March and August in order to protect existing habitats within them and that a biodiversity enhancement plan be submitted to and approved by the Council. Details should include the installation of bird and bat boxes along with bat friendly external lighting. It is on this basis that the proposal complies with the requirements of policies NC3 and NC4 of the Local Plan and Alterations. The proposal is therefore contrary to the requirements of chapter 11 of the NPPF and the nature conservation chapter within the Local Plan as well as DM1 of the Submission Version.

### Contaminated Land

The Land Contamination Officer has reviewed the application and has found "The Phase 1 Land Contamination Report dated June 2017 has identified potentially unacceptable risks from contamination from former Smallholding / Piggeries and Stables uses and the presence of Made Ground and has advised that further investigation is required under Phase 2.

Although the report has not been updated to reflect the proposed construction of an additional dwelling in the back garden of Plot 1 already approved under the EPF/0252/15, as it should be acceptable for new site layout details to be submitted with a Phase 2 investigation protocol, it should not be necessary for a Phase 1 Condition to be attached to any approval granted." She therefore recommends that the amended conditions be attached to any permission which omits the requirement for a Phase 1 study. The proposal on this basis complies with the requirements of policy RP4 of the Local Plan as well as DM21 of the Submission Version.

### Land Drainage

Land Drainage Department has records which indicate that the property may have been flooded previously. They therefore recommend that the applicant refer to the Environment Agency's flood risk standing advice. They also recommend conditions be attached to any permission requiring details on foul and surface water drainage. The proposal on this basis complies with the Utilities chapter of the Local Plan as well as DM18 and D3 of the Submission Version.

### **Conclusion:**

The proposal is considered to meet the definition of limited infilling or partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing extant permission under reference EPF/0252/15. It is therefore not inappropriate development within the Green Belt. It also has an acceptable design; will not affect neighbouring residential amenity; the health and stability of existing healthy mature trees on the site will not be materially affected and it raises no parking or highway safety concerns. The proposal is therefore considered to comply with the requirements of

policy contained within the NPPF and the Local Plan and Alterations and as such is recommended for approval.

***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***

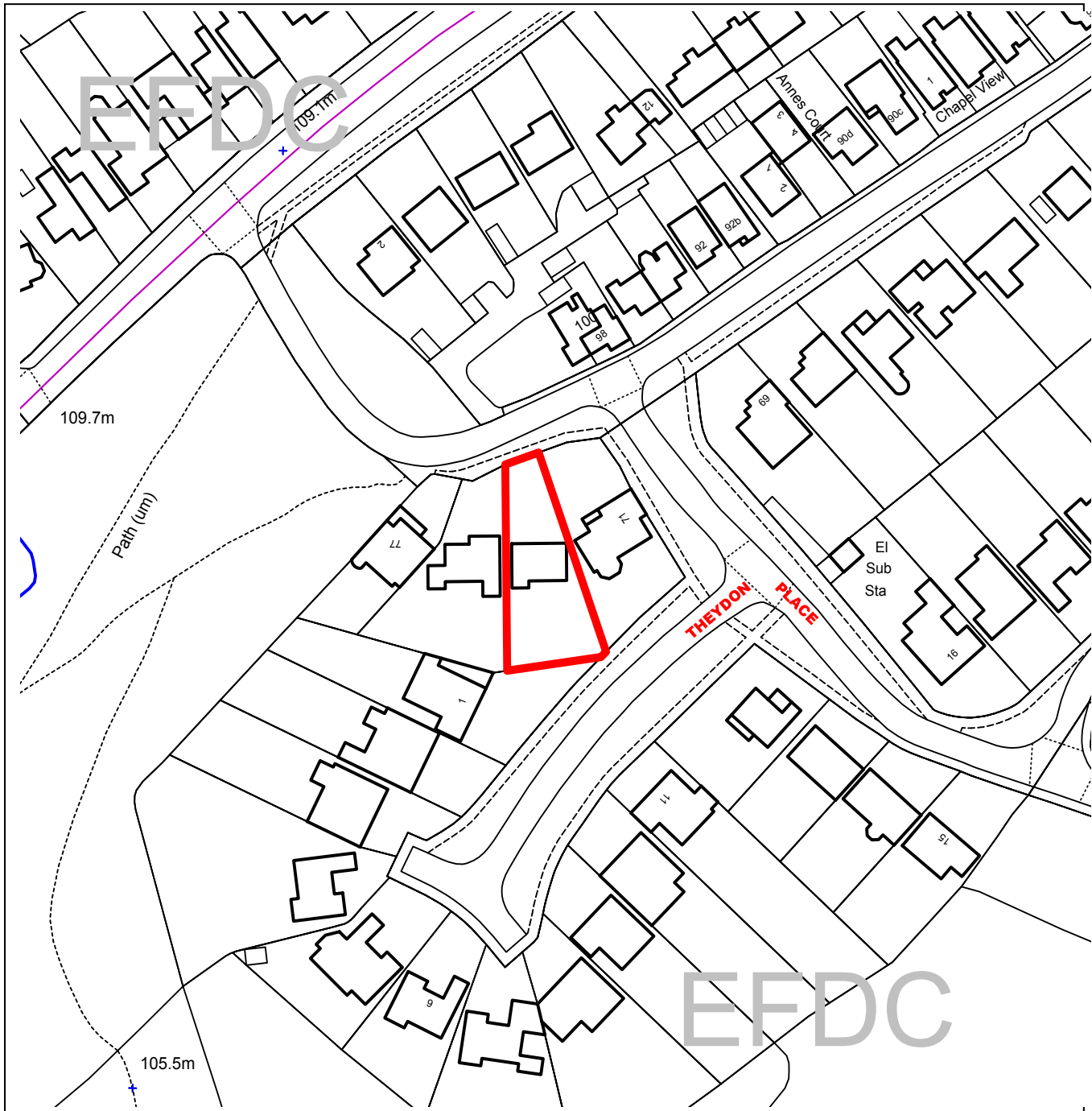
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/3153/17
Site Name:	73 Hemnall Street, Epping, CM16 4ND
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/3153/17
<b>SITE ADDRESS:</b>	73 Hemnall Street Epping Essex CM16 4ND
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Powell
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey front extension and single storey rear extension. Extension to first floor flat roof at rear. Insertion of new windows.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=602675](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=602675)

**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 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening in the extended section of the first floor bedroom within the western flank elevation 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.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))*

### **Description of site**

Detached mock Georgian dwelling located on the southwestern side of Hemnall Street. It forms the middle property of three dwellings of similar age and design however the properties are not identical. In addition a similar style of properties continue northeastwards along Hemnall Street incorporating a stretch of a further 8 mock Georgian properties Nos 55 to 69. There is a preserved Horse Chestnut Tree to the front of the site. The property is located outside of the Bell Common Conservation Area.

### **Description of proposal**

Two storey front extension and single storey rear extension. Extension to first floor flat roof at rear. Insertion of new windows.

NB: The application has been amended in that initially the application sought to change the brick of the dwelling to render and alter the windows to grey aluminium. However after an objection from the Town Council, the applicant reverted back to keeping the existing brickwork to which the extension would match and keep the colour of the window frames the same as existing. The Town Council were reconsulted on this, however an objection to the proposal has still been received.

### **Relevant History**

EPU/0041/72 - Alterations and Extensions - Approved

### **Representations Received**

EPPING TOWN COUNCIL: Objection - Whilst Committee acknowledge the proposed building materials will match the existing and as such, the brickwork will be maintained, the proposed windows and doors do not respect the character of the neighbouring properties. The proposed windows and doors are modern and are not in keeping with the street scene and the character of the surrounding area. This will also set an undesirable precedent, which will adversely affect the character of these carefully styled properties, irrevocably.

Relevant policies: CP2, CP6, CP7, DBE1, DBE2, DBE9, DBE10 (a), H3A.

Emerging Local Plan: H1A (ii) & (iii).

NPPF: Para 17, 56

Neighbours: Five adjacent neighbours were consulted - no responses received

Policies Applied

NPPF 2012

Local Plan (1998) and Alterations (2006)

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Impact on amenity

DBE10 – Extensions to dwellings

LL10 – Adequacy of provision for landscape retention

## Epping Forest Local Plan 2017 (submission version)

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM5 – Green and blue infrastructure

DM9 – High quality design

### **Issues and Considerations**

The main issues with this proposal relate to impact on neighbours living conditions and design.

#### *Living Conditions*

Given the modest size and siting of all of the extensions, there would be little impact on the living conditions of neighbouring occupiers both either side or to the rear.

Therefore the proposal would not result in a material loss of privacy ,overlooking, loss of outlook, sense of enclose or appear overbearing when viewed from neighbouring dwellings and as such would comply with policy DBE9 of the adopted Local Plan and Alterations and policy DM9 of the Local Plan 2017 (submission version).

#### *Character and Appearance*

The extensions to the dwelling are modest in size and would not appear at odds with the character and appearance of the host dwelling. The original fenestration would be updated with the bay windows to the front being removed. Single windows would replace them, similar appearance to those at first floor level and those at ground floor level at No. 71.

The first floor element of the front extension would mimic that at the neighbour at No.71 and the ground floor garage and porch extension would be sleeker in its design than the garage extensions at the properties either side.

To the rear the design of the rear would be updated with the fenestration being modernised and rear extension designed to complement the character of the host dwelling.

Although the Town Council have objected to the design arguing that the proposed windows and door do not respect the character of neighbouring properties, the design has referenced elements of No. 71 and windows can be painted and replaced without permission (with a similar appearance to those used in the construction of the house). The brickwork could also be painted without requiring permission however this application seeks to retain the existing brickwork and match the brick for the extension.

Whilst it is appreciated that the Town Council are seeking to protect the character of the dwellings as much as possible, given that the properties are not located within a conservation area it is not considered that the alterations are such that are materially harmful to the character of the area. Similarly designed properties to the northeast along Hemnall Street consist of rendered dwellings next to brick and the character and appearance of the houses do not detract from area in that location. Officers do not feel that modernising the dwelling in this location would materially detract from the surrounding area when viewed from within the streetscene.

As such the proposal is considered to comply with policy DBE9 of the adopted Local Plan and Alterations and policy DM9 of the Local Plan 2017 (submission version).

#### *Impact on trees*

There is a horse chestnut tree on the front boundary of the property that is protected by a Tree Preservation Order. Given the distance from the property it is unlikely to be affected by the proposal, it will, however require protection from development activities – e.g. storage of materials, mixing of cement and contractor parking. A tree protection condition can be added to any permission.

#### **Conclusion**

The extensions are not considered to excessively harm the living conditions of neighbouring properties and the design of them and the other alterations would not materially detract from the character and appearance of the host dwelling, the trio including the properties either side and the surrounding area. The preserved tree to the front would not be affected by the works. Therefore the proposal is considered to comply with policies CP2, DBE9, DBE10 and LL10 of the adopted Local Plan and Alterations and policies DM5 and DM9 of the Local Plan 2017 (submission version) and is recommended for approval

***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: Mr Steve Andrews  
Direct Line Telephone Number: (01992) 564337***

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

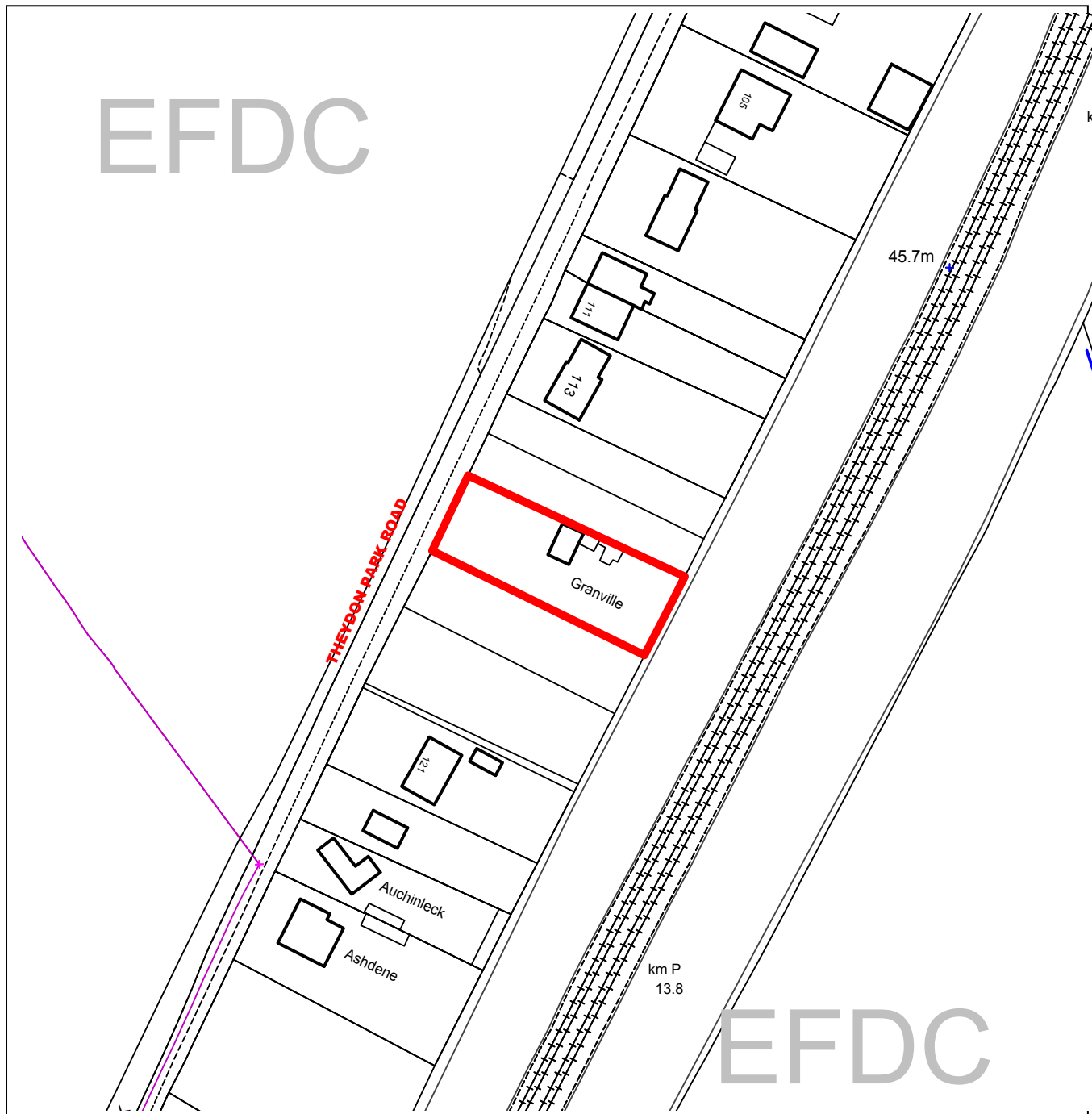


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# Epping Forest District Council

## Agenda Item Number 7



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Application Number:	EPF/3364/17
Site Name:	Granville, 119 Theydon Park Road, Theydon Bois, CM16 7LS
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/3364/17
<b>SITE ADDRESS:</b>	Granville 119 Theydon Park Road Theydon Bois Essex CM16 7LS
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Ayaz Vankad
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling, erection of replacement dwelling and front boundary fence. Erection of detached garage and relocate vehicular access point.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=603342](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=603342)

**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 nos: 1293.65, 1293.66, 1293.67, 1293.68, 1293.70 (location plan), 1293.70 (existing & proposed street scenes - with and without boundary treatment), 1293.71, 1293.72
- 3 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 extensions, roof enlargements and outbuildings larger than 10 cubic metres 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.
- 4 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.

- 5 Prior to first occupation of the development hereby approved, the proposed upper level window openings in the 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.
- 6 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 and 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.
- 7 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 tools. 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.
- 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 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.
- 10 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the application site. The installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

**And subject to an agreement under Section 106 of the Town and Country Planning Act 1990 to the effect that the above ground works for the development found lawful under Certificate of Lawfulness reference EPF/2352/14 shall not be built and any and all works carried out above ground to implement the development found lawful shall be demolished and all waste arising from such demolition is removed from the land within 6 months of the implementation of this planning permission.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

#### **Description of Site:**

The application site comprises a former recreational chalet that is a lawful dwellinghouse situated on the east side of the southern end of Theydon Park Road, between the road and the embankment of the Central Line. This part of Theydon Park Road is a private road. Furthermore, it is not part of any public right of way.

West of the road is an open field, with a substantial hedge on the boundary between the road and field. North and south of the application site are vacant chalet plots, beyond which are dwellinghouses; numbers 113 and 121 Theydon Park Road.

No 113 Theydon Park Road, to the north, is a substantial two-storey house with the first floor contained within its roof space. No 121 Theydon Park Road, to the south, is an extended single-storey house with an detached single-storey annexe (formerly a recreational chalet) in the front garden.

The existing house at the application site is a single-storey structure with a maximum height of 3.5m. Works for the erection of extensions have been commenced and appear substantially complete. Outbuildings have also been erected adjacent to the house.

The application site is part of the village of Theydon Bios, although it is situated in the Green Belt. It is not in a conservation area and is not within the setting of any listed building. No preserved trees are within the vicinity of the site.

### **Description of Proposal:**

It is proposed to demolish an existing dwelling and erect a replacement. It is also proposed to erect a detached garage, replacement front boundary fencing and relocate vehicular access point.

The proposed house would be sited 13.8m from the site boundary with Theydon Park Road and have a depth of between 12.2 and 14.5m, leaving a rear garden some 23m deep and 20m wide. The house would be set 1m from the southern site boundary and 2.5m from the northern site boundary. The detached garage would be sited adjacent to the southern site boundary, midway between the proposed house and Theydon Park Road. The vehicular access would be repositioned towards the northern site boundary and the front garden area would be laid out to provide a 4m deep landscaped area adjacent to the road, with parking and vehicle manoeuvring areas beyond. A hedge would be planted on the northern site boundary. Sufficient parking and turning space for up to 5 cars would be provided.

The house would be two-storey with the first floor contained within the roof space, taking the form of a chalet-bungalow. It would have a half hipped roof with an eaves height of 3m and ridge height of 7m. At the front elevation a central gable would be flanked by two small dormer windows. To the rear the house would have a more modern appearance with a large central fully glazed gable flanked by two dormer windows. Upper level flank windows would be narrow, either serving bathrooms or as secondary bedroom windows.

The proposed garage would be a simple structure with a square plan and pyramid roof. Eaves height would be 2.2m and maximum height 4m. Existing 1.95m high fencing to the front boundary would be replaced by 1.8m high close boarded fencing.

The application includes a signed planning obligation under S106 of the Town and Country Planning Act 1990 to the effect that buildings certified as lawful under Certificate of Lawfulness reference EPF/2352/14 shall not be built and any works that may have been carried out for their implementation are removed.

### **Relevant History:**

- |             |   |        |
|-------------|---|--------|
| EPF/1127/82 | Continued use of dwelling for residential purposes. Approved subject to a S.52 Agreement restricting the occupation of the dwellinghouse to two named individuals. Deed of release subsequently agreed on 14/05/2014 – EPF/2660/13  |        |
| EPF/1639/14 | Prior approval application for two 8 metre deep conservatories, height to eaves 2 metres and maximum height 3.95 metres. Refused. Appeal dismissed  |        |
| EPF/1653/14 | Certificate of Lawful Development for a proposed side, rear and roof extensions. Lawful   |        |
| EPF/2043/14 | Prior approval application for an 8 metre deep single storey rear extension, height to eaves 2 metres and overall height of 3.9 metres. Prior Approval Not Required.  |        |
| EPF/2352/14 | Certificate of Lawful Development for a proposed pool building and garden/bike/bin store. Lawful  |        |
| EPF/2646/14 | Outline application for demolition of existing chalet and erection of a replacement bungalow 11m long, 17.1m wide, 3m eaves height and ridge height of 7m. Total foot print 195 sqm, total area is 335 sqm and volume is 1,064 cubic metres. All other details are reserved matters. Refused. Appeal dismissed. |        |
| EPF/0331/15 | Certificate of Lawful Development for proposed front conservatory.  | Lawful |
| EPF/0799/15 | Certificate of Lawful Development for proposed detached front garage. Lawful. Appeal dismissed.   | Not    |
| EPF/0800/15 | Certificate of Lawful Development for proposed attached front conservatory. Not Lawful. Appeal dismissed.   |        |

- EPF/3086/16 Certificate of Lawful Development for the proposed completion of building operations commenced on 13/04/2015 comprising of the erection of a conservatory extension to the principal elevation of a dwellinghouse Not Lawful. Subsequent appeal withdrawn.
- EPF/0463/17 Certificate of Lawful Development for ongoing operational development commenced on 13/04/2016 for a large attached front conservatory. Not determined. Subsequent appeal withdrawn.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB15A	Replacement Dwellings
RST12	Leisure Plots
DBE1	Design of New Buildings
DBE4	Design in the Green Belt
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

#### *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.

#### *Epping Forest District Local Plan (Submission Version) 2017:*

The Epping Forest District Local Plan (Submission Version) 2017 (LPSV) has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications, in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

SP6	Green Belt and District Open Land
T1	Sustainable Transport Choices
DM4	Green Belt
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities in New Development
DM16	Sustainable Drainage Systems

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

Number of neighbours consulted: 6

Site notice posted: Yes

Responses received: No response received from neighbours.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY: Objection, summarised as follows:

- No indication of volume of present buildings is given in the application so it is not possible to assess compliance with Green Belt policy.
- The building proposed appears to be materially larger than the dwelling it replaces.
- The building would put an unacceptable burden on the cess pool in the garden.
- No precise detail is given for the disposal of water from the dwelling.
- It is unclear whether the amount of off-street car parking proposed is sufficient.
- Refusal is urged until the above matters have been properly and fully addressed.

THEYDON BOIS PARISH COUNCIL: Objection.

“The dimensions of the proposed dwelling appear to be virtually the same as a previous application on this site that was dismissed at Appeal (APP/J1535/W/15/3007791). This is a material consideration in determining this application. On that occasion, the Planning Inspector comprehensively addressed a number of issues in the Decision Letter. These included:

- That the increase in size over the existing, low-level, property, was substantial, and the raising of the roof to a ridge height of 7 metres would significantly increase the bulk and mass of the built form, in conflict with the provisions of Paragraph 89 of the NPPF. As a result, the proposal would also have a greater impact on the openness of the Green Belt - openness having both, a physical, and a visual, aspect – contrary to the objectives of Paragraph 79 (NPPF).
- Whilst consideration was given to both the existing, and proposed, structures granted by a number of CLDs, including those for a pool building and garden store, the Planning Inspector afforded little weight to the latter as they would be utilised as outbuildings, not as primary accommodation.

This view was consistent with that taken by the Planning Inspectorate, with respect to an earlier dismissal of an appeal, in 2011, for a replacement dwelling on a nearby site, known as ‘Auchinleck’, where the application had, likewise, proposed to incorporate the volumes of outbuildings into the new property, which the Inspector rejected as these served only an ancillary purpose.

It should also be noted that the majority of detached dwellings in the vicinity do not span the full width of the plot, and certainly not at one continuous height. Garages are generally sited alongside the properties, ensuring that at least part of the plot is not enclosed, so preserving this visual element of openness.

As a possible way forward, the Parish Council considers that lowering the ridgeline, and the eaves, of the roof, would create a more traditional chalet bungalow, more in keeping with those along this lane, whilst a narrower span would ensure that part of the plot would be kept visibly open (also allowing for a detached single-storey garage to be built adjacent to the dwelling instead of in front of it).”

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

The main planning issues raised by this proposal are the consequence for the Green Belt and character and appearance of the locality.



Properties off the private section of Theydon Park Road (numbers 89 on, including the application site) are all identified as leisure plots in the adopted Local Plan. However, this application site is a lawful dwellinghouse and has been so for 35 years. Consequently, the adopted Local Plan policies relating to leisure plots do not apply in this case. In any event, such policies are not carried forward to the Local Plan Submission Version (LPSV) and therefore could only be given limited weight.

#### Green Belt:

The application site is previously developed land within the Green Belt. Since the application site is part of Theydon Bois, it also amounts to an infill site within the village. The proposal is also clearly one for the erection of a replacement building within the Green Belt and no material change in use of the site would arise.

Planning policy, as set out in the NPPF and LPSV allows for:

1. The partial or complete redevelopment of previously developed sites in the Green Belt provided the new development does not have a materially greater impact on the openness than the existing development.
2. The erection of replacement buildings in the Green Belt, provided the new building is in the same use and is not materially larger than the existing building.

The adopted Local Plan is not entirely consistent with those policy positions, but it does allow for the erection of a replacement house provided it is not materially larger than the existing house.

The NPPF and LPSV also allows for limited infilling in villages, a policy position not echoed in the adopted Local Plan. Since the NPPF and LPSV are much more recent policy documents supported by an up-to-date evidence base it is concluded that, in relation to Green Belt policy, this application should be assessed in relation to those policy documents.

Policy allowing for limited infilling of villages is not specifically constrained by considerations of whether a building is materially larger than one which it replaces or whether the proposal has a materially greater impact on openness. However, those matters are raised by objectors and are therefore considered below.

In relation to policy relating to previously developed land and replacement buildings, the following facts concerning the volume and height of the existing and proposed buildings are relevant. Included in those facts are volumes of a swimming pool building and an outbuilding certified as lawful under Certificate reference EPF/2352/14. They are included on the basis that the Applicant has previously demonstrated he will implement development certified as lawful at the application site and since he has signed a S106 agreement obliging him to not build those buildings if planning permission is given.

Existing built structures – volume:	753m <sup>3</sup>
Lawful outbuildings not built – volume:	455m <sup>3</sup>
<b>Total volume of built and lawful but not built structures:</b>	<b>1208m<sup>3</sup></b>
Proposed house – volume:	1222m <sup>3</sup>
Proposed garage – volume:	86m <sup>3</sup>
<b>Total volume of proposed development:</b>	<b>1308m<sup>3</sup></b>
<b>% Increase in volume over existing built structures:</b>	<b>74%</b>
<b>% Increase in volume over existing and certified lawful structures:</b>	<b>8%</b>
Existing maximum height:	3.5m

Proposed maximum height:	7m
<b>% Increase in height above existing:</b>	<b>100%</b>

Having regard to the information set out above it is concluded:

1. The proposed development would be materially larger than that existing and would have a materially greater impact on the openness of the Green Belt than that existing in terms of both its volume and height.
2. The proposed development would be similar in volume to the combined volume of the existing and certified lawful development. Notwithstanding that similarity, due to its significant additional height the proposed development would have a materially greater impact on the openness of the Green Belt than that existing and certified as lawful proposed development.

However, what the above information does not reveal, but which is evident from the site layout plans, is that the proposed development would cover a significantly smaller area of the application site. The existing ground area covered is 231m<sup>2</sup> and the ground area that would be covered by a combination of the existing and certified lawful development is 369.5m<sup>2</sup>. In comparison, the ground area covered by the entire proposed development would be 246.5m<sup>2</sup>, an amount similar to that covered by the existing development but one third less than that which would be covered by a combination of the existing and certified lawful development.

The significance of the reduction in ground area is that the replacement building proposed is not a sprawling low level structure covering approximately half the area of the site. Such a building would be a similar size to the existing and certified lawful development and it would not have a materially greater impact on the openness of the Green Belt. However, it would have a very poor design with limited private garden space. The design of the proposed development is assessed in more detail below, but is considered to be of significantly higher quality than a sprawling low building could be.

As pointed out by Theydon Bois Parish Council, a material consideration when assessing the merits of this application is a decision to dismiss an appeal against the Council's refusal of Outline consent for a similar development, EPF/2646/14, PINS ref APP/J1535/W/15/3007791. The Inspector concluded that proposal would have a materially greater impact on the openness of the Green Belt than the then existing house and therefore was inappropriate development. Weighed against that is the fact that a number of additional lawful extensions and outbuildings have been built since the date of that decision in August 2015 and Inspectors deciding appeals in relation to other sites in the District have allowed the inclusion of the volume of outbuildings within 2m of a house within the proposed replacement house. See APP/J1535/A/12/2181575 in respect of refused application EPF/0334/12 as an example.

Of critical importance in the assessment of this application is planning policy allowing for the limited infilling of villages. That policy was not taken into account in the Planning Inspectors 2015 decision therefore it cannot be relied upon for site specific guidance on that matter.

As indicated, the most significant arm of Green Belt policy set out in the NPPF and LPSV relating to this development is that allowing for limited infilling of villages.

It would be very difficult to successfully argue that the application site, or indeed the entire area identified as leisure plots in the adopted Local Plan, is not part of the village of Theydon Bios. The leisure plots area is contiguous with developed land in Theydon Bois that is not in the Green Belt, development in land outside of the Green Belt extends into the designated leisure plot area and a number of sites within the leisure plots area have long been in use as dwelling houses, contributing to the housing stock of Theydon Bios. Indeed, there are two dwellinghouses within

the vicinity of the application site, the lawful use of which is itself is as a dwellinghouse. The application site together with the leisure plots area is evidently part of the village of Theydon Bois.

The development proposed comprises of a single plot within the village and on that basis it is concluded the extent of development proposed amounts to limited infilling within a village. As stated above, planning policy allowing for limited infilling of villages is not specifically constrained by considerations of whether a building is materially larger than one which it replaces or whether the proposal has a materially greater impact on openness. Moreover, the proposed house is demonstrably no higher than that at 113 Theydon Park Road and would have a comparable volume to that of the existing development at the site together with the volume of proposed development at the site certified to be lawful. It is therefore concluded that the proposed development is not inappropriate development in the Green Belt.

#### Design:

The house would have a low eaves height consistent with other development in the locality and its roof would also be of similar overall height. This is evident from inspections of the site and neighbouring plots and is also demonstrated in the submitted drawings. Similarly, the degree of set in from the side and front boundaries is not inconsistent. The front garden siting of the subordinate detached garage would appear appropriate in relation to the proposal and the site boundaries. The proposed front garden boundary treatment is also appropriate, with the vehicular access controlled by a pair of low timber farm gates.

The front to rear depth of the building is significant but at 37.5 degrees, does not result in an unusually shallow pitch to the main roof. That is sufficient to accommodate plain tiles. The half hipped design of the roof has the effect of reducing an otherwise bulky appearance and that is further assisted by central gable features and dormers to the front and rear roof slopes. The appearance of the front elevation is traditional. That of the rear is as a modern interpretation of traditional form. It would be a pleasant appearance appropriate to the rear elevation and its relationship to a good sized open garden. Flank elevations would be broken up by the variety in the proposed roof form.

Overall the proposed building would appear as a substantial well designed building that is appropriate to its setting within the context of neighbouring houses, particularly those to the north. On that basis it is concluded the proposal complies with design policies set out in the relevant policy documents.

#### Other Matters:

Subject to the imposition of suitable conditions the proposal would not increase the risk of flooding at the site or neighbouring land. Access to the proposal would be safe and off-street parking in excess of the minimum requirement specified in the Vehicle Parking Standards. Landscaping and details of materials can be controlled by suitable conditions. The proposal would be of no consequence for the living conditions of neighbours, subject to the imposition of a condition requiring upper level flank elevations windows to be obscure glazed.

#### Conclusion:

The proposal is of comparable volume to that of the existing buildings but would have a materially greater impact on openness of the Green Belt than the existing building and additions. Of particular importance, the proposal would amount to limited infilling within a village, a policy provision that is not constrained by comparisons with impact on openness of existing buildings. That is not to say "anything goes" under that provision. Rather, it places more emphasis on an assessment of design and whether the proposal amounts to high quality development. In this case the scale and form of the proposal is considered appropriate. On that basis the proposal is

assessed as not being inappropriate development in the Green Belt. Since the proposal is also considered acceptable in all other respects it is recommended that planning permission be granted subject to conditions and the submitted S106 agreement preventing the construction of outbuildings certified as lawful.

***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: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

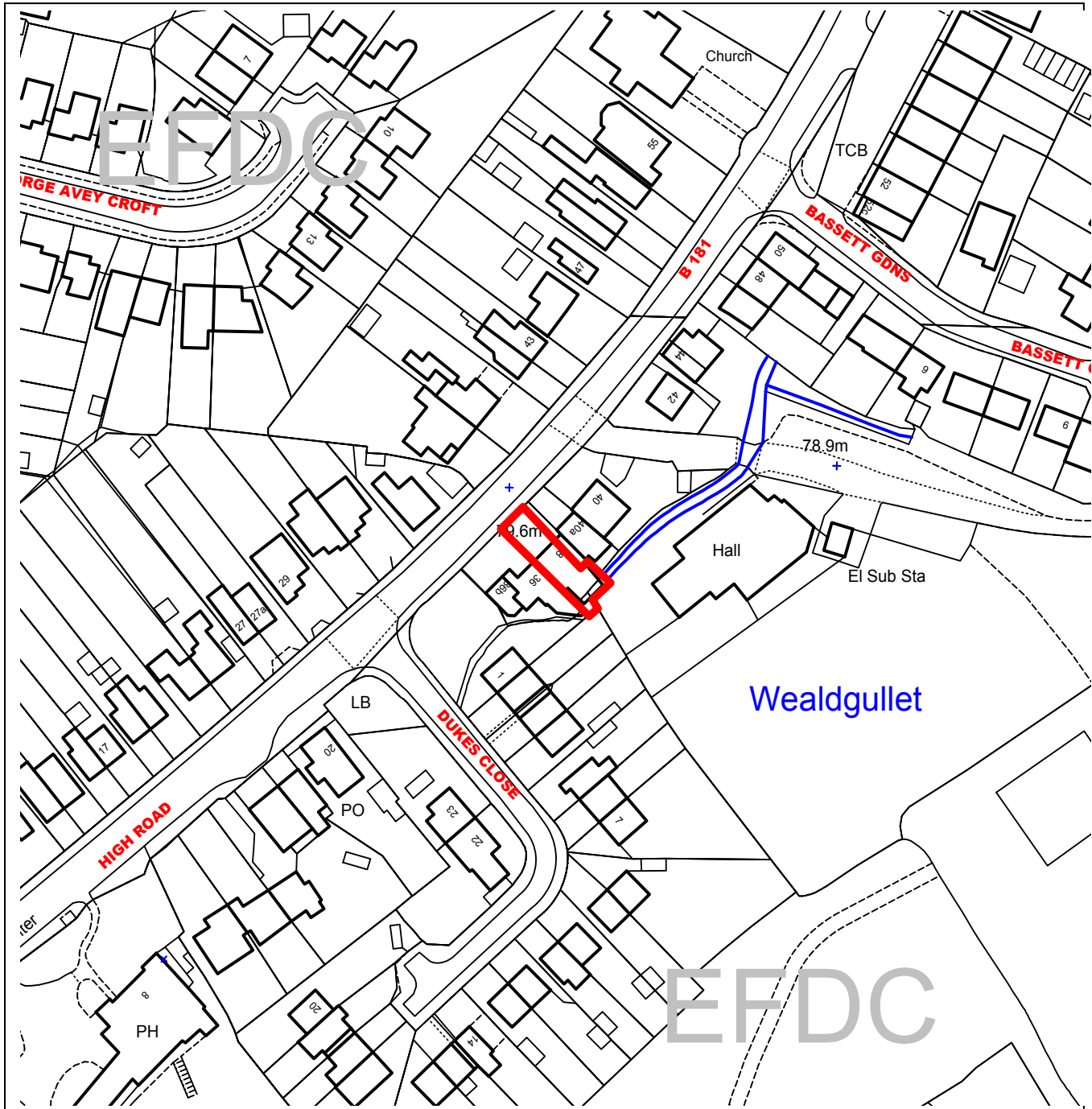
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 8



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Application Number:	EPF/3503/17
Site Name:	38 High Road, North Weald, CM16 6BU
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/3503/17
<b>SITE ADDRESS:</b>	38 High Road North Weald Epping Essex CM16 6BU
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr D Ozcan
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of part of ground floor from post office (A1) to Cafe (A3) and installation of brick faced stack for ventilation flue
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=603917](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=603917)

**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 nos: 17-031/: 01, 02 and 03 Rev C,
- 3 The A3 use hereby permitted shall not be open to customers outside the hours of 08:00 to 17:00 on Monday to Saturday and not at all on Sundays and Bank Holidays.
- 4 Prior to the commencement of the use, full technical details and scaled drawings of the proposed ventilation extraction flue should be submitted to and approved in writing by the Local Planning Authority
- 5 The odour suppression and dispersal equipment should be fitted with an appropriate noise mitigation device. Details of the noise mitigation device should be submitted to and approved in writing by the Local Planning Authority and then installed in full working order prior to the commencement of the use.
- 6 Adequate provision for foul drainage from the kitchen shall be submitted to and approved in writing by the Local Authority. Drains serving the kitchens in the development shall be fitted with a grease separator, as detailed in the Building Regulations 2000, Approved Document H (Drainage and waste disposal), to comply

with prEN 1825-1 and designed in accordance with prEN 1825-2 (Installations for separation of grease) or other effective means of grease removal. The approved drainage shall be retained and maintained while the site is in use.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g)) and since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

*It is also before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

### **Description of site**

The application site is located on the High Road within the settlement of North Weald. The existing building on the site is a two storey building which is divided into separate ground floor shop units and which has residential accommodation above. To the north of the site immediately adjacent to no.38 is a small bungalow dwelling which has a very small rear garden. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation area.

### **Description of Proposal**

The proposed development is to change the use of no.38 from a Post Office (A1) to a café (A3) and to install a brick faced extract flue.

### **Relevant History**

EPF/1179/01 - Proposed first floor front and side extension and loft conversion. Approved.

EPF/1156/17 - Permission is sought for the change of use from a retail unit (post office) to a takeaway (A5). Installation of an extraction flue. Hours of operation 11am – 11pm. Refused as above.

EPF/2448/17 – Change of use of Post Office (A1) to takeaway (A5) and installation of extraction flue – Recommended for approval and refused by Area Plans East Committee.

### **Relevant Planning History at NO.36 next door**

EPF/0649/05 - Planning permission was approved by committee on 20/7/05 for the change of use from A2 to mixed use A3 restaurant and A5 take- away, and installation of fume extraction



ducting/flue Subject to opening hours being restricted to 9pm. However this permission was never implemented and has now expired.

### **Policies applied**

Adopted 2008 Local Plan

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H2A – Previously developed land  
H3A – Housing density  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
GB2A – Development in the Green Belt  
GB7A – Conspicuous Development  
U3B – Sustainable drainage systems

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Epping Forest District Local Plan (Submission Version) 2017:**

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM9: High Quality Design  
E2: Town Centre Hierarchy / Retail Policy  
DM21: Local environmental impacts, pollution and land contamination

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

42 Neighbours consulted –

The Council has received letters of objection from the following properties:

- 40A HIGH ROAD
- 40 HIGH ROAD
- 31 HIGH ROAD
- 33 HIGH ROAD

- 35A HIGH ROAD
- 36 HIGH ROAD
- 36A HIGH ROAD
- 36B HIGH ROAD
- 37 HIGH ROAD
- 38A HIGH ROAD
- 39 HIGH ROAD
- 40 HIGH ROAD
- 43 HIGH ROAD
- 45 HIGH ROAD
- 49 HIGH ROAD
- 91 HIGH ROAD
- 159 HIGH ROAD
- 1 DUKES CLOSE
- 2 DUKES CLOSE
- 5 DUKES CLOSE
- 13 DUKES CLOSE
- 22 DUKES CLOSE
- 70 CAVENDISH GARDENS, CHELMSFORD
- 40 SCHOOL GREEN LANE
- BREAD AND BITES
- 14 ELM CLOSE
- 59 PARKLANDS, COOPERSALE

These neighbours have objected to the application on the following grounds:

- The café has an suitable level of parking and currently people park inconsiderately and illegally
- The access to and from the site is dangerous for users of the highway
- There will be increased use of the site from customers, including the use of cars.
- The extraction duct will cause the emission of a substantial amount of odours which will significantly impact adjoining neighbours
- Fat and grease will clog up the foul water disposal system
- The use of the site as a café will cause substantial noise and disturbance within a residential area and the opening hours proposed will cause disturbance
- Refuse facilities are not adequate for a café use

NORTH WEALD PARISH COUNCIL – OBJECTION - Concerns regarding the Site Plan and the land in the application on the Plan are we to presume the Red Line shown on the application and the Blue Line shows extent of ownership? Is that correct? Or are they just referring to the A1 and A3 Use of the site.

The Design and access statement states the following on page 2:

*“This Design and Access Statement has been prepared in support of a planning application for change of use of part of the above premises to A3.Cafe. The Shades are on Plans will be refurbished and will retain its current A1 use. The area bordered in Red will be A3 Café.”*

What does the second sentence mean? Is this referring to the 'blue' section on the site plan? Does this application also deal with the refurbishment of the area marked in Blue? This needs to be clarified.

Surely the space at the front of the property contained within the blue area cannot be included as parking facilities for the A3 use (the red area)?

If it means one area is to remain A1, then actually the Café only has One Parking Space and Not 2 as detailed in the Application and Highways Needs to be informed and the Application amended to show this.

If you look at the Internal Plan there are clear changes proposed for the Area defined as remaining in A1 use including what looks like either removing or changes to a dividing wall this is not mentioned in the supporting documents?

If the blue marked area is part of the planning application, it is not clear what the proposed changes are as it would seem to suggest some form of kitchen being installed and it is retaining its current A1 use? If so, what is the purpose of changing the wall between the two areas.

The proposed front elevation shows the proposed flue. The Parish Council ask Why is s a Ventilation Flue and Stack needed for a simple café, added to this EFDC Environmental Health response to the application states ' The flue height should be at a minimum height of 1m above the roof ridge for the dispersion and dilution of odours. Where this is not possible (e.g. because of ownership or structural constraints), additional techniques will be required in order to reduce odours, such as an increase in efflux velocity and additional filters, etc.' The applicants Design and Access statements states that ' The key issues for consideration relevant to this application are the principle of change of use and amenity and living conditions of nearby residential properties. This matter has been considered by planning officers and they have confirmed that the proposed extract is acceptable. Environmental Health do not have any issues.'

Is the applicants statement correct in that planning officers have confirmed the proposed extract is acceptable and Env Health do not have any issues?

The Events and regular Hall Hiring's as detailed in applicants Design and Access Statement are incorrect, we detail the up to date list below:

*Evenings... □ Monday - Learn to Ballroom/Latin American dance with XXXXXX - 8.15pm - 9.00pm Beginners, 9.00pm - 10pm Improvers – XXXXXX herself a top ballroom dancer, will teach you everything you need to know. For more information see time4dance website or contact her on XXXXXXXXXXXX Yes still on*

*□ Tuesday & Wednesday - Kick Boxing with XXX - 7pm - 9pm - Keep fit and learn to defend yourself, for all ages, contact XXX on XXXXXXXXXXXX or via energize-kickboxing website. Yes still on*

*□ Tuesday – Bag Pipes - Interested in bag pipes and drums? Want to learn? Then please call XXXXXXXX. No longer on*

*□ Thursday - Muso Shugyo Ryu (Japanese Swordsmanship) - 8pm - 10.30pm - Learn this mysterious martial art. Full details can be found on XXXXXXXXXXXX website. Yes still on*

*Other regular events....*

*In addition to those listed below, other regular events during the year, such as*

*The Horticultural Show, This Event no longer happens*

*Horticultural Sausage and Mash Cabaret, Once a year only*

*Scruffs Dog Show, This Event no longer happens*

*Parish Council Remembrance Day Dinner Once a year in November 1pm to 3pm*

*Parish Council Community Day This Event no longer happens*

☐ *Third Wednesday each month - Crib evening - 7.45pm*

☐ *Fourth Wednesday each month - North Weald and District Angling Society*

☐ *Second Saturday each month 12- 2pm- Ploughman's lunch organised for the benefit of the Senior Citizens Society, a North Weald institution, get there early!!*

☐ *Third Saturday each month- The Jack Free Show The most popular event in North Weald, from 12.30pm 3.30pm enjoy lunch, great music and meet people, the happiest afternoon in Essex. Come and join the party!*

☐ *First Sunday each month 12- 2pm - The Royal British Legion - meet in the bar lounge.*

☐ *Third Sunday in each month- Lazy Salsa Sunday -A fantastically exciting event, come along for an afternoon of 100% Latin music and non stop dancing or just hang out and enjoy the atmosphere. What ever you choose, XXXX & XXXX and their crew will be happy to see you.*

☐ *Fourth Sunday each month - Lea Valley Cigarette Card Club, buy, swap or sell your old cigarette cards and other collectables, relive your past! For more information call XXXXXXXX*

☐ *Bi-monthly - check for details - G-Jive A great evening of modern jive and freestyle dancing, for more information call XXXXXXXX - This no longer happens*

*Throughout the year...*

☐ *The Royal British Legion - in addition to their regular first Sunday meetings 12-2pm non-members welcome and every third Friday (members only) 7.30pm, they also hold a number of special events, see calendar. NO SPECIAL EVENTS HELD ANYMORE..*

☐ *The Women's Institute - regular meetings and lectures throughout the year – 1<sup>st</sup> Wednesday of the month - afternoons*

☐ *Rapier Cycling Club - meet here on a regular basis 1<sup>st</sup> & 2<sup>nd</sup> Tuesdays of the month*

*The Village Pre School Meets there every week day during term time between 9 and 12.30.*

*The Hamilton School of Dance meets every week day between 4 and 7.30pm.*

Added to this we expect that there will be an increase in the number of customers to the shop due to the change of use. This will impact not only on the neighbouring residents but also on the local residents in Dukes Close and those in the High Road. Especially with the passing trade. There is concern at the build up of fat and grease in the already burdened sewerage system. There is also concern at the close proximity to the nearby watercourse – has this flood risk been properly assessed. Installation of Ventilation System and Duct as already detailed above why would this be needed and why in close proximity to a nearby residence.

*Comments from a Councillor who is a trained engineer, Having looked at the specification for the ventilation systems for the above application, I would consider them adequate at best. Without scale drawings to work out the intake and extract routes, I would imagine that there is a potential problem in*

*the build-up of smells and heat coming from this property. Traditionally, ventilation stacks are not effective in the dispersal of moisture and odours. They can block with grease and cause potential fire hazards. We must always remember that a ventilation scheme can be designed, although if the client decides not to use it, or use it properly (down to cost) that's when the issues start to arise.*

Who will therefore monitor that it is being used correctly?

The Parish Council believe that the residential accommodation above and adjacent to the property will be unpleasantly and adversely affected by this change of use, as will the residents inhabiting that accommodation.

Parking is of great concern also, if there is going to be both A1 and A3 on this site then there will only be one Parking space for the A3 use for the Café.

Is only one designated parking space enough for a Café, what about 'passing trade'.

There is currently a parking problem in that area of North Weald, with vehicles parking in front of local peoples drives on the High Road not allowing people to either get in or get out of their homes.

The Village Hall has advised that visitors to local shops are using the Hall as Parking therefore not allowing sufficient parking for Hall Functions – the Hall is owned and managed by a Charitable Trust, and the Parking is Private the hall does not belong to the Parish Council, was Essex County Council Highways aware of this when they were consulted on this application, as on a number of previous applications they were not aware of the ownership of the hall.

Whilst there are some yellow lines along the High Road these are not enforced.

We also believe that having another Café located in North Weald could mean that there will mean that there will be an increase in car journeys made, which could see customers coming from other locations such as Epping, Coopersale and Ongar,

#### POLICY DBE9- LOSS OF AMENITY

The Council will require that a change or intensification of use, extension or new development does not result in an excessive loss of amenity for neighbouring properties. The factors which will be taken into account are:

- (i) visual impact; (ii) overlooking; (iii) loss of daylight/sunlight; and (iv) noise, smell or other disturbance thereby causing an excessive loss of amenity for neighbouring residents.

There will clearly be Visual Impact & Noise Smell & Other Disturbances

The High Road Shops in North Weald are classed as a Local Frontage. We are aware that 'Competition' is not a planning consideration, however we do believe it necessary to consider what premises there are a key retail use for – is there a demand for another hot food outlet in North Weald.

We believe this a Material Planning Consideration which should be taken into account.

The 'make-up' of shops including those providing hot food as follows in North Weald High Road:

	Name of Establishment (if known)	Selling	Type of Establishment
1	Kings Head Garage	Fuel, Motor Accessories Snacks & Drinks	Garage
2	Kings Head Pub	Food, Alcohol & Soft Drinks	Pub
3	Coverdale Betting Office	Licensed Betting Office (Free Coffee Available)	Betting Shop
4	Bread & Bites	Bread & Hot Snacks & Drinks	Bakery, <i>Hot Takeaway</i> Food & Sit In & Eat
5	Newsagent & Post Office	Newspapers,	Newsagent & Post

		Periodicals, Postal Items, Soft Drinks, Chocolates, Snacks/Crisps, Tobacconists	Office 1 Day a week there is a Fish Stall on the forecourt of the Post Office
6	Former Post Office	Empty Shop	Empty Shop
7	North Weald Chemist	Pharmaceutical Items	Chemist
8	Stuart Poulton Funeral Director	Funeral Services	Funeral Director
9	Dry Cleaners	Dry Cleaning, Repairs & Laundering	Cleaning Services
10	Young Dave	Greengrocers & Florists	Fruits, Vegetables, Eggs, Flowers
11	Clippers & Curls	Hairdressers	Hairdressing & Barbers
12	Co – op	General Groceries, Sandwiches, Drinks, Snacks	Small Supermarket
13	North Weald Chinese & Fish & Chips	<i>Hot Takeaway</i> Chinese & Fish & Chips	<i>Hot Takeaway</i>
14	Cinnammon Restaurant	Indian Restaurant & <i>Takeaway</i>	<i>Hot Takeaway</i> & Sit Down Restaurant
15	Tylers Green Stores	Sandwiches, Newsagents, Snacks, Drinks, Tobacconists	Mini Supermarket
16	Harvester Pub	Food, Alcohol & Soft Drinks	Pub
17	Harvest Garage	Fuel, Car Accessories, <i>Hot Snacks Takeaways</i> , Costa Coffee, General Groceries,	Garage – Also Selling hot <i>Takeaway Food &amp; Drinks</i>
18	Davis Estate Agents	Houses For Sale	Estate Agents
19	Beauty Parlour	Beauty Services/Products	Beauty Parlour
	As you can see from this table 11 out of these 19 establishment sell food 4 are Takeaways selling Hot food 6 Sell Snacks/Sandwiches Drinks which can be eaten off the premises 1 gives away Free Coffee 1 sells Fruit & Vegetables		

We ask that it also be Noted that the Clerk and the Planning Committee Chairman met with James Rogers the Planning Officer to discuss this application in depth and provided many notes and plans for his perusal to support these comments.

We ask that the above Comments are reproduced in full if this matter is referred to Plans East Committee, as half our comments were missed off the Agenda when this Planning Application was last discussed.

## **Applicants response to North Weald Parish Council Comments**

The applicant has submitted a brief statement to address some of the questions and concerns from North Weald Parish Council:

*The red line indicates the floor area for which the change of use is requested. The blue line indicates that the land is within the same ownership but not part of the application. The space in front of the property is owned and controlled by the applicant and therefore it can be allocated for the café if necessary. A refurbishment of the internal arrangements do not require planning permission and there will be some cooking required to facilitate its use as a café which is why a extract duct has been shown. The flue is now shown to be 1m above the ridge of the existing building and it will be compliant with Environmental Health regulations and controlled by condition. The applicant accepts the Parish Councils assertion about the use of the hall and it shows that the immediate area is used by the general public on a regular basis. The Post Office would have been used substantially and there would not be an increase in the use of the site as a café. The fat and grease produced by cooking will be stopped by a grease trap in accordance with normal practice for these types of uses. Food uses are not uncommon in residential areas, it is actually where they are most needed. There will be no loss of light due to the external works.*

## **Issues and considerations**

The main issues to consider when assessing this application are the principle of the proposal, the potential impacts on the living conditions of the neighbours and the design of the proposal in relation to the existing building and its surroundings.

### **Principle of development**

This is a revised application following a recent refusal of planning permission where the applicant proposed to change the use of the existing A1 unit into a takeaway. This was considered by Members of the East Area Planning Committee who resolved to refuse the application for the following reasons:

- The use will cause noise and disturbance throughout the proposed opening hours such that there will be an excessive loss of amenity for neighbouring residents in this predominantly residential area contrary to Policy DBE9 of the adopted Local Plan and Alterations.
- The use will result in unacceptable levels of cooking smells, which can not be overcome by conditions regarding extraction, such that there will be an excessive loss of amenity for neighbouring residents contrary to Policy DBE9 of the adopted Local Plan and Alterations

Within the previous application and contrary to Planning Officer advice, Members concluded that the use of the site as a takeaway would cause excessive harm to the living conditions of nearby neighbours, despite the Council being able to control opening hours through condition. The reason for refusal identifies that the new use, even during more sociable hours would have caused an unacceptable degree of harm to the living conditions of the neighbours, although this harm has not been expressly defined in this reason for refusal.

This revised application proposes that the unit be used as a café and the applicant has demonstrated a willingness to restrict its opening hours to 08:00 – 17:00 from Monday to Saturday and not at all on Sunday. The former Post Office used to open between the hours of 9:00 – 17:30, although this is not controlled through an extant condition.

As the Council has the authority to impose a condition to ensure that the café abides by these opening hours, the question arises whether the nature of the new use will cause significant harm over and above that of the lawful A1 use.

A café (A3 use) would generally attract customers that would order some food or drink and then would have the option of consuming the products on the site or choose to take it away. In comparison a sandwich bar or coffee shop (which falls within an A1 use) would generally only permit the sale of products to be consumed off site. As such in this case, the applicant could lawfully use the site as a coffee shop without the need for planning permission and the Council could not impose conditions on this were it to be undertaken. The use of the site as a café therefore, would not be significantly different to use of the site as a lawful A1 use (either as the existing Post Office or a coffee shop), other than the fact that customers may occasionally spend longer on the site and an extract flue would be installed on the former. Issues regarding the extract flue will be considered later in this report.

In terms of potential disturbance, customers staying on the site for a short while to have something to eat or drink during sociable hours (between 08:00 – 17:00 Monday to Saturday) will not cause significant harm to the living conditions of the adjacent neighbours either through noise or disturbance over and above the existing lawful use of the site. As previously mentioned the decision maker has the authority to impose a planning condition regarding the hours of operation for the café.

Weight is also attributed to Permitted Development Rights under Class D of Part 4 of the General Permitted Development Order (2015) which allows the temporary change of use for two years, from an A1 retail unit into, amongst other things, an A3 restaurant or café. This does not require the application to be assessed through a prior approval application; the applicant would simply need to inform the Council of their intention to change the use. It is acknowledged that this would only allow its use for two years, however it clearly signals the Government's intention that these uses can be acceptable within residential areas without need for formal assessment.

The extract flue on the other hand, would require planning permission, given its potential to cause disturbance to the immediately adjacent neighbours. The flue has been considered by the Council's Environmental Health Team who have reviewed its positioning and detailed information and consider that in principle, the flue will ensure that there will not be harm caused to neighbours as a result of cooking odour or noise. It is acknowledged that the flue is not 1m above the ridge of the existing building as stated in the submitted statement from the applicant, however the principle of the flue has been assessed on the submitted scaled drawings rather than the statement provided.

Whilst the principle of the flue is acceptable, detailed information is required regarding the practical components of the system to ensure that it will disperse odour and noise in an effective way. This additional information can be secured through the use of a planning condition and this will ensure that no works can be carried out and the use cannot commence until these details have been submitted to and approved in writing by the Local Planning Authority.

The Environmental Health Team have also considered the foul drainage which will likely be caused by the use of the site as a café. There are likely to be quantities of fat and grease produced as a result of cooking and these will be dispersed through a foul water system. Whilst it may not be the intention of the applicant to discharge this waste through domestic drains, this can sometimes happen. It is therefore both reasonable and necessary to impose a planning condition to ensure that details of foul drainage are agreed in writing prior to the commencement of the use.

In summary therefore it has not been found that there would be significant harm to the living conditions of the nearby neighbours through noise, disturbance, odours or any other harm.



## Design and appearance

This proposal seeks the reuse of the existing building but it does not involve substantive alterations to the externals of the existing building, other than the erection of a brick faced extract flue. The flue will be positioned on the north east flank wall directly adjacent to no.40a and will be visible from public viewpoints. The previous case officer considered that the flue would not cause excessive harm to the character or appearance of the locality, in part due to its finish in brick.

Whilst the flue proposed in this application is higher than the previous proposal, rising to 1m above the existing ridge, it will not be so significantly prominent to result in significant harm to the character and appearance of the street scene and its use of materials gives it more of a residential chimney look, albeit higher than others in the locality.

## Highway and parking issues

Many neighbours have raised objection to the application and one of their main concerns is regarding parking issues on the site. There has been some contention amongst neighbours and indeed the Parish Council as to whether the new use can offer one or two parking spaces as part of the proposal. The red lined area of the site appears likely to only be able to facilitate a single parking space rather than the two suggested by the applicant. This however is rather academic as the car parking offer will not be any different to the existing lawful use of the site for A1 purposes. The pertinent consideration therefore is to consider whether this existing parking situation is adequate to facilitate this new café use as opposed to the lawful A1 use of the site.

The site was formally used as a Post Office and as a result it would have been relatively busy at certain times and involve customers wanting to park on and perhaps around the site. Likewise the café will attract customers in peaks and troughs depending on the time of day. A café is unlikely to cause a greater demand for parking on the site than its existing lawful use and as previously identified. Indeed the applicant could open a coffee shop without the need for planning permission and the Council would not have control over the parking situation if this were to be undertaken. Likewise the Council would not have control over the parking situation if the flexible use of the building under Permitted Development were undertaken. As a result, whilst the offer of parking is relatively low for commercial activity in an area where it is difficult to park, it cannot reasonably be concluded that it would be any more harmful than the existing situation.

There has been much concern from neighbouring residents that the lack of parking on the site would cause customers to park illegally on the high road, which is double yellow lined in sections. The Council cannot legislate for cars parking illegally but were customers to do so, they could be open to punitive measures from the relevant authority. Therefore, notwithstanding that it has already been identified that there would not be a higher demand for parking due to the new use, the Council cannot assume that customers would park illegally, on the contrary it would be reasonable to assume the opposite.

Indeed it cannot be assumed that every customer will travel by motor vehicle to the café. The site is located within the High Road in North Weald, surrounded by a relatively large number of residential dwellings on the High Road, Dukes Close, Bassett Gardens, Wellington Road, Church Lane and many others within comfortable walking distance to the site. It is likely that the majority of customers using the café would be local residents who would have a genuine opportunity to walk to the café and in actual fact, may choose to do so given the constrained parking on the site.

The Highway Engineer has also endorsed the view that the proposal would not cause any harm to the safety or efficiency of the public carriageway.

## Land Drainage

The site is within a Flood Zone as identified by the Environment Agency, who were consulted as part of this application but have raised no objection to the scheme since there is no increased vulnerability due to the change of use.

### **Conclusion**

The proposed change of use into a café from a retail use and installation of an extract flue would not cause substantial harm to the living conditions of the neighbours over and above the existing lawful use of the site. A planning condition restricting the hours of operation to between the hours of 08:00-17:00 Monday to Saturday and not at all on Sunday will further offset any harm. The addition of the extract flue will not cause harm to the character or appearance of the area and the proposal will not cause harm to the safety or efficiency of the public carriageway. The proposal is compliant with all other relevant policies of the Development Plan and therefore it is recommended that the Committee grant planning permission.

***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: James Rogers  
Direct Line Telephone Number: 01992 564371***

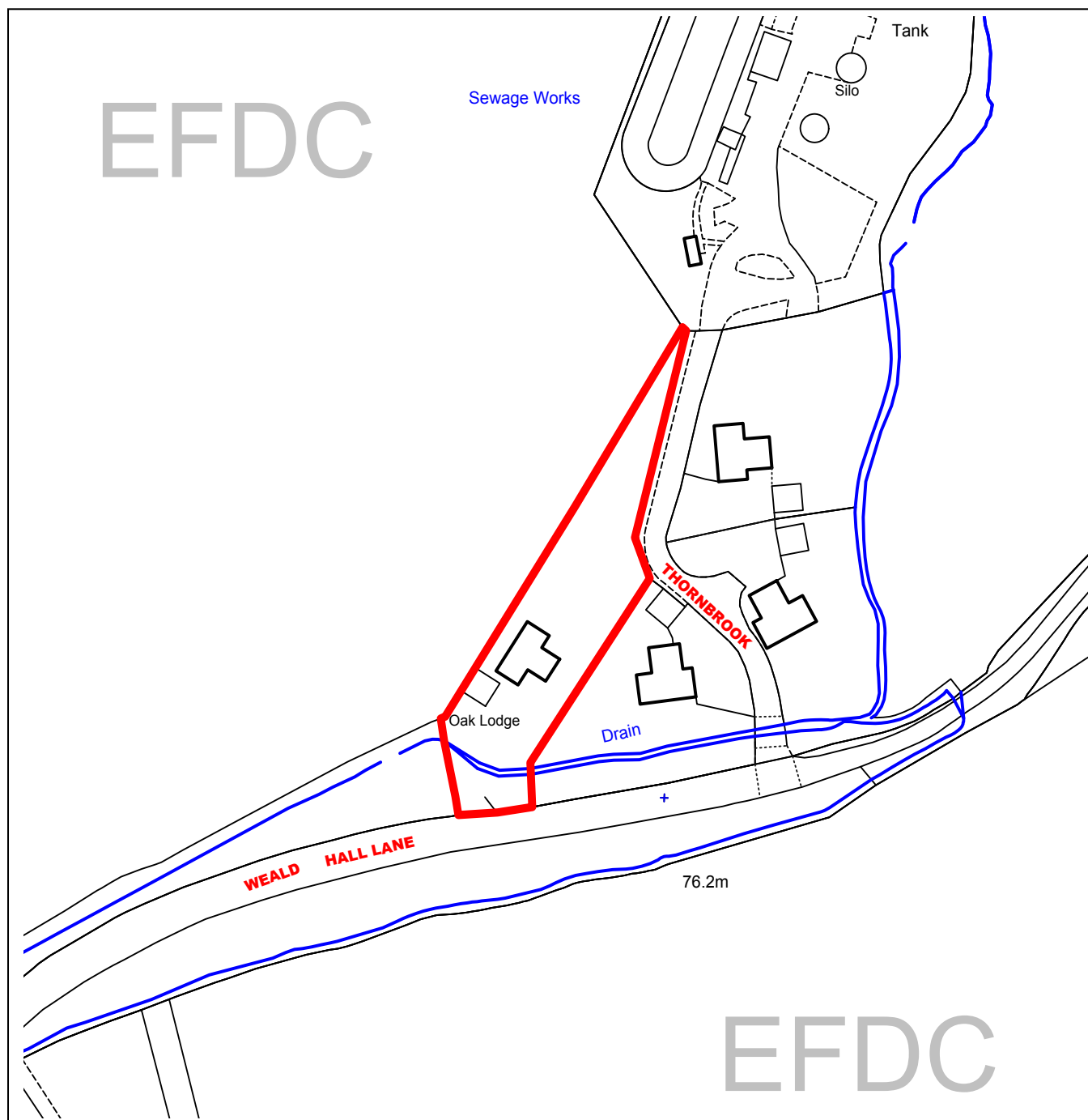
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# Epping Forest District Council

## Agenda Item Number 9



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Application Number:	EPF/0026/18
Site Name:	Oak Lodge, Weald Hall Lane, Thornwood Common, Epping, CM16 6ND
Scale of Plot:	1/1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0026/18
<b>SITE ADDRESS:</b>	Oak Lodge Weald Hall Lane Thornwood Common Epping Essex CM16 6ND
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr John Paget
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear extension (Revised application to EPF/2439/17)
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**Click on the link below to view related plans and documents for this case:**

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=604155](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=604155)

**REASON FOR REFUSAL**

- 1 The proposed development represents a disproportionate extension to this building in the Green Belt and is therefore inappropriate development in the Green Belt for which there are no very special circumstances to clearly outweigh the harm caused. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policy GB2A of the Local Plan and with paragraph 87 of the National Planning Policy Framework.

*This application is before this Committee since it has been 'called in' by Councillor Whitbread (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))*

**Description of site**

The application site is located on Weald Hall Lane which is within the area of Thornwood Common. Currently on the site is a two storey dwelling situated within a relatively large plot. The adjacent neighbour is also a two storey detached dwelling whose side elevation is approximately 17m from the side elevation of the application property. The application site is located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

**Description of proposal**

The proposed development is to erect a two storey rear extension to the dwelling.

### **Relevant history**

EPF/1464/75 - Proposed erection of garages. - Approved

EPF/1532/00 - Erection of two storey and single storey side extensions. - Approved

EPF/1696/00 - Erection of single storey side conservatory. – Approved

EPF/1534/01 - Erection of single storey side extension. - Approved

EPF/1861/01 - Single storey rear extension. - Refused

EPF/2228/06 - Extension to double garage to form triple garage and the inclusion of two rear dormer windows. - Refused

EPF/2543/07 - Conversion of existing garage to an annexe. – Refused

EPF/0430/08 - Conversion of existing garage to an annexe with link to existing property. (Revised application) – Approved

EPF/2439/17 – Erection of two storey extension – Refused

### **Policies Applied**

DBE10 – Residential extensions

CP2 – Quality of the built and rural environment

DBE9 – Neighbouring amenity

GB2A – Development in the Green Belt

GB7A – Conspicuous development

LL10 - Landscaping

U3B – Sustainable drainage systems

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

### **Epping Forest District Local Plan (Submission Version) 2017:**

The Epping Forest District Local Plan (Submission Version) 2017 has been approved for publication and is the Plan the Council intend to submit for independent examination. The policies in the Plan are considered to be up to date and accord with national policy and therefore should be given substantial weight in the consideration of planning applications in accordance with the Council's decision on 14 December 2017 and paragraph 217 of the NPPF. The policies and the Plan are supported by up to date and robust evidence – the evidence should also be treated as a material consideration. The relevant policies in the context of the proposed development are:

DM3: Landscape Character, Ancient Landscapes and Geodiversity

DM4: Green Belt

DM9: High Quality Design

### **Consultation carried out and summary of representations received**

HORNBROOK – OBJECTION – The proposal is significantly large and will harm existing trees on the site. It is inappropriate in the Green Belt, it will harm our privacy and also the appearance of the area.

UNKNOWN ADDRESS – OBJECTION – The proposal appears disproportionate and will also harm the character and appearance of the area.

NORTH WEALD PARISH COUNCIL – OBJECTION – The proposal is overdevelopment of the site, closeness of the Mast and the cables within the environs of the property. The access via Oak Lodge Sewage works would be compromised by these works going ahead? The development seems disproportionate to the original size of the building. The proposal would also be detrimental to nearby neighbours.

### **Issues and considerations**

Given the separation from any neighbours there are no amenity issues, the main issues therefore are the potential impacts on the Green Belt, the design of the proposal in relation to the existing building and its setting, tree and landscape issues and land drainage.

#### **Green Belt**

The Framework indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

However paragraphs 89 and 90 of the NPPF allow some exceptions to inappropriate development, one of which is:

*The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*

The original house and garage had a floor area of approximately 202sqm. The first extension granted in 2000 (EPF/1532/00) covered an area of 95sqm. Two further extensions (EPF/1696/00 and EPF/1861/01) then added 28sqm and 16sqm respectively and this brought the total increase to 68% over and above the floor area of the original building.

Within the previously refused application (EPF/2439/17) it was concluded that the proposed development would have added a further 47.5sqm to the dwelling, which equated to a 92% increase over and above the original dwelling. This was not considered to be a limited extension but was rather a disproportionate addition and thus planning permission was refused partly for this reason.

This revised proposal also seeks consent for a two storey extension which has been reduced from 47.5sqm in the previous application to 39.6sqm in this. This new extension would bring the total increase over and above the original to 88%. As with the previous application, such an increase cannot reasonably be considered to be a limited extension but is a disproportionate addition to this

property in the Green Belt. The proposal therefore does not comply with this, or any other exception as given by paragraphs 89 and 90 of the NPPF and it is therefore inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and for which very special circumstances are required to clearly outweigh the harm caused. No such circumstances have been put forward in this instance and therefore the proposal is contrary to policy GB2A of the Adopted Local Plan, with paragraph 87 of the NPPF and with DM4 of the Epping Forest Local Plan (Submission Version) 2017.

### Openness

As previously identified, the proposed development would introduce additional built form and volume into an area where there is none currently and this will erode the openness of the Green Belt and directly conflict with its fundamental characteristic of keeping land permanently open.

However, the extension will be towards the rear of the site, within the existing residential curtilage and will not be overtly visible from public viewpoints. As such, it is concluded that the extension would not form a conspicuous form of development which would be materially detrimental to the visual amenity of the Green Belt and as such the degree of harm to the openness will be limited and as a result there would not be a conflict with policy GB7A.

### Overall Green Belt conclusion

The proposal has not been found to constitute a conspicuous form of development within the Green Belt nor to cause excessive harm to its visual amenity. However, this merely results in there being no additional harm over that arising from the inappropriateness of the development. The fact that the proposal results in inappropriate development, for which there are no very special circumstances, carries very significant weight against the proposal.

### Design

The extension follows the form of the existing building and will not be overtly visible from public viewpoints. In any event, it is respectful to the existing building in terms of its size, bulk and scale as well as its detailed design. As a result, it is compliant with policies DBE10 and CP2 of the Adopted Local Plan.

### Trees and landscaping

The Tree and Landscape Team have examined the submitted tree reports and consider that the proposal would be acceptable in principle subject to a condition requiring the retention of existing trees and shrubs. This is both a reasonable and necessary condition to impose were consent to be given.

### Land Drainage

The site does not lie within an Epping Forest District Council flood risk assessment zone. The site lies within Environment Agency (EA) Floodzones 2 and 3. The site is also at low, medium and high risk of flooding across the site. Due to the minor nature of the development, consultation with the EA is not required.

The applicant has no proposal to dispose of surface water. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required.



## **Conclusion**

The proposal constitutes inappropriate development in the Green Belt for which there are no very special circumstances to clearly outweigh the harm caused. The proposal is therefore contrary to policy GB2A of the Adopted Local Plan, with paragraph 87 of the NPPF and with policy DM4 of the Epping Forest Local Plan (Submission Version) 2017.

***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: James Rogers  
Direct Line Telephone Number: 01992 564371***

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