

## AREA PLANS SUB-COMMITTEE 'EAST'

3 April 2018

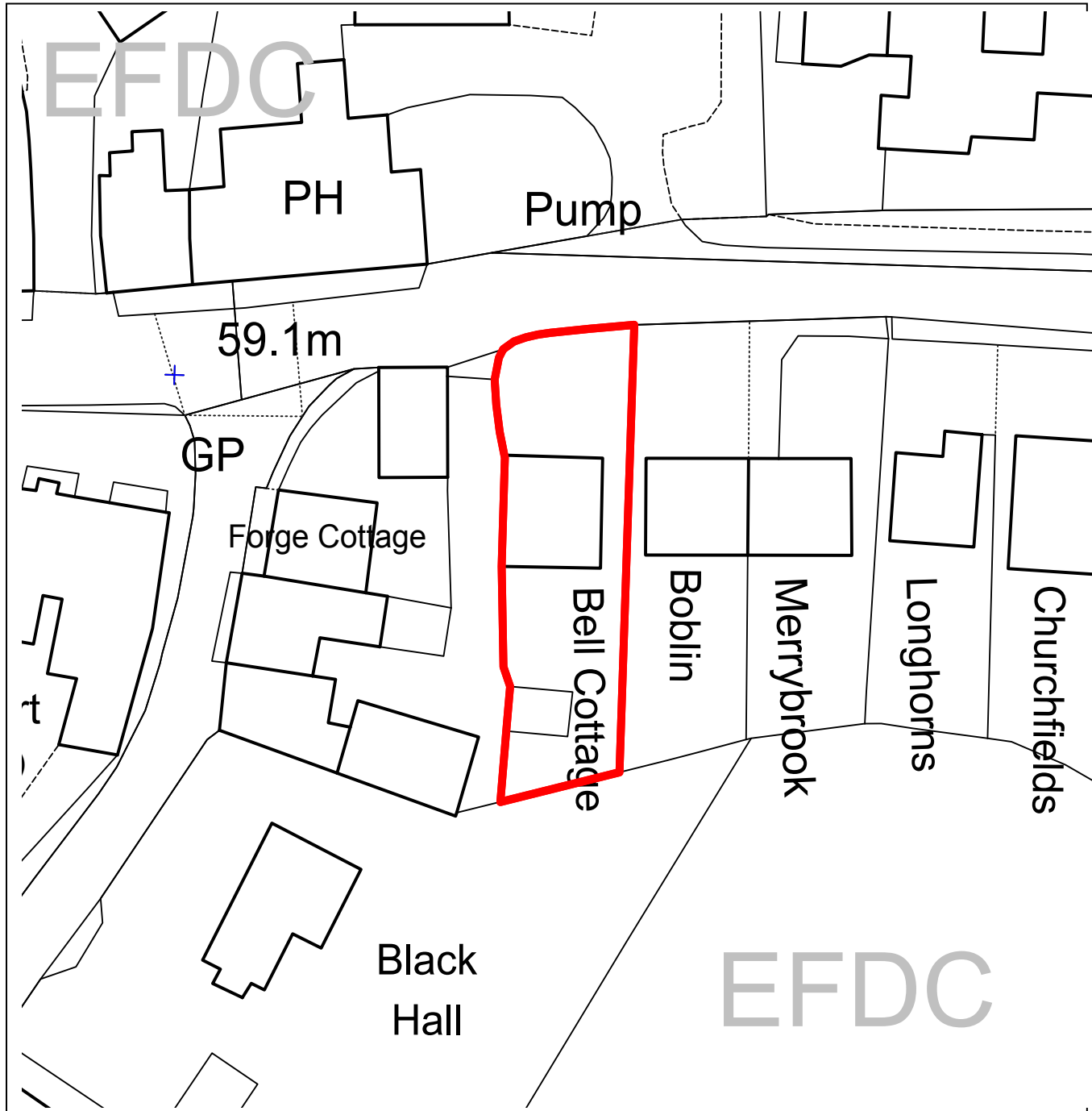
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/3044/18
Site Name:	Bell Cottage, Church Road, Moreton, Ongar, Essex, CM5 0JD
Scale of Plot:	1:500

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/3044/18
<b>SITE ADDRESS:</b>	Bell Cottage Church Road Moreton Ongar Essex CM5 0JD
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Clarck
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of garage into living accommodation, first floor rear extension replacement rear balustrade and external alterations to the front, side and rear of dwellinghouse
<b>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=617218](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=617218)

**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 no: PL01 Rev B 2019/02/24
- 3 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 use on site. 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.
- 4 Access to the flat roof over the extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

'Bell Cottage' is a 2-storey detached dwelling built in the 1960s located to the southern side of Church Road in the built-up area of Moreton and within the boundaries of the Metropolitan Green Belt. The property has an integral garage, flat roof single storey rear extension with a balustrade surrounding its perimeter.

The building is located just outside the Moreton Conservation Area within the setting of several grade II listed buildings such as Forge Cottage, Castle House & Shop and Moreton Massey Public House.

The existing property is of an incongruous appearance featuring a mono pitch roof, half-timber clad façade with minimal windows to the front elevation which makes little contribution to the adjacent heritage assets, especially to the listed Public House which is located opposite.

### **Proposal:**

The proposal is a resubmission following the previous refusal of a first-floor rear extension involving:

- The conversion of the existing garage into a habitable room, and the replacement of the garage door with 3 front windows.
- A first floor rear extension built up the east boundary measuring a width of 3.0m, a depth of 4.58m set down 0.2m from the main ridge and set back 0.5m from the rear flank of the existing single storey rear extension.

The amendments from the previous application are:-

- The flat roof has been replaced by a pitch roof, the height has been reduced by 0.2m and the depth reduced from 5.1 m to 4.58.
- The rear spiral staircase has been removed.

### **Relevant Site History:**

EPF/2079/18 - Garage conversion, first floor rear extension and window configuration – Refused  
21/09/2018

- 1. The proposal by reason of its design, would be out of keeping with the surrounding area and contrary to Policy DBE10 of the adopted Local Plan and Alterations (2006 and Policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017*
- 2. The proposal, by reason of its design would adversely affect the setting of a Grade 11 Listed Building and therefore contrary to Policy HC12 of The Epping Forest District Local Plan and Alterations (2006) and Policy DM7 of the Epping Forest District Local Plan (Submission Version) 2017.*
- 3. The proposal, by reason of its design, would adversely affect the living conditions of neighbours in respect of privacy and is therefore contrary to Policy DBE9 of The Epping Forest District Local plans and Alterations (2006) and Policy DM9 of The Epping Forest District Local Plan (Submission Version) 2017.*

EPF/0085/83 - Construction of open porch (20/04/1983) - Grant  
EPO/0042B/61 - Revised details of dwelling (05/05/1964) - Grant  
EPO/0042A/61 - Dwelling and Garage (03/10/1963) - Refuse  
EPO/0042/61 - O/A residential development (04/04/1961) - Grant

### **Policies Applied:**

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

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.

DBE2- Effect on neighbouring properties.  
DBE9 - Loss of Amenity  
DBE10 - Design of Residential Extensions  
GB2A - Design in the Green Belt  
HC6 - Character, appearance and setting of Conservation Areas  
HC12- Development of Setting of Listed Buildings

#### **Local Plan (Submission Version) 2017**

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM4 - Green Belt

DM7 - Heritage Assets

DM9 - High Quality Design

## **Consultations**

### Conservation

No objection

The removal of the spiral staircase to the rear and the introduction of a pitch roof to the single storey rear extension at first floor addresses most of the previous concerns. There is no objection to the use of both vertical and horizontal timber cladding.

The building is not an historic building but of modern execution so the way to lay the cladding does not have to be traditional and can reflect the modern style of the building. The proposed glass balustrade is considered acceptable but could alternatively be made in timber.

The most interesting part of the proposed scheme is the addition of both vertical and horizontal windows to the façade. The design of the proposed façade is fully supported as it will break the existing large expanse of bricks and cladding and give to the building an immediate domestic appearance.

RECOMMENDATION – The scheme is considered as an opportunity for enhancement. It is considered that it will improve the appearance of the setting of both the conservation and the listed buildings. I therefore give my support the current scheme and recommend this application for approval with the following condition:

- Materials of construction to be agreed

This is supported by policy HC6, HC7 and HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190, 192, 193 and 194 of the NPPF (2018).

### **Representations:**

A Site Notice was displayed on the 04/12/2019

Moreton, Bobbingworth & The Lavers Parish Council: Object

- The extension is out of character with the surrounding buildings;
- The revised plan does not appear to show a minimal reduction in the size of the balcony but the projection still appears to extend to more than the 1metre shown on the application.
- A balcony this size is disproportionate and over bearing, having a significant impact upon adjoining properties, including loss of light.
- The question raised regarding the roof being both pitched and flat has not been addressed.
- Exacerbate an existing parking situation in the village
- The front elevation is an improvement to what presently exists but has removed an ancient chestnut tree, the canopy which was within the conservation area.
- Loss of light and overshadowing for 2/3 adjacent properties
- The development is not to scale vertical cladding is contrary to the design and appearance of the usual horizontal weather boarding of the village, Conservation area and Listed Buildings.

16 adjoining neighbours were notified on the 23/11/2018 and 03/12/2018 and reconsulted on receipt of amended plans 04/01/2019. 7 letters of objections have been received that raise the following concerns:-

**CHURCHFIELDS:** The rear extension projects approx. 2.5 metres clear of the building line of the adjacent run of houses. Although on the plan it shows it clearing the 45 degree sight line of the downstairs window of Boblin, it does not show how it interferes with the 45 degree sight line from the upstairs dormer window which is set back approx. 2.5 metres from the front building line.

The proposed first floor kitchen extension is totally out of keeping with the surrounding conservation area and shows little respect for the effect it will have on neighbours.

I note that the applicant declares in item 6 that no trees will have to be removed to achieve the other changes. However immediately prior to the application being made, a horsechestnut tree aged over 100 years and which was a major feature of the village centre was felled. This was a great disappointment to many of the residents as it had been nurtured by the previous owner.

**COOPERS COURT:** As I believe the original planning permission for Bell Cottage in the 1960s was on the proviso that it was built back behind the large horse chestnut tree. They have been quoted as saying this style of renovation is very popular in Islington. Well, I believe it is not appropriate for a country village, especially on the edge of a conservation area. The EFDC leaflet about this states that the trees and hedgerows must be preserved as part of the conservation of the character of the ancient village and enhance the vistas. The official who viewed the large tree outside Bell Cottage said that although the canopy was within the boundary line of the conservation area, the trunk was not, so it could not be saved. How can the canopy of a tree exist without the trunk to sustain it?! I am concerned that having already taken liberties with our environs their plans will be of detriment to the character of our village and be totally out of keeping.

**CASTLE HOUSE, BRIDGE ROAD:** Our concern with this project is:

1. Loss of Privacy.

The applicant has already removed a large screening hedge from the garden which provided complete privacy between Bell Cottage, Forge Cottage and Castle House. The balcony as it now stands has complete sight directly into our garden and what was once a very private patio area outside of our kitchen and dining room. We will need a screen replaced as a condition.

2. Disruption. The only access to the rear of the property is along the drive to the right hand side of Bell Cottage which has pedestrian access only. The drive is the vehicular access for Castle House and is being used regularly throughout the day. It is important that the drive is not blocked without notification.

3. Flooding: The removal of the old Ash tree at the front of the house and the levelling of the drive will result in water run-off and potential flooding down the drive and into our rear garden/patio. Heavy rain and water run-off comes down Church Road and down the drive from the Nags Head car park and crosses the road in front of Bell Cottage. The existing 4-inch drains do not cope resulting in flooding down the drive. The applicant will not be aware of this and the Planning Authority needs to ensure that the drive is resurfaced in a way to prevent water run-off down the drive thereby flooding our rear patio.

**THE WALNUTS HARLOW ROAD:** - The extension is out of keeping with the conservation area.

**2 LANDVIEW COTTAGES:** Overdevelopment on a very small site. The loss of garage will result in additional off street parking in the village already suffering from excessive car parking. Trees have already been removed from the front and back of the property with serious implications to the Moreton Village conservation area.

The amended drawing shows little significant change. All my previously submitted comments therefore still stand for this amended scheme. There has been no attempt to demonstrate that the 45 degree viewing angle from the set back bedroom windows of Bobbling has not been compromised. This projection has serious implications for the owners of Boblin and will be detrimental to the value of their property if allowed to be constructed without proper control.

**MERRYBROOK COTTAGE, CHURCH ROAD:** - Tweaking the proposed first floor rear extension plans does not alter any of my objections to the extension. It is overbearing and detrimental to the ambiance and character of the Conservation Area and the adjacent Listed Buildings. It will overshadow my house and garden causing me to lose light and will look like a first floor shed attached to the back of Bell Cottage.



I have started to research the original plans, dated 1961 and I will forward my findings to you. The council, then, was concerned about the negative impact Bell Cottage would have on neighbouring properties.

Problems that will be caused to the village of Moreton by a rear first floor extension to Bell Cottage.

It would overshadow the back of my house and small garden, dwarfing it as it would overlook the back of my property by approximately 3 meters in length, I will lose a substantial amount of light in my lounge and as my garden is south facing I would also lose much of the late afternoon and early evening light. The height of the extension including the roof would be approximately 2 1/2 to 3 meters, therefore higher than my bedroom windows. This will block the light to two of my bedrooms.

The height and the width of the proposed structure would be overbearing and dominate a small area that already has a high density of buildings. It would be unsuitable as all of the backs of the houses are squeezed into a corner plot. A neighbour has produced a photo of the back of Bell Cottage and superimposed a diagram showing how intrusive the proposed extension would be and how it would affect at least 4/5 properties to the East and West of Bell Cottage.

A large first floor, possibly wooden, construction on the back of Bell Cottage would be both unwarranted and inappropriate in the centre of a small rural village and would cause unreasonable interference to the environment of the adjacent historic properties.

The proposed extension is disproportionate and not in keeping with the proximity of The Listed Buildings and Conservation Area. It would dominate the sky line obscuring the gables, apexes and chimneys of the Listed Buildings and be clearly visible from the centre of the Conservation Area in the village and the surrounding fields at the back.

The design, the appearance and the materials for the proposed extension are not compatible with the local community and do not improve the rural environment of Moreton village. The layout of Bell Cottage does not lend itself to an upstairs extension. It was never designed to extend the first floor beyond the building line of the adjacent properties thus protecting the privacy of the residents at the back of Bell Cottage.

The drawings that EFDC have, show the balcony extending less than a meter beyond the building line of the houses to the East of Bell Cottage in Church Road. It extends at least three meters beyond the building line of these properties, impacting the whole area.

Mr. Clerck's answer in his second application to a question regarding trees said, 'there were no trees to consider', but he failed to mention the first thing he did when he acquired the property in the summer (2018) was to cut down an ancient, healthy Horse Chestnut tree, that was the focal point of the village centre, he then proceeded to remove every piece of greenery in the front garden and most of the trees and plants in the back garden.

This has caused an environmental desert to the front of the Cottage.

The Horse Chestnut tree and the shrubs that were in the front of Bell Cottage helped to protect the property and adjacent properties from flooding when there is heavy rainfall. Church Road suffers badly from 'flash flooding'. (I have film of this flash flooding)

The removal of the kerb along the entire front of the property has caused the loss of three valuable parking spaces on the road, in a village that is suffering from a shortage of parking spaces.

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

The main issues for considerations is; has the amendments addressed the previous reason for refusal, the visual impact of the development on the character and amenity of the Metropolitan Green Belt, the adjoining conservation area and amenities of the adjoining properties.

### **Impact on the Metropolitan Green Belt**

The National Planning Policy Framework, (NPPF), 2018 states that 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. There is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 145 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original buildings.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger size or different in character when assessed against the original house.

In this instance, the property is located within the Green Belt and where the original house has been extended in the form of a single storey rear extension.

The proposed extension by reason of its scale and form is regarded as a limited addition and as such is considered appropriate development that would not cause material harm to the openness of the Green Belt and is consistent with the Local Plan 2016, the Submission Version 2017 and the NPPF.

### **Design**

The site borders the Moreton Conservation Area and is in close proximity to several listed buildings. The conservation area is characterised by clay tiled roofs, external timber weatherboarding and white rendered pebble-dashed walls.

In determining planning applications, the council is required by the NPPF to consider the desirability of new development making a positive contribution to local character and distinctiveness. Whilst the red line area of the site is not technically within the Conservation Area, the site is surrounded by it on three sides and as such the impact of the proposed design should take this into consideration.

The removal of the rear spiral staircase and the introduction of a pitch roof to the proposed first floor rear extension is considered to have addressed some of the concerns on the previous application.

The dwellinghouse as it presently stands is of a modern featureless design which takes on the appearance of a warehouse/ office building from the front facade. As such, there is no objection to the use of both vertical and horizontal timber cladding which would add character to its appearance. The building is not an historic building but of modern execution so the way to lay the cladding does not have to be traditional and can reflect the modern style of the building. The proposed glass balustrade is considered acceptable but could alternatively be made in timber.

The most interesting part of the proposed scheme is the addition of both vertical and horizontal windows to the façade. The design of the proposed façade is fully supported as it will break the existing large expanse of bricks and cladding and give the property a more domestic appearance.

Overall, the design, and form of the extension and alterations has made the property more appropriate in its context and added features and character that preserves and enhances the character and appearance of the conservation area complying with to policy HC6, HC7 and DBE10 of our Local Plan and Alterations (1998 and 2006), policy DM7 and DM9 of our Submission Version Local Plan (2017), and the NPPF.

#### Amenity:

There is no objection to the loss of the garage space with two replacement car spaces being sited in the front forecourt of the property. The rear terrace is already an existing feature of the property and its replacement by glass material is not considered to give rise to any additional overlooking to what presently exists. An appropriate condition to prevent the rear extension being used for recreational purposes would be attached at any approval of the scheme to prevent any overlooking or loss of privacy to neighbouring properties.

The proposed first floor rear extension is to be built up to the east flank of the main dwellinghouse which is sited within 1.0m of the shared boundary with 'Boblin, a chalet bungalow with low eaves that sits to the east of the application property. The properties are very different in design with 'Boblin' originally of a deeper rear alignment. The existing single storey rear extension to the application property has increased the depth of the property past the rear building line of Boblin but with a separation distance of over 3.0m between the properties (to the back) this would ensure that the first floor rear extension would not result in any harmful amenity implications in the form of a loss of light, outlook or overbearing impact. Furthermore, the siting and size of the rear extension would reduce the amount of overlooking and loss of privacy from the existing terrace to the rear garden of 'Boblin'.

Many of the concerns raised by residents have been addressed in the body of the report. The loss of the front garden tree is unfortunate but does not fall within the control of the planning department and the provision of off street parking falls out of the control of planning. The conversion of a garage into living accommodation does not require planning permission as long as there is no original condition of the property preventing its use as living accommodation and no external alterations other than the replacement of the garage door with windows. There is no

objection to the vertical and horizontal timber cladding which is considered to compliment the modern style of the property enhancing its appearance.

**Conclusion:**

Having taken all material considerations into account, it is concluded that on balance the proposed extension has satisfactorily addressed the previous reasons for refusal and is considered acceptable in respect of size and siting and would not result in any harm to the openness of the Green Belt. The design, materials and siting would preserve and enhance the character and appearance of the adjoining Listed Buildings and conservation area would not result in any harmful impact on the amenity of adjoining properties and is in accordance with the Epping Forest Local Plan (1998 and 2006) policies and, the National Planning Policy Framework, 2018.

**Recommendation**

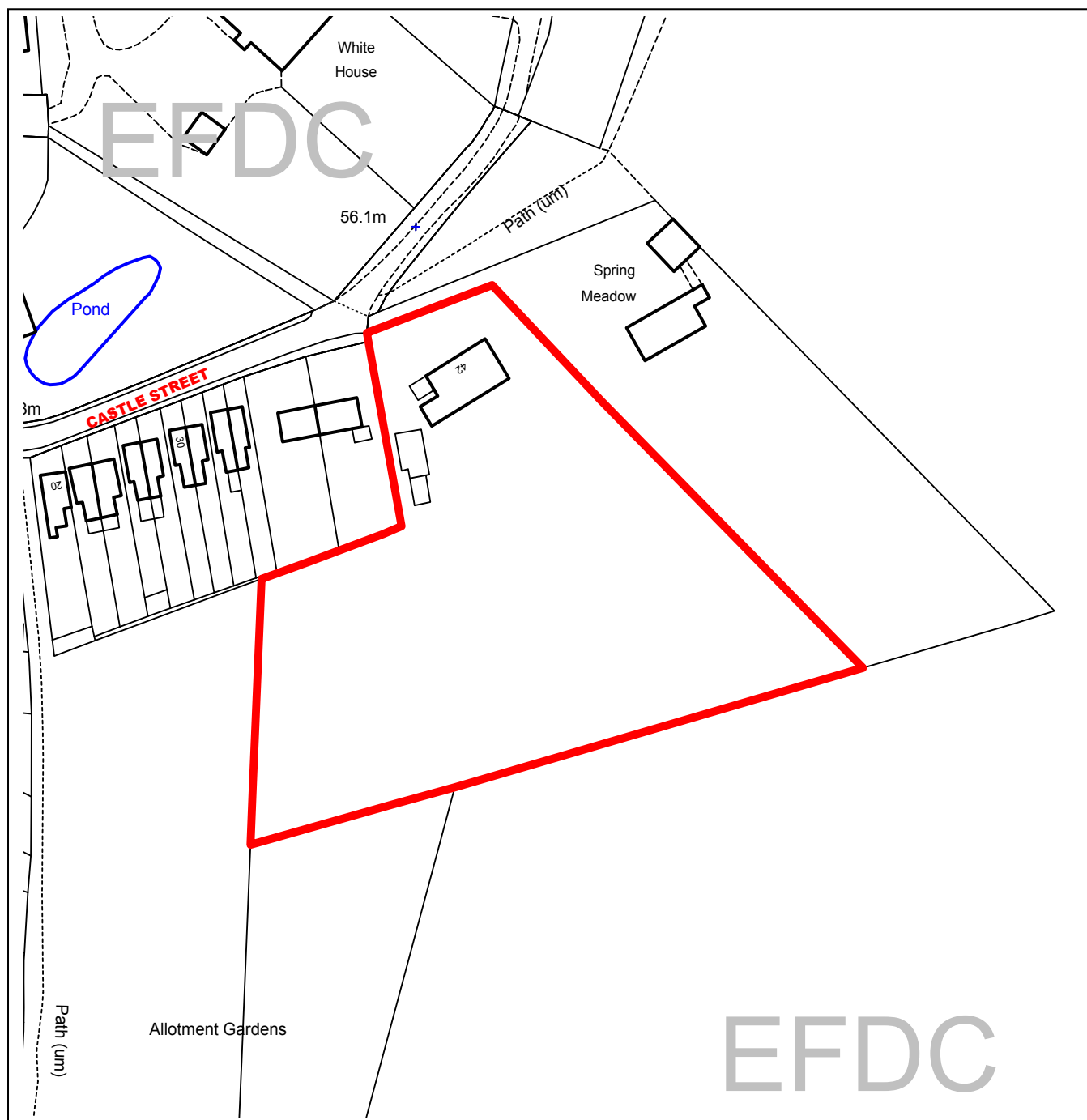
In the light of the above considerations it is recommended that planning permission is Approved.

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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/1963/18
Site Name:	42 Castle Street Ongar Essex CM5 9JS
Scale of Plot:	1/1250

**Report Item No:2**

<b>APPLICATION No:</b>	EPF/1963/17
<b>SITE ADDRESS:</b>	42 Castle Street Ongar Essex CM5 9JS
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr & Mrs Fenn
<b>DESCRIPTION OF PROPOSAL:</b>	Formation of an all weather surface sports pitch (for personal use) with associated fencing and lighting
<b>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=597400](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=597400)

**CONDITIONS**

- 1 The development hereby permitted shall be retained strictly in accordance with the approved drawings nos: 2707/01, 2707/07 rev B, SC-MUK1797-02 and RSMEP/SP/LUX
- 2 Within three months of the date of this permission, details of additional tree planting along the southern site boundary abutting the sports pitch, including positions or density, species and planting size(s) and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.
- 3 The sports pitch hereby permitted shall not be used before 9am or after 9pm on any day of the week.
- 4 The floodlights hereby permitted shall not be used on any more than two days Monday to Friday in any week and shall not be used after 9pm on either of the said permitted days. The floodlights shall not be used at any time on Saturdays, Sundays or Bank Holidays.

## **EPF/1963/17**

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

### **Description of Site:**

The application site, also known as Spring Ponds, comprises around 0.75 hectares and lies on the south side of Castle Street. Work is progressing on construction of a replacement 5 bedroom dwelling on the site, expected to be completed late summer this year. A single vehicle access point is located in the north west corner of the site. The extensive rear garden includes a swimming pool on the eastern boundary and extends to the rear of gardens at 36, 38 and 40 Castle Street. There are extensive tree screens around the boundaries of the application site, including established conifer hedges to the north and western edges, and to a leased extent the southern edge.

The site lies in a predominantly residential area wherein lie a mix of built forms, the principle building being the listed White House to the north, largely screened from the street. Properties to the west fronting Castle Street are of more modest scale. Along the western and southern boundaries of the land the application relates to are allotments.

The application site lies wholly within the Green Belt, as does the adjoining house to the east and land and buildings to the north. The properties to the west are outside the Green Belt, but do lie within the Ongar Conservation Area, the boundaries of which follow the site's western and north western boundaries.

### **Description of Proposal:**

The application before Members seeks retention of the works to install an all-weather sports pitch with associated fencing and lighting.

The all-weather pitch requires planning permission as it constitutes an engineering operation. It measures 42m in length and 17m in width (around 714 sq.m.), excluding the recess areas at either end in which mobile football goals are situated. The area is surrounded by an open mesh metal fence of 3m high, the fence and the support posts are finished in a dark green colour. Gates are located along the eastern side and in the north-east corner of the same height.

Eight lighting columns are positioned immediately outside the fence, four along each side. Each column is around 5m high including the light fittings on the top of which there are two on each column.

The application seeks only retention of the works undertaken.

### **Relevant History:**

EPF/0948/17 Demolish the existing detached dwelling and outbuildings on the site and to construct a replacement detached house with garage. The application was approved in June 2017.



EPF/1963/17 The current application was initially submitted in July 2017 and was described on the application as 'Erection of sports fence within rear garden behind existing tall boundary hedgerow'. Following discussions on the extent of the additional works, the application was amended to the current form.

EPF/0515/19 A new application has recently been received for the formation of a tennis court with fencing. The application, still out to consultation at the time of preparing this report, indicates a single tennis court with a 2m high fence around located on the east side of the site, adjacent to the boundary with 44 Castle Street. This is not floodlit.

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
HC6	Character, appearance and setting of Conservation Areas
HC12	Development affecting the setting of Listed Buildings
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

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.

#### *NPPF:*

The Revised National Planning Policy Framework (NPPF) (July 2018) states at paragraph 213 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:*

In September 2018, the Council submitted the Epping Forest Local Plan Submission Version 2017 for examination. As such the LPSV can be treated as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP6	Green Belt and District Open Land
SP7	Natural Environment, landscape character and green infrastructure
DM1	Habitat Protection and Improving Biodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage assets
DM9	High quality design

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

Date of site visit: 29 November 2018 and accompanied Members site visit 11 March 2019

Number of neighbours consulted: Seven

Site notice posted: No, not required

Responses received: A total of 38 objections have been received to the application as amended, including a petition signed by occupiers of 27 properties in Castle Street and adjacent roads. A limited number of objectors have declined to identify their address, their comments made by e-mail only and a number have signed a standard letter of objection circulated in the area. Objections have been received from the following addresses:

CASTLE STREET – 5, 18A, 20, 21, 22, 24, 26, 28, 30, 34, 44, 46, Castle House and Pond House

LIVINGSTONE COURT – 7, 8

CROSSBOW COURT – 1, 2, 3

STANLEY PLACE – 11, 12

LONGFIELDS – 17, 27, 29, 37 and 43

106 HIGH STREET, 11 MARKS AVENUE, 40 CLOVERLEY ROAD and COACH HOUSE,  
GREENSTED HALL, CHURCH LANE.

A further objection has also been received from the ONGAR ALLOTMENTS AND GARDENING SOCIETY.

The following key themes are raised in the objections:

- Impact from floodlights on surrounding properties and the adjacent allotments, on the surrounding open land and wildlife, on the adjacent Conservation Area, on the wider heritage character and setting.
- Wider impact of lighting in visual amenity terms – from glare and light spillage
- Green Belt issues
- Visual appearance of columns and fencing
- Disturbance from use – comments in respect of general noise and disturbance both in terms of users of the pitch and from balls rebounding off the fences, and from parking by users.
- Concerns at the frequency and hours of use

Other comments also relate to impact on property values (not material of itself) and comments in respect of the consultation process in relation to the revised description on the application.

Officers note that a number of residents have commented on a 'full size football pitch' and 'full height floodlights' and it should be noted that the pitch is around one third of the size of a full pitch and the lighting columns around 30 – 40% of the height of lights that may be required for a full size

pitch. Officers do not however consider this significantly affects the weight that should be given to residents comments.

Parish Council: Ongar Town Council raised no objection when consulted in 2017 on the application for a fence. The Town Council have not commented on the revised application.

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

#### *Green Belt*

The land in question lies within the Green Belt, albeit on the edge thereof abutting the settlement where new built development is generally regarded as inappropriate. Para 145 b) in identifying exceptions to this includes inter alia;

*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, ....; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

The Framework does not define what is meant in this circumstance by 'appropriate'. Objectors argue that it should not apply to individual householders, but there is no compelling supporting evidence to support this view. 'Appropriate' would appear to suggest a different level of development can be considered on a case-by-case basis. In such circumstances, officers consider that the laying of a private sports facility can be considered appropriate subject to the impact on openness.

In this regard, the area forms part of the domestic garden and was previously laid to grass. In Green Belt terms, in a secluded residential garden, the engineering works and the surface have no impact on the wider character – a variety of surfaces, including tarmac or concrete can be laid in garden areas and form part of the broad domestic character. The fencing is open in form for its entire height and is coated in dark green. Other than from close range, specifically in this instance the small part visible from the allotments, the permeable visual nature is appropriate to the setting. The lighting columns of themselves are narrow and have little mass in the wider perspective. This is distinct from any impact from the lights when in use, which is considered further below.

#### *Amenity considerations*

Comments from objectors refer to the pitch having been used on a number of occasions during daylight hours. These comments refer to general noise from participants, from balls rebounding off fences, and car parking. However, in considering such issues, Members must consider such issues in the context of what may reasonably be expected within a residential property, particularly one with a large garden area where a property owner may invite friends to visit and use the garden area and any facilities therein (swimming pools, hot tubs, tennis courts etc). The provision of a permanent facility such as this may make such activity more likely, but does not necessarily mean it is inappropriate within a domestic setting.

Where such concerns arise, Members can consider whether conditions may be imposed which would mitigate potential harm, through limiting the times such facilities are utilised. This may include a general restriction on hours of use and, in this case, an additional more stringent restriction on the use of the floodlighting. Other powers exist in terms of noise nuisance and community orders in the event a more intensive level of activity takes place.

#### *Floodlighting*

Some Members attended the recent site visit to view the lights in operation. Officers also undertook an earlier site visit for the same purpose. The existing well established trees provide a high level of screening and from most vantage points the lighting were not visible. The general level of upward light spill, such that a general glow of the lights was visible was very limited.

The lighting system is evidently designed to modern standards. The degree of light spill beyond the area of the pitch was minimal, such that within the garden area, officers noted that within 10-15 metres, the garden was clearly in darkness. This is significant in terms of the impact on the immediate surroundings, particularly to the rear of the site.

Where the lights were visible, then the issue of potential glare means the lights are visible from some distance away. This was particularly apparent where the existing tree screen is at its lowest, along the rear boundary. The applicant has indicated that they will accept a condition to infill this section with additional mature species.

Officers acknowledge that the glare would be a matter of concern if the lights were to be used on a regular basis. This is not the case however, the application is clear that the use is for private purposes. If the use of the lights is restricted to a limited number of occasions and within specified hours, officers take the view that the impact can be significantly reduced.

### **Conclusion:**

Members need to determine the application on the information submitted in the application. The facility is not a full size sports pitch, is not intended for daily use and does not have lighting columns of a height commensurate with a wider use. Some weight must be given to the freedom of any home owner to use their garden for purposes they consider to be ancillary to their domestic use, which can include provision of recreational facilities shared with their friends. The scale and extent of such facilities will vary according to the size of the garden, Members will be aware of other instances in the District and beyond of sports pitches being laid out in large gardens.

In Green Belt terms, officers consider that the works can be considered as 'appropriate' in the context of paragraph 145 b of the NPPF. The physical works of themselves have limited impact on the character and openness of the Green Belt particularly set against the domestic footprint and surroundings. Similarly, the built elements of the surface, fencing and lighting columns themselves have a minimal impact on outlook and general visual amenity.

Potential harm arises from elements of use – the use of the facility and the operation of the floodlights. In considering these factors, this has to be considered in the context of a domestic use and not a publicly accessed facility. In this regard, officers consider that conditions could be imposed limiting the general usage to between 9am and 9pm, and limiting the use of the floodlights to two nights a week until 9pm with no use of the floodlights at weekends. A further condition requiring additional planting along the southern site boundary would also be appropriate in the circumstances.

Officers would also advise Members that it is open to them to defer determination to permit further discussions if, for example, the floodlights are considered unacceptable.

***Should you wish to discuss the contents of this report item please use the following contact details by 3pm on the Monday preceding the meeting at the latest:***

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

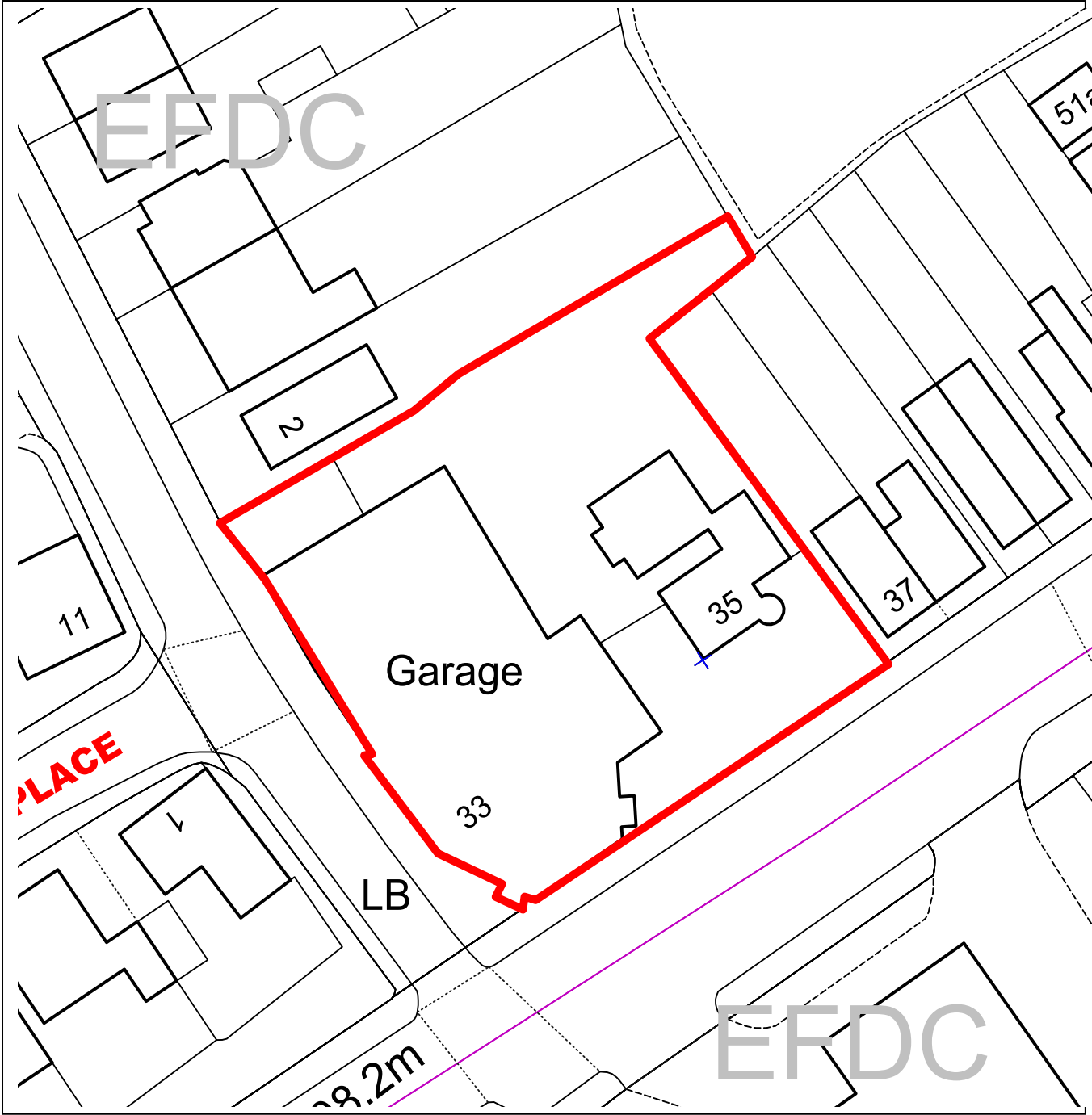
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council



## Agenda Item Number 3



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Application Number:	EPF/3185/18
Site Name:	33 High Street Epping Essex CM16 4BA
Scale of Plot:	1/500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/3185/18
<b>SITE ADDRESS:</b>	33 High Street Epping Essex CM16 4BA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs R Humphris
<b>DESCRIPTION OF PROPOSAL:</b>	Change of Use application from Sui Generis, Car Showroom to A3, Restaurant use.
<b>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=617793](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=617793)

**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: 19030/001, KDRD Square duct fans technical data, 010-00, 02-01, 02-02, 03-01, 03-01A, OTTOOSTUMM steel window systems brochure PBF/FWP/002 rev E letter from PSG
- 3 The restaurant use hereby permitted shall not be open to customers outside the hours of 12:00 and 23:00
- 4 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point per every 10 spaces on industrial, commercial or leisure developments shall be installed and retained thereafter.
- 5 An appropriate noise control device shall be put in place and used for amplified sound. The device shall be set so that the volume of any amplified sound emanating from the premises does not cause a statutory nuisance to occupiers of any noise sensitive premises and shall be set at a level that will have been previously agreed in writing by the Local Planning Authority.
- 6 Prior to the commencement of the use hereby permitted an operational management plan will be submitted to and approved by the Local Planning Authority. The details shall include methods on how noise will be controlled; signage alerting patrons of the need to 'be quiet in the car park area' and that 'smoking is prohibited in the car parking area'.

The use shall be operated strictly in accordance with the details so approved, shall

be maintained as such thereafter and no change from the approved details shall take place without the prior written consent of the Local Planning Authority.

- 7 Equipment should be installed to suppress and disperse cooking/food preparation fumes and smell to a minimum. The equipment should be effectively operated and maintained for so long as the use continues. Details of the equipment should be submitted to the Local Authority for comment and should be installed and be in full working order to the satisfaction of the Local Authority prior to the commencement of use.

The flue height should be at a minimum height of 1m above the eaves level 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 final discharge should be vertically upwards, unimpeded by flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.

- 8 The design and installation of new items of fixed plant shall be such that when operating the cumulative noise level LAeq Tr arising from the proposed plant, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of 5dB(A) below the background noise level LAF90 Tbg. The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014.
- 9 The flue and associated ductwork hereby approved shall be mounted on anti-vibration mounts and maintained as such thereafter.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

Description of Site:

The proposal site contains a Grade II listed Water Tower which is constructed of brick with decorative bands and has a Turret style feature and is located within the grounds of a car dealership. The application relates to the car dealership area and shop/office building. The site is outside of the Epping Town Centre Conservation Area. The immediate area contains a mix of development types, including commercial, retail and residential.

Description of Proposal:

Permission is sought for the Change of Use application from Sui Generis, Car Showroom to A3, Restaurant use. It will have the capacity for 180 covers.

The new shopfront will be designed to include dark tiling on the upstand to the base, a painted built up stallriser, steel framed windows and powder coated decorative panels fascia with concealed back light wash, individual pinned extruded brass letters, decorative top panel and a painted back panel. .



14 car parking spaces are proposed in the northern area of the site. Access will be via Tower Road.

Hours of operation will be 12pm until 11pm Monday to Sunday.

The applicant is Prime Grill and Steak House. The applicant indicates that an average bill per table is £69.

#### Relevant History:

There is a long history of applications for phone antennae on the building.

EPU/0048/62 GARAGE      Granted

EPU/0033/69 IMPROVED WORKSHOP & TOILET FACILITIES & 2 VAN GARAGE      Granted

LB/EPF/0108/87      Change of use from redundant water tower to radio site engineering and management, incorporating erection of colinear antennae new water-tight roof structure, new internal roof access ladder beyond existing and internal equipment rooms at ground level.

Granted

LB/EPF/0072/94      Listed building application for conversion of water tower pump room to reception, office and spares store, demolition of attached garage and laying out of parking area.

Granted

EPF/0839/16      Grade II listed building application for proposed replacement of existing flagpole and 3 no. antennas and replacement with tri-sector support pole comprising 3 no. antennas. Installation of 1 no. equipment cabinet within existing equipment cabin.      Granted

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

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of amenity
RP5A	Adverse environmental impacts
TC1	Town centre hierarchy
TC3	Town centre function
TC4	Non-retail frontage
DBE1	Design of new buildings
HC6	Character and appearance and setting of Conservation Area
HC7	Development within Conservation Areas

#### The National Planning Policy Framework

The National Planning Policy Framework (NPPF) has been adopted as national policy since July 2018. Paragraph 213 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 Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be

used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM9	High Quality Design
DM7	Heritage Assets
DM9	High Quality Design
DM14	Shopfronts and On Street Dining
DM16	Sustainable Drainage Systems
DM18	On Site Management of Waste Water and Water Supply
DM20	Low Carbon and Renewable Energy
DM21	Local Environmental Impacts, Pollution and Land Contamination
P1	Epping
DM21	Local environmental impacts, pollution and land contamination
E2	Town Centre Hierarchy / Retail Policy
P1	Epping

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

Number of neighbours consulted: 46

Site notice posted: Yes

Responses received: as follows:-

**1d TOWER ROAD, 2 TOWER ROAD, 4 TOWER ROAD, 5 TOWER ROAD, 6 TOWER ROAD, 7 TOWER ROAD, 8 TOWER ROAD, 10 TOWER ROAD, 13 TOWER ROAD, 14a TOWER ROAD, 15 TOWER ROAD, 15 HIGH STREET, 16 TOWER ROAD, 20 HIGH STREET, 8 AMBLESIDE, 6 GREEN TREES, 43 HIGH STREET, , 45 HIGH STREET, 1 BEECH PLACE, 4 BEECH PLACE , 5 BEECH PLACE 11 BEECH PLACE: OBJECT**

- A destination restaurant is one that has a strong enough appeal to draw customers from beyond our community. Therefore, it is not an amenity for local residents. The change of use will

drastically increase the number of people to this area of Epping, thereby creating a Highway safety problem. 16 customer parking spaces for 180 customers is totally inadequate. Alternative car parking is suggested, however, as a frequent user of these spaces they are often full. Access to the restaurant will have an effect on pedestrians who already have to cope with the dangerous Tesco crossing.

- This is a large establishment which will create noise, smells and Plans are unclear how the restaurant smells would be managed. The roof terrace will overlook houses and the sound of customers will echo along the High Street late in the evening.
- The restaurant will have a detrimental impact on the neighbouring community. Previously, 'Billy Jeans' was opposite the proposed development, this caused drunken incidents late into the evening, violent behaviour, the presence of the Police and parking problems for local residents.

In the evening, cars are parked illegally on the pavements so their owners can visit restaurants and pubs nearby. The addition of another restaurant will lead to further problems.

- Serious increase in parking congestion along Tower Road and surrounding area. Will also have adverse impact on environment and access.
- 276 seater restaurant (with 36 on balcony area) will make this restaurant the largest in Epping. This will result in a lot of unnecessary noise and disturbance from refrigeration units and air conditioning and the increased vehicle noise.
- The proposed 9/16 car parking spaces is insufficient for the size of the restaurant. This will lead congestion in the surrounding areas especially as there is no restriction on parking in the evenings.
- Disturbance from cooking smells will undermine the use of the garden.
- Food waste will lead to rat infestation.
- May lead to push for later licence or party nights. This will cause more disturbance to neighbours.
- Closure at 11pm is too late as it will cause harm to neighbouring amenity. Especially as the latest this allows patrons to leave is 01:30 the following day.
- These concerns were demonstrated when a site across the road from the application site was an entertainment venue (Billy Jean's). Nearby car parks are 15 minutes away from site.
- Site is contaminated and therefore any redevelopment should ensure that this contamination is remediated.
- Neighbours on the opposite side of the road did not receive a letter.
- Already too many restaurants in the area.
- Proposal will undermine further the living conditions of wife with dementia.

**EPPING SOCIETY: OBJECTION:** This is a prime site for retail or offices, with parking. We need a mixed and vibrant economy in the town. The loss of prime site to yet another of the existing

upwards of thirty eateries is unacceptable. It will have a negative impact on the daytime viability of the High Street.

Furthermore, we do not believe this scale of proposal is financially viable, it is too big to sustain a restaurant. The A3 class would allow all sorts, a drive thru Mcdonalds even!

We note in the Submission Version of the Local Plan you aspire to protect the motor industry! See under Transport at para 3.80 "seeks to protect petrol filling stations and car repairs / servicing sites".

lack of parking availability to the premise which will have a knock-on effect to residents 7 days a week who now have to pay for parking permits and have parking restrictions outside their properties for their own use during the working week.

Air pollution to residents from cooking, customers smoking.

Noise and language levels will run late into the night.

This is an entire residential area with families.

**TOWN COUNCIL: No objection** to this application

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

#### Town Centre

Chapter 7 of the NPPF (Ensuring the vitality of town centres) requires that policies should support viability and vitality of town centres.

The application site is located within the town centre, but is outside of both the primary and secondary retail frontages. The previous use of the site is also outside of the A1 use class category.

Whilst it is noted that policy TC3 (iii) requires that applications which prejudice the potential of upper floors as living or business accommodation permission be refused.

However, since the use will have a positive impact on the vitality and viability of the Town Centre; this requirement has not been carried through into the Submission Version Local Plan policy E2 and that the NPPF requires that a range of uses should be in principle considered suitable for the Town Centre and that the proposed use will positively contribute to the overall viability and vitality of this centre, it is on balance considered that there are sufficient other material considerations to outweigh the requirements of policy TC3(iii).

#### Design impact on listed building.

S66(1) of the Planning and Listed Building and Conservation Areas Act 1990 makes it clear that a Local Planning Authority (LPA) should have special regard to the desirability of preserving the Listed Building and its setting or any features of special architectural or historic interest which it possesses.

In determining planning applications, the Council is required by paragraph 192 of the NPPF to consider In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

The proposal was reviewed by the Conservation Officer who made the following comments:-

*Initial Scheme: "The proposal site is directly adjacent to the grade II listed water tower. The red brick tower was built in 1872 by Jabez Church for Epping Rural Sanitary Authority. At present the site is occupied by a car showroom. The presence of a large number of cars parked to the front of the tower, the banners and the modern character and bulk of the existing single storey projecting unit do detract from the character of the historic tower and fail to preserve or enhance the significance of the setting of the listed building. Any development that could improve the current situation is therefore welcome.*

*The introduction of a glazed balustrade – I believe that the addition of a glazed balustrade will make the already bulky single storey projecting shop unit looking even more dominant than it is which will cause further harm to the setting of the listed tower. The proposal should help reducing its bulk and soften its appearance.*

*New glazed shopfront – The proposed new window frames are fully supported. It will break the large openings and give rhythm to the new shopfront. Because of the proximity with the listed tower the frames should be made in metal (if Aluminium, the profiles shall be thin), plastic frames will no be considered acceptable.*

*Build up stallriser – stallriser will, as the proposed new frames, help enhancing the appearance of the shopfront. The built up of stallriser is therefore fully supported. Stallriser should be rendered; no plastic materials will be accepted.*

*The replacement of the signage requires advertisement consent. An Advertisement Consent application should therefore be submitted. The new signage board should not be larger than the existing and painted in a colour that will not adversely affect the listed building. We recommend the name of the future restaurant to be painted directly on the board or made of detached letters. Internally illuminated signage will not be permitted. If illumination is needed, discreet trough could be considered.*

*If this application is supported, a condition should ensure the details of the materials to be used to be submitted to and discharged by the LPA prior to the commencement of any works."*

In light of these comments and those from neighbouring residential occupiers, plans were amended so that the first floor restaurant area has been omitted and instead the first floor is now proposed to be used for ancillary office use only. The first floor terrace and glazed balustrade have also been omitted. More detailed drawings were provided in relation to the shopfront and ventilation equipment. This included what materials are proposed, the type frame for the shopfront is proposed (steel) and what is the appearance of the fascia. The car parking

has also been repositioned to the back of the site in order to better respect the setting of the Listed Tower..

These changes were supported by the Conservation Officer on the grounds that

“The revised scheme and additional information submitted have overcome the concerns we previously had. The scheme now meets our expectations both in terms of design and conservation. It is considered that the proposal will have an extremely positive impact on the significance of the setting of the listed tower, i.e. relocation of the car park at the back of the site, sympathetic changes to the shopfront (both in design and materials).

I, therefore, give my full support to the proposal and recommend this application to be approved.

This is supported by policy HC12 of our Local Plan and Alterations (1998 and 2006), policy DM7 of our Submission Version Local Plan (2017), and paragraphs 190, 192, 193 and 194 of the NPPF (2018).”

#### Highway Safety

There will be no significant harm to highway safety or parking conditions as a result of this application. This is because of the site's town centre location which is close to sustainable forms of public transport and as such the proposal accords with the Council's adopted parking standards.

#### Impact on neighbouring residential amenity

The proposal is located within a busy town centre. The Environmental Health Section of the Council are satisfied that the proposed specification of the flue and extraction system are sufficient to ensure that neighbour amenity will not be adversely affected in terms smell pollution subject to a condition requiring proper installation and maintenance of the equipment.

The Environment and Neighbourhood Officer has not raised any objections on noise grounds.

It is also recommended that a condition be attached to any permission requiring that a management plan is put in place to ensure that anti social behaviour is minimised. Features could include signs for patrons to leave quietly and for no smoking to be permitted in the car parking area.

It is on this basis that the proposal is considered to not cause excessive harm to the living conditions of neighbouring residential occupiers. The proposal therefore complies with the requirements of policy DBE 9 of the Local Plan and DM9 of the Submission Version Local Plan.

#### Other matters

Since the proposal is for the conversion of an existing building and will not create additional residential accommodation or new commercial space the requirements of policy DM2 and DM22 of the Submission Version Local Plan are not triggered. The applicant is therefore not required to pay a contribution towards mitigating against the adverse impacts of recreational pressure on the Epping Forest Special Area of Conservation, nor will an appropriate assessment be required to demonstrate that the proposal will not have an additional adverse impact on air quality over and above the existing use.

Poor hygiene practices would be outside the scope of planning legislation as it is already covered by Public Health legislation which is regulated by the Environmental Health department for the Council.

**Conclusion:**

In conclusion, the proposal promotes economic activity by bringing a vacant unit back into use and provides employment for workers in the catering field. The social benefits of the proposal are that it would have a positive impact on the vitality and viability of the town and centre. The proposed changes to the shopfront and removal of the car parking away from the front of the listed building will make a positive contribution to the setting of the listed building and wider visual amenity of the area. Furthermore Subject to a number of conditions the proposal will not have significant adverse impact on noise or general disturbance. The Highways Authority are also satisfied that the proposal will not have an adverse impact on highway safety or congestion. It is for these reasons that the proposal complies with relevant planning policy and it is recommended that planning permission be granted.

**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**

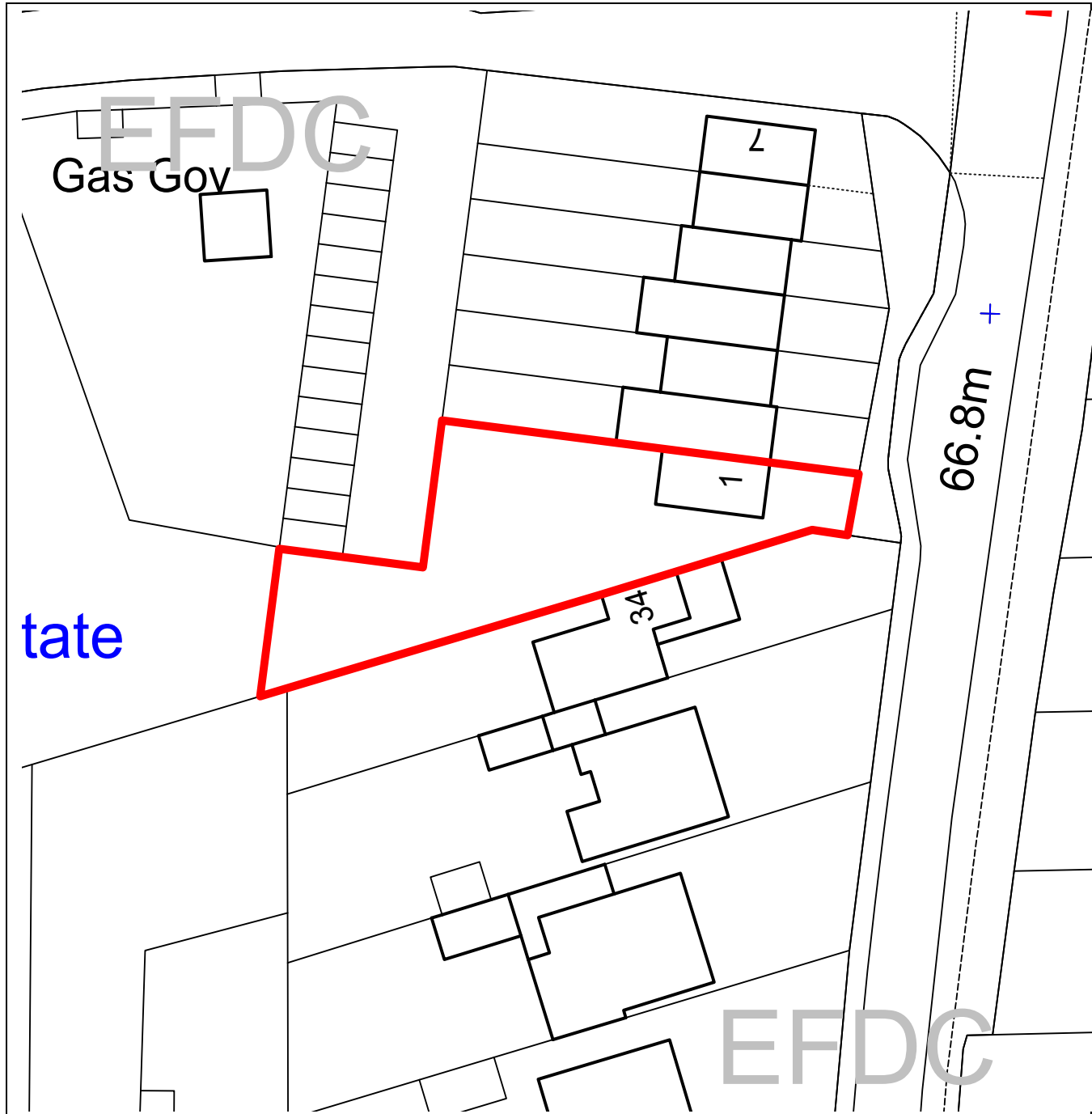
**Direct Line Telephone Number: 01992 562133.**

**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 4



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Application Number:	EPF/3300/18
Site Name:	1 Bower Terrace Bower Hill Epping Essex CM16 7AP
Scale of Plot:	1/500



**Report Item No:4**

<b>APPLICATION No:</b>	EPF/3300/18
<b>SITE ADDRESS:</b>	1 Bower Terrace Bower Hill Epping Essex CM16 7AP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Ranji Arachchy
<b>DESCRIPTION OF PROPOSAL:</b>	Garden annexe building.
<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=618353](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618353)

**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: 1035\_1BHF\_AL\_0\_001/2, 1035\_1BHF\_AL\_0\_002/1
- 3 The annexe building hereby approved shall only be occupied in connection with the existing single family dwelling on the site. It shall not be occupied as a separate dwelling, or rented out as a separate dwelling, or sold as a separate dwelling.
- 4 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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Description of Site:**

The site is a two storey end of terrace dwelling house, and is one of seven terraced houses located on Bower Terrace found on the Western side of Bower Hill in the built-up area of Epping.

The site differs from the other terraces in that there is a larger garden which extends beyond garages in ownership of the residents of Bower Terrace. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt.

**Description of Proposal:**

Planning permission is sought for the creation of a residential annexe which is to be sited within the rear garden.

**Relevant Site History:**

EPF/0467/82 – Garage extension (07/06/1982) – Refuse Permission

EPF/1065/81 – Garage – attached to existing garages (21/09/1981) – Refuse Permission

EPU/0226/72 – Single storey extension (13/02/1973) – Refuse Permission

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of Amenity

DBE10 – Design of Residential Extensions

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 – Quality of Design

**Summary of Representation:**

No. of neighbours consulted: 12, 5 Objections received

TOWN COUNCIL: OBJECTION: This proposal constitutes overdevelopment of a residential garden and is a separate dwelling rather than a garden annexe. Its size and bulk would result in extremely cramped development, contrary to national policy. The site is too small to accommodate such a residential development.

The Epping Society: COMMENT – any approval must include a condition to prevent the development becoming a separate residential unit in future.

4 Bower Terrace – OBJECTION: Concern regarding the use of the building as a separate residential dwelling, no right of access, no mention of further vehicle provision, the removal of mature trees and the lack of information regarding construction vehicles.

2 Bower Terrace – OBJECTION: The proposed annexe constitutes a dwelling.

34 Bower Hill – OBJECTION: The application is misleading, out of character with the area and overdevelopment.

7 Bower Terrace – STRONG OBJECTION: Concern that the access road to the rear would become a thoroughfare and that the usage of the building should be questioned.

5 Bower Terrace – STRONG OBJECTION: Questions the proposed use of the dwelling and the lack of a separate access

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

The main issues to consider for the assessment of this application are as follows:

Principle of Development  
Design  
Impact on Living Conditions

#### **Principle of Development**

Several neighbours, along with the Town Council, have objected to the development suggesting that the proposal would be utilized as a separate residential unit. It may be that the Town Council and neighbours are concerned that this annexe, if approved, would then be used or adapted to use as a separate dwelling, and that this could encourage similar developments to take place. However, the description of development clearly refers to an annexe, and a condition would be added to any approval stating that the annexe cannot be used, or rented out, or sold, as a separate dwelling.

#### **Design:**

The proposal would be a single storey and laid out in an “L” shape. The annexe would have a mixture of gabled and pitched rooves and shall have external materials of brick walls, concrete tiles and UPVC windows.

Neighbours at 34 Bower Hill objected to the scheme highlighting that it would be out of character and an overdevelopment of the site.

The site is not within a Conservation Area and as such is not required to follow strict design principles, however the overall consideration is that the proposal would not be considered to be out of keeping with the area as there is no strict design pattern along Bower Hill to be adhered to. While the site is part of a group of terraces, the utilization of space in respect of an outbuilding in comparison to the other terraces is not considered overdevelopment as there is plenty of garden room still available on site. The proposal therefore would not be contrary to design policies.

#### **Impact on Living Conditions:**

The proposed outbuilding would be 4.4 metres in height, 7 metres in width and 11 metres in depth. It would be 2 metres from the boundary with 34 Bower Hill. Due to the distance of the building from neighbouring properties, it is considered that the outbuilding would not cause significant harm to the living conditions of neighbours.

### **Conclusion:**

It is recommended that planning permission is granted 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: Alastair Prince***

***Direct Line Telephone Number: 01992 564462***

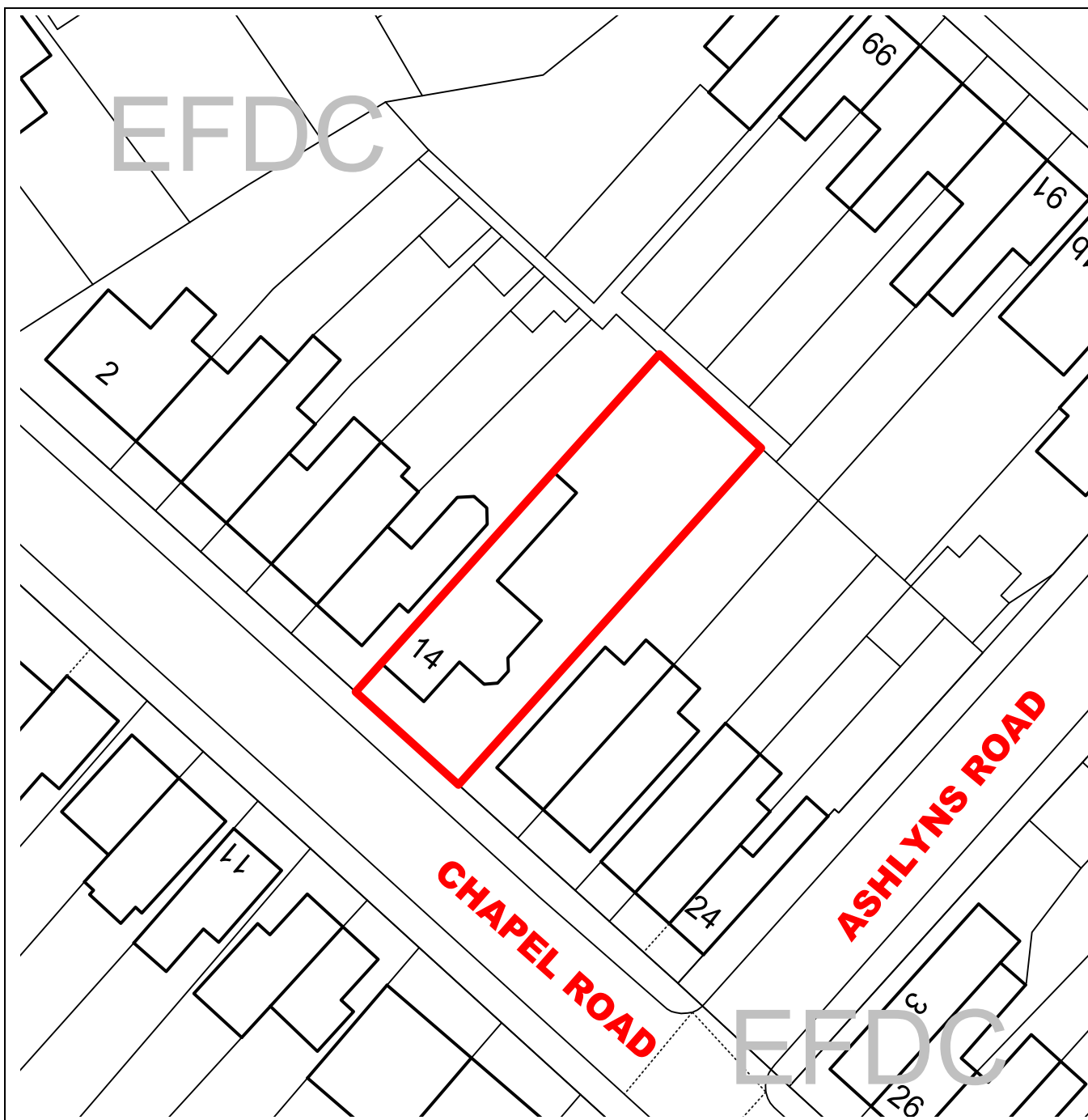
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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/3380/18
Site Name:	14 Chapel Road Epping Essex CM16 5DS
Scale of Plot:	1/500

**Report Item No:5**

<b>APPLICATION No:</b>	EPF/3380/18
<b>SITE ADDRESS:</b>	14 Chapel Road Epping Essex CM16 5DS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr & Mrs Darin and Susan Burrows
<b>DESCRIPTION OF PROPOSAL:</b>	New self-contained garden room accommodation for elderly mother with disabilities.
<b>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=618694](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618694)

**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 proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 14 Chapel Road.

*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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

**Description of Site:**

The property is a detached two storey dwelling house located on the north side of Chapel Road within the built up area of Epping. The property is within a fairly wide plot compared to other properties and has a large drive to the front and side. The garden slopes up to the rear of the property. The site is not within the Metropolitan Green Belt or a Conservation Area.

**Description of Proposal:**

The proposal seeks planning consent for a single storey detached annexe building within the rear garden. The proposal measures 11.1m wide, 4.6m deep with a height of 2.7m. The building will provide living accommodation for the applicant's mother.

### **Relevant History:**

None relevant

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

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.

#### *The National Planning Policy Framework*

The National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 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 Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards to unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

DM9	High Quality Design
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### **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 6

Site Notice Posted: Not required



EPHING SOCIETY: - Any approval should be conditional that it is not used as a separate residence.

EPHING TOWN COUNCIL: Committee strongly OBJECT to this application

This proposal constitutes overdevelopment of a residential garden and is a separate dwelling rather than a garden annexe. Its size and bulk would result in extremely cramped development, contrary to national policy. The site is too small to accommodate such a residential development. The resulting loss of amenity for neighbouring properties.

Committee would request that if planning permission is granted, a condition should be placed on that permission which requires any building to always be ancillary to the main house and not sold as a separate dwelling. The inappropriate development of residential gardens should be resisted.

Relevant policies CP2, CP6, DBE1, DBE2, DBE9

NPPF: Para 53

Emerging Local Plan DM9J

NPPF: Para 17, 48, 53

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

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

The main considerations are the principle of the development, the acceptability of the design and the impact on neighbouring properties.

#### **Principle of Development**

Annexes within rear gardens can be acceptable provided they are ancillary to main house. This proposal has been justified as required for the owners mother to move into to, to provide a degree of independence whilst being within easy reach of any care/support required. The application was accompanied by an email from the applicant outlining the need for the annexe building and the requirement appears justified.

The annexe is positioned at the very rear of the garden, sharing the same amenity space as the main house and sharing the main front access. In addition, the applicant has confirmed some facilities such as laundry will be shared with the main dwelling, therefore it is not considered that the proposal raises concerns with regards to a separate use that is not ancillary to the main house, although a condition to ensure that this is the case is considered appropriate.

#### **Design**

The proposal has a flat roof contemporary appearance but is considered an acceptable design and typical of a more contemporary style of a garden building and is acceptable. The size of the development is considered proportionate to the garden/plot size.

#### **Neighbouring Amenity**

The proposed annexe, will result in a building to the rear part of the garden within 0.5m of the shared boundaries. The annexe has been kept modest in height at 2.7m, and although will be visible from neighbouring properties will not result in any loss of light or outlook. The annexe obviously has windows which will serve habitable rooms, however these will directly face the host property. Although views may be possible towards the adjacent neighbours these will be oblique and in part screened by existing fencing and loss of privacy is not considered a significant issue.

### **Conclusion:**

The proposed annexe is considered an acceptable development subject to the above and suitable conditions and therefore the application 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: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

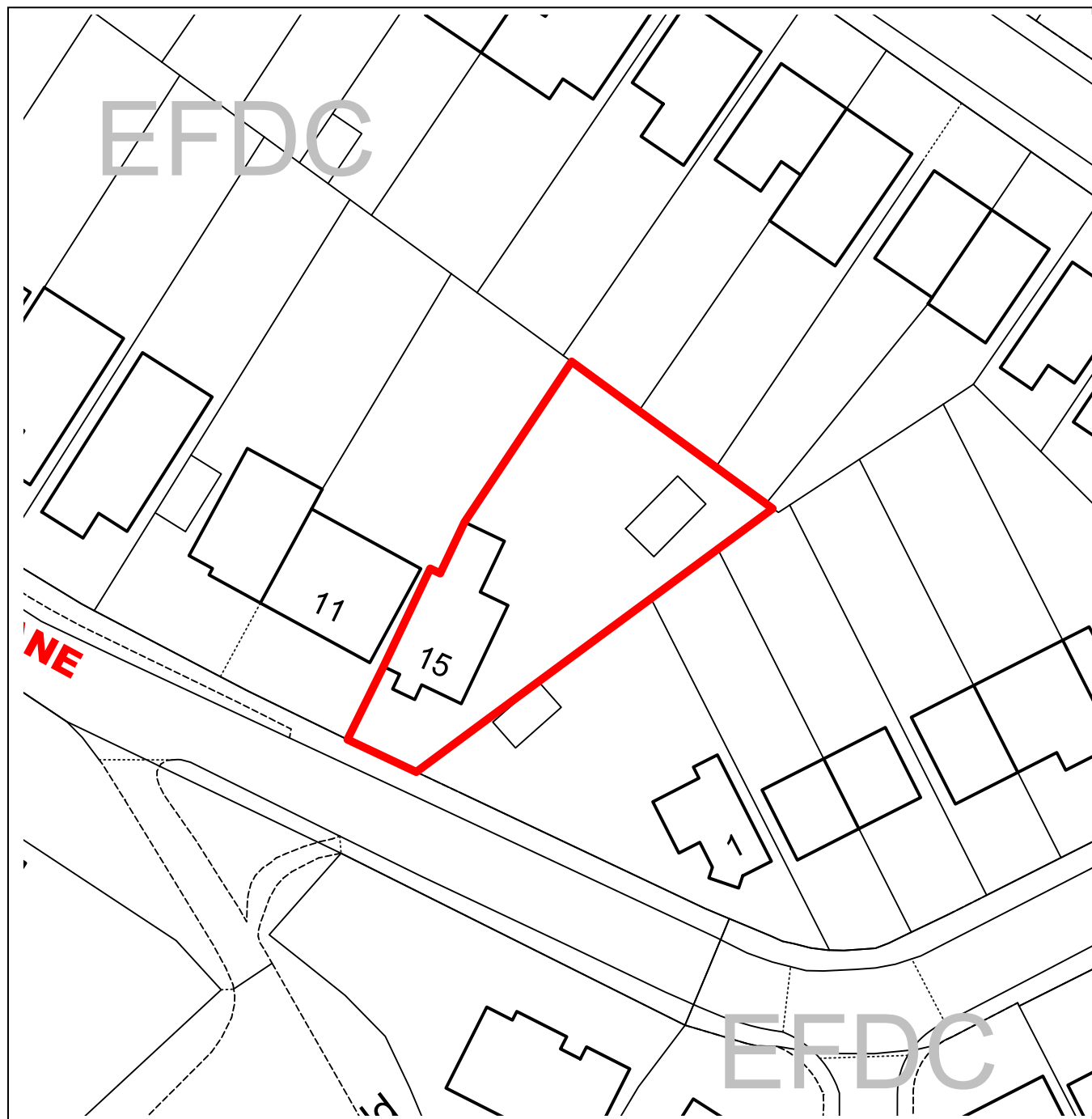
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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/0221/19
Site Name:	15 Tidys Lane Epping Essex CM16 6SP
Scale of Plot:	1/500

**Report Item No:6**

<b>APPLICATION No:</b>	EPF/0221/19
<b>SITE ADDRESS:</b>	15 Tidys Lane Epping Essex CM16 6SP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Michael Briggs
<b>DESCRIPTION OF PROPOSAL:</b>	New garden room (annexe) to accommodate future elderly relative.
<b>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=619913](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=619913)

**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 proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 15 Tidys Lane.
- 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 development generally permitted by virtue of Class E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

**Description of Site:**

The property is a two-storey detached house. The site is within a built-up area of Epping. It is not within a conservation area, nor is it within the Green Belt.

### **Description of Proposal:**

The proposal is for an annexe that has an overall height of 2.5 metres with timber cladding, black metal fascia and metal framed doors and windows. It is to be used as living accommodation that is ancillary to the main house.

### **Relevant Planning History:**

EPF/1809/18 - Two storey side and rear extensions with Juliet balcony - Approved

### **Policies Applied:**

#### *Adopted Local Plan:*

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

#### *Local Plan Submission Version 2017:*

Paragraph 213 of the National Planning Policy Framework 2019 (NPPF) requires that due weight be given to the relevant policies in existing plans. However, paragraph 48 of the NPPF states that decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Council considers that the Plan is currently at an advanced stage of preparation and has been formally submitted to the Secretary of State for examination and that all the policies are consistent with the NPPF (although this will be tested through the examination). By virtue of this advanced stage of preparation, as well as the Council resolution taken on the 14th December 2017, the LPSV is a material consideration in determining planning applications. Therefore, we need to consider the weight that should be given to each of the relevant policies in the context of the proposed development:

SP1	Presumption in Favour of Sustainable Development
DM9	High Quality Design
DM10	Housing Design and Quality

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

Number of neighbours Consulted: 8. One response received  
Site notice posted: No, not required

EPPING SOCIETY – No objection subject to a condition.

EPPING TOWN COUNCIL – OBJECTION - This proposal constitutes overdevelopment of a residential garden and is a separate dwelling rather than a garden room. The Committee consider the proposal to be of poor design and not in keeping with the surrounding area. The inappropriate

development of residential gardens should be resisted. Committee would request that if planning permission is granted, a condition should be placed on that permission which requires any building to always be ancillary to the main house and not sold as a separate dwelling.

### **Planning Considerations:**

The main issues for consideration in this case are:

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

#### *Character and appearance:*

The proposal would be situated on a sufficient plot size and given the location of the proposal, the size of the application dwelling and rear garden area, the development would appear subservient to the application dwelling and not excessively out of character or overbearing although it will be partly visible from the street. It is similar to that of the outbuilding at No 3 Granville Road.

A similar size and scale of the proposed annexe can be achieved under permitted development rights, albeit the intensification of the use as living accommodation.

Therefore, the proposal would complement the design and setting of the existing house.

#### *Living conditions of neighbours:*

The proposal would not cause excessive harm and detract from neighbouring amenities in terms of outlook and overbearing, as it would be ancillary to the main house and located adjacent to the rear garden ends of No's 1, 3 & 5 Granville Road who have similar size outbuildings.

### **Conclusions:**

The design is conventional and there is no excessive harm to the living conditions of neighbours. For the reasons above it is recommended that planning permission be granted subject to the conditions outlined in the council decision notice.

***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: Muhammad Rahman***

***Direct Line Telephone Number: 01992 564415***

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