

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** District Development Management Committee    **Date:** 6 June 2018

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 - 8.15 pm

**Members Present:** S Jones (Chairman), B Rolfe (Vice-Chairman), H Brady, I Hadley, S Heap, R Jennings, P Keska, R Morgan, C C Pond, C Roberts, D Sunger, E Webster, J M Whitehouse, J Philip and L Hughes

**Other Councillors:** S Heather, G Mohindra, D Stocker and B Vaz

**Apologies:** B Sandler, G Chambers, H Kauffman and J Knapman

**Officers Present:** J Godden (Principal Planning Officer (Heritage, Enforcement & Landscaping)), G Woodhall (Senior Democratic Services Officer), J Leither (Democratic Services Officer)

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### **1. WEBCASTING INTRODUCTION**

The Senior Democratic Services Officer made a short address to remind everyone present that the meeting would be broadcast live to the internet, and would be capable of repeated viewing, which could infringe their human and data protection rights.

### **2. WELCOME AND INTRODUCTION**

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Committee, during the determination of applications for planning permission. The Committee noted the advice provided for the public and speakers in attendance at Council Planning Committee meetings.

### **3. APOLOGIES FOR ABSENCE**

In the absence of the Chairman, who had tendered his apologies for the meeting, the Vice-Chairman would chair the meeting and requested nominations from Members to be the Vice-Chairman for the meeting.

**Resolved:**

- (1) That Cllr B Rolfe be appointed Vice-Chairman for the duration of the meeting.

### **4. SUBSTITUTE MEMBERS**

The Committee noted the following substitutions for this meeting:

- (a) Cllr Hughes for Cllr Chambers; and
- (b) Cllr Philip for Cllr Knapman.

**5. DECLARATIONS OF INTEREST**

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

**6. MINUTES**

**Resolved:**

- (1) That the minutes of the meeting held on 28 March 2018 be taken as read and signed by the Chairman as a correct record.

**7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE**

The Principal Planning Officer introduced a Briefing Note, produced by the Planning Policy Team.

The Principal Planning Officer reported that the Briefing Note had been written to ensure a consistent approach was taken to the provision of Planning Policy advice following the publication of the Epping Forest District Local Plan Submission Version on 18 December 2017. Its primary purpose was to inform the Development Management process and to assist Development Management Officers, Councillors, Applicants and Planning Agents. Other Council Officers involved in the Development Management process might also find the Briefing Note useful.

**Resolved:**

- (1) That the Planning Policy Briefing Note for the Epping Forest District Local Plan Submission Version, published on 18 December 2017, be noted.

**8. 49 MANOR ROAD, CHIGWELL - LAND RISING**

The Principal Planning Officer presented a report on the enforcement investigation into the land raising in the rear garden of 49 Manor Road, Chigwell, as requested by Area Planning Sub-Committee South at its meeting on 24 January 2018.

The Principal Planning Officer informed the Committee that the site contained a detached dwelling house in an area characterised by large single dwelling houses on spacious plots. The original house had largely been removed and remodelled, through various planning applications, and this had been a complex site to deal with. As part of the ongoing works to refurbish the house and site, the rear garden had been remodelled, trees cut down (none of whom had not been covered by a Tree Preservation order), the height of the land along a strip along the western boundary adjacent with the rear garden of No 47 had been raised and a pool building and a shed erected along the southern boundary. A planning application for the land raising had been received and refused by Area Planning Sub-Committee South in January 2017; the Committee was being requested to consider the subsequent enforcement action by Officers.

The Principal Planning Officer stated that it was a fact that the land had been raised along the western boundary of No 49 to the rear (southern) boundary along the

boundary in a narrow strip due to the original height and undulation of the garden as it rose to the south. The area was minimal in width due to the ground undulations of the garden in this area and the height of the raising had varied from around 400mm along most of the length to 800mm on the area of land that the shed was on, and as an estimate averaged about 566mm (or half a metre). The area of land raising was highest on the section boundary where the shed had been erected. It was also the case that no enforcement action was requested by the Sub-Committee when the planning application for these works was refused in January 2017. It was also the case that only this Committee had the delegated authority to authorise enforcement action.

After further site visits and evidence gathering, Officers took the decision that the land raising was not sufficient to justify further enforcement action. This decision was made in accordance with national and local policies (the Councils Local Enforcement Plan) after careful assessment of the facts revealed by the continuing investigation.

In the professional opinion of Officers, the land raising which had occurred did not cause significant harm in terms of overlooking as the area of garden which had the potential to be overlooked was at the far end of No 47 rear garden and there was no direct overlooking of the rear elevation of No 47. It was also the case that it was not unusual for the rear gardens of properties to be overlooked by neighbours from rear elevations or due to different land levels, and some degree of overlooking was the norm especially in an highly developed urban area such as this location.

When considering if enforcement action was justified, it was the case that the planning system did not exist to punish wrong doers. It was mandated to consider what harm had been caused, and if it was caused whether it was proportionate and expedient to take enforcement action to remove the harm or reduce its impact. These principles were laid out in national Policy and the adopted Local Enforcement Plan. In this case whilst the land had been raised, the investigation showed that it was not as high as previously alleged and the harm caused was, in the professional opinion of Officers, not sufficient as to justify the service of an enforcement notice, which would stand up to scrutiny in an appeal.

Finally, the Principal Planning Officer apologised for not reporting back to Area Plans Sub-Committee South on the Officer decision to take no further action, following the completion of the enforcement investigation.

Cllr Heap opined that this issue had taken far too long to conclude; in addition, Area Planning Sub-Committee South had expressed a desire for enforcement action to be taken over the land raising, and therefore there should be enforcement action taken. However, the Committee agreed with the Officers that the harm from the land raising at 49 Manor Road in Chigwell was not sufficient to authorise enforcement action and noted the actions taken by the Council's Enforcement Officers. In response to a question from the Committee, the Principal Planning Officer confirmed that any waterlogging of the garden next door would be dealt with under Land Drainage legislation.

#### **Decision:**

(1) That the action taken in response to an enforcement investigation of land raising in the rear garden of 49 Manor Road, Chigwell, be noted.

#### **9. EPF/2891/17 - 1 BUSHEY LEA, CHIPPING ONGAR, ESSEX, CM5 9ED**

The Principal Planning Officer presented a report for a retrospective planning application concerning a single storey front extension that had been built along the full width of one side of the existing building at 1 Bushey Lea in Chipping Ongar.

The Principal Planning Officer informed the Committee that this application had been considered by Area Planning Sub-Committee East on 4 April 2018 with a recommendation to grant/refuse. However, the application had been referred to this Committee for a decision without a further recommendation. This application had originally been 'called in' by Cllr Keska.

The Principal Planning Officer stated that Bushey Lea was a small lane directly off Ongar High Street, and was within the Ongar conservation area. The lane acted as a transition from the High Street and Conservation Area to the countryside beyond with open fields at the end of the lane. The application site contained a modest link detached two-storey cottage, which did not benefit from any private amenity space to the rear of the property due to the shape of the plot. Planning permission was granted for the demolition of the existing single-storey extension and outbuildings and its replacement with a two storey side extension as well as a small front projection.

The Principal Planning Officer stated that the application proposed to retain the extension as built, with a single storey front projecting element now crossing the width of the property at part 1 metre, part 1.5 metres deep in line with the 'set back' of the side extension, with a slate tiled roof. Both the front and side elevations were clad in a composite material weatherboarding with a wood grain effect and finished in cream, similar in tone to the rear of the adjoining property at 38 High Street. The two storey side element remained at 5.5 metres wide by 4.6 metres deep. As part of the proposal, revised drawings had been submitted in line with the Conservation Officer's comments proposing the removal of UPVC soffit boards and the correction of some cladding around the windows in the Western side elevation, in order to make the proposal appear more appropriate to the character and appearance of the Ongar conservation area.

The Principal Planning Officer reported that the Conservation Officer had raised concerns about the UPVC double doors, as in normal circumstances within the conservation area, these doors would be of a timber construction with a thinner profile. However, the applicant had provided evidence to show that the doors were fitted by Thames Water in order to mitigate against flood risk, as the property had suffered from 'black water' flooding on a number of occasions. In the light of this evidence, the retention of the UPVC was on balance considered acceptable and the harm caused to the conservation area was minor. In respect of the cladding used for the extension, composite weatherboard was not the type of material expected to be used within the conservation area. However, the brickwork was not considered to be of any particular merit and on balance, the composite cladding, which featured a wood grain texture, was considered acceptable. The Conservation Officer had raised strong concerns about the use of white UPVC for the window surrounds and fascias; however, it was proposed to replace the fascias with the composite cladding used for the rest of the building, which would have no adverse effect on the conservation area.

The Principal Planning Officer explained that the proposal was not visible from the habitable rooms of any neighbouring properties and did not have any significant impact on neighbouring amenity. The neighbouring property had raised concerns about the ownership of the land on which parts of the extension had been built; however, this was a civil matter and could not be addressed as part of the planning application.

The Principal Planning Officer informed the Committee that, consequently, Planning Officers had concluded the development, with the proposed amendments, would not detract from the character and appearance of the conservation area. Accordingly, the proposal complied with the guidance contained within the National Planning Policy Framework and with relevant Local Plan policies. Therefore, it was recommended that planning permission be granted.

The Committee noted the summary of representations received in respect of this application, including an objection for the neighbouring property and no objection from the Town Council. The Committee heard from an Objector and the Applicant's Agent before proceeding to debate the application.

Cllr Keska informed the Committee that this application had been referred from Area Planning Sub-Committee East by way of a minority reference, and emphasised his genuine concern that the Applicant had obtained his planning permission but then proceeded to build something completely different. Cllr Pond reminded the Committee that its statutory duty was to consider whether the setting of the conservation area was enhanced by this application.

Cllr Brady felt that the plastic French Windows were completely out of character with the area, that the French Windows should be set back, and the right hand section of the extension should be removed. Cllr Brady added that the extension should have been built as per the plans previously approved and that it was unacceptable for the applicant to build something completely different from what was originally granted. Thus, Cllr Brady could not support this application.

However, Cllr Philip opined that the Committee should only be concerned with this extension and whether it was acceptable or not in terms of planning policy. The Councillor stated that he did not like retrospective planning applications, but that the Committee had to treat this application like a normal planning application, and in that context there were no reasons to refuse this planning application.

**Decision:**

(1) That planning application EPF/2891/17 at 1 Bushey Lea in Chipping Ongar be granted permission, subject to the following condition:

1. The amendments shown in the approved drawings shall be carried out within three months of the date of this approval.

**10. EPF/2946/17 - 1 BUSHEY LEA, CHIPPING ONGAR, ESSEX, CM5 9ED**

The Committee noted that this application had been withdrawn by the Applicant pending the submission of a revised application for the site.

**11. ANY OTHER BUSINESS**

It was noted that there was no other urgent business for consideration by the Committee.

**12. EXCLUSION OF PUBLIC AND PRESS**

The Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

**CHAIRMAN**