

## AREA PLANS SUB-COMMITTEE SOUTH

3 July 2019

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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/2881/18
Site Name:	76 Algers Road Loughton Essex IG10 4NF
Scale of Plot:	1:500

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/2881/18
<b>SITE ADDRESS:</b>	76 Algers Road Loughton Essex IG10 4NF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Islandbridge Algers Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing dwelling and replacement with a new building consisting of 3 x 1 bed and 3 x 2 bed apartments.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=616455](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=616455)

**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's: 334-PL-01 Rev A, 334-PL-02 Rev E, 334-PL-03 Rev B, 334-PL-04 Rev C and 334-EX-01
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 The first-floor window openings in the west facing flank elevation (facing No. 74 Algers Road shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to

investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 7 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 9 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 10 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 11 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 12 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.

- 13 If any of the marginal habitats are to be disturbed where deadwood is present, then an ecological watching brief shall be present to check for stag beetle larvae. If any larvae are found to be present during topsoil stripping, then they will be translocated away from the construction area into suitable habitat.
- 14 A dusk/dawn survey of the main house (building 1) shall be undertaken at the appropriate time of year and a report submitted to the Local Planning Authority. If bats are found to be present a EPS will be needed from Natural England which will require a detailed mitigation/compensation strategy, this should also be submitted to the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 15 A presence/absence reptile survey shall be undertaken in appropriate conditions and a report submitted to and agreed by the Local Planning Authority. If reptiles are found to be present then a mitigation strategy/method statement shall also be submitted to the Local Planning Authority and all works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.
- 16 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 17 A during and post-construction "lighting design strategy for bats" shall be submitted to and approved in writing by the local planning authority. The strategy shall: Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.
- 18 No construction works above ground level shall have taken place until details of the proposed refuse and cycle store area are submitted to and approved by the Local Planning Authority. Details shall include floor plan, elevation plans and details of proposed materials. The development shall be implemented in accordance with such approved details.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The application site is a large detached property located at the corner of Algiers Road and Lower Park Road within the built-up area of Loughton. The existing property is a large 'L' shaped Edwardian style property with a number of extensions and a large outbuilding to the rear. The outbuilding to the rear and part of an extension have been used as annexes/separate residences but have not benefitted from planning permission. The building to the rear is in a particularly poor state of repair. Algiers Road is characterised by semi-detached and detached dwellings to the

west and terrace properties to the east. There is a large flatted development at the opposite end of Algiers Road with the junction of the High Road, and further flats on Lower Park Road. The site is within 55m of a public footpath to Loughton Station resulting in the station being a 300m walk from the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

### **Description of Proposal:**

The proposal seeks consent for the demolition of the existing dwelling and replacement with a 2 storey building with accommodation within the roof slope, consisting of 3 x 1 bed and 3 x 2 bed apartments. The proposal does not provide any off-street parking but provides associated cycle storage, bin storage and amenity space. The proposal is 'L' shaped has a maximum height of 9.5m, maximum depth of 21.5m and width of 12.8m. The plans have been revised since first submission altering the flat numbers from 7 x 1 bed to the current proposal, removal of a large rear dormer and elevation changes including the addition of new windows.

### **Relevant History:**

EPF/0378/14 – Retrospective application for change of use of annex to a studio apartment separate from the host dwelling – Refused

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of New Buildings  
DBE2 – Amenity Issues  
DBE3 – Development Layout  
DBE8 – Private Amenity Space  
DBE9 – Loss of Amenity  
ST6 – Car parking

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.

#### *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:

### SP3-Place Shaping

H1 – Housing Mix and Accommodation Types

T1 – Sustainable Transport Choices

DM2 – Epping Forest SAC and the Lee Valley SPA

DM9 – High quality design

DM10 – Housing design and quality

DM11 – Waste recycling facilities on new development

DM18 – On site management of waste water and water supply

DM22 – Air Quality

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

Date of site visit: 5<sup>th</sup> December 2018

Number of neighbours consulted: 17

Responses received: 60 Objections received from an address plus a further 11 who did not supply their address. :

12, 23, 27, 28, 34, 36, 41, 43, 47, 54, 56, 57, 58, 60, 61, 62, 66, 68, 72, 74, 80, 82 and 84

ALGERS ROAD

26, 31, 35, 39, 40, 42A, 43 and 44 THE CRESCENT

18, 30, 43, 45, 49, 50, 51, 53, 54, 62, 64, 66, 68, 92, 94, 101, 106 and 120 LOWER PARK ROAD

5, 7, 17, 19, 21, 28, 33, 34, 36 and 44 The Avenue

LOUGHTON RESIDENT'S ASSOCIATION (PLANS GROUP)

The objections can be summarised as follows:

Loss of existing building, visual impact of larger building, no parking is unacceptable, parking is already an issue, highway safety issues, increase in pollution, noise and smell, density of development too high, loss of light and outlook, overlooking, drainage issues, different roof pitches are incongruous, burden on existing services, impact on land value, detriment to the area, unwanted precedent, change character of family homes.

LOUGHTON TOWN COUNCIL – A member of the public with an interest in this proposal addressed the meeting.

The Committee NOTED the contents of a letter of objection The Committee OBJECTED to this application. Members noted that that the amended plans proposed a reduction in the number of flats; however, the revisions did not take into account any of the former concerns. The Committee therefore reiterated its previous comments which were:

The application for 6 apartments to replace an existing family home was an overdevelopment of

the site and would destroy the nature of the location, changing the streetscene and setting a harmful precedent in the locality where there were only single dwelling houses and no flats.

The development was considered overbearing, being significantly larger in scale than the existing and neighbouring properties, particularly no. 74 Algiers Road, which would be detrimental to the amenity of those residents.

It provided inadequate amenity space for the occupants of the proposed dwellings and in failing to provide any parking provision would exacerbate the existing parking and highway safety problems experienced in that area.

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

#### Character and appearance

The proposal results in the demolition of the existing property along with the large outbuilding to the rear and the replacement with a larger 'L' shaped property to house 6 flats.

The existing character within the street is a mix of detached and semi-detached properties to the west and then terrace properties to the east. Although in the immediate vicinity the character is of single dwelling houses, approximately 50m to the south of the site on Lower Park Road are a group of maisonettes and to the north west at the junction with the High Road (approximately 200m from the site) is a large modern development of apartments. It is not considered that apartments in this location, particularly in this corner plot is so out of character with the surrounding character to justify a refusal on this basis.

In addition to the above, the proposal has been designed to incorporate features of surrounding properties to better fit with the character of the area. These details include the arched porch entrances, window design, pitch of the roof slopes and material choices and it is considered that this results in a new building which fits well into the surrounding existing streetscene. The proposal will result in a more prominent building due to the 'L' shape and proximity to the pavement edge. However, it is considered in this corner position, located at a junction, a more 'landmark' proposal is welcome, particularly one that clearly identifies with the surrounding character in design and material choices and the proposal makes a positive contribution to the streetscene.

To the rear the proposal has been amended following Officer advice, as the proposal originally included dormers which appeared as a third floor rather than a roof conversion. The current scheme has removed the dormers and also provided more articulation in the protruding flank wall (facing No. 74 Algiers) by adding (obscure glazed) windows.

Concern has been raised by neighbours and the Town Council regarding a precedent being set for allowing flats within this area. Clearly, each application is assessed on its own merits, but it is not considered that this proposal will result in an unwanted precedent being set as the application site is a corner site, located at a junction, in close proximity to the London Underground Station and to other flats within the locality and these factors will limit possible other proposals.

#### Neighbouring Amenity

Due to the position of the site at a junction, the application site has one main near neighbour – 74 Algiers Road. The owner of this property has objected to the scheme and it is agreed that the demolition of the existing building, proposed new building and change to 6 flats from a single dwelling house (albeit with annexes) will be a significant change to the existing situation; however, change alone is not a reason for refusal.

No. 74 (the objecting property) has been extended in the past, and to the rear has side facing and rear facing windows, the proposal will be visible from these windows. However, the proposal will be set away from the shared boundary by 1m, whereas the current building is located directly on the boundary and this is a welcome move which provides a better level of separation between the two buildings.

In terms of overlooking the proposal will have a ground floor window serving a lounge area closest to and facing the shared rear boundary. This window will not have an impact on the neighbouring property in terms of overlooking given the existence of a boundary fence. A further ground floor habitable window faces directly to the rear and as such there is no impact. At first floor level, a proposed lounge window also faces directly to the rear. While there may be some overlooking, this is no different than the current arrangement of the existing building and in fact the relationship is improved given that the building is proposed to be set back from the boundary by 1 metre. At second floor roof lights will serve a bedroom but these will be high level and angled so overlooking would be difficult.

The rear projection has side facing windows proposed, however these are to non-habitable rooms and will be obscure glazed so loss of privacy from these windows is not considered an issue. A condition can be added to ensure these windows are obscured and fixed shut to a height of 1.7m to avoid any future potential of overlooking. To the rear of this projection a single first floor window will serve a bedroom. Given the distance from the boundary (5.5m) and its rearward position overlooking again is not considered a significant issue to No.74, particularly as any possible views would be at the oblique.

With regards to overlooking to No. 78 Algiers Road, side facing first floor windows are proposed on this flank elevation. However, the street is a public space and there is a distance across the road of some 15m which mitigates against any significant overlooking of the rear garden area of this property.

To the rear of the application site a bike store and refuse area are proposed, full details have not been provided but can be controlled by condition. The location is adjacent to the garage at No.53 Lower Park Road and therefore is well separated from the main house of No. 53 both by built form and by distance (10m) and this will mitigate against any excessive noise or disturbance arising from the use of this area.

At Officer request, the applicant's submitted a daylight and sunlight assessment with emphasis on No. 74 Algiers Road, although 53 Lower Park Road (to the rear) and 78 Algiers Road (across the junction) were also assessed. This report assesses the impact of the development against current daylight and sunlight received in accordance with BRE Guidance. With regards to No. 74 all rear facing windows on the original building and those that face No. 76 were part of the assessment, as were the ground floor side windows of No. 53 Lower Park Road and 78 Algiers Road. The report concludes that all windows retain greater than 80% of existing levels of daylight and sunlight which is in accordance with BRE guidelines. In addition, the rear garden area of No. 74 and 53 Lower Park Road were also assessed and these areas retain over 90% of existing sunlight levels, again exceeding BRE guidance.

Given the results found in this assessment coupled with the distances to the shared boundaries loss of sunlight and daylight has been adequately accounted for during the design process and is acceptable.

#### Amenity of Future Occupiers

The proposal exceeds the current nationally prescribed space standards for both the 1 bed and 2 bed units in compliance with Policy DM10 of the SVLP. With regards to amenity space, the three

ground floor flats will have direct access to the rear garden area which due to its location will be a semi-private communal area which the first-floor flats will also have access to albeit not direct.

Although the amenity area is on the smaller side, access to Epping Forest for recreational purposes can be gained within 800m of the site and this is therefore not considered a significant issue within this urban location.

#### Highways and Parking

This proposal does not include any parking. The SVLP suggests that within 400m of a station, the Council will seek reduced car parking, including car free development. This site is within 300m of Loughton Underground Station and within 450m of the shops and services of Loughton Town Centre beyond and is therefore a very sustainable location. Although many of the neighbour comments and that of the Town Council reference the existing parking situation this proposal is not considered to result in such a significant change to the existing situation to justify a refusal.

The surrounding area has existing parking restrictions, preventing cars being parked between 2pm and 3pm and this will continue to be the situation. A planning permission cannot prevent a future occupier owning a car, however any future occupier of the proposed development will be aware of these restrictions and that the development has no off-street parking and therefore will have to take the existing situation into account.

#### Biodiversity

The application was accompanied by Preliminary Ecological Appraisal, Preliminary Roost Assessment and Preliminary Ground Level Roost Assessment following review of this document by the Council's Countrycare Manager, conditions have been suggested to ensure the protection and enhancement of any wildlife on the site which is considered reasonable.

#### Other Matters

#### SAC and air quality

As the proposal is for a car free development there is not a requirement for a contribution towards air quality mitigation within the District. As the proposal is for new dwellings with 3km of the Epping Forest Special Area of Conservation (SAC) a contribution of £352 per a dwelling is required to mitigate against recreational pressures on the Forest. The application is willing to enter into a legal agreement for this contribution.

#### **Conclusion:**

The proposal results in new dwellings within an urban part of the District, it proposes a well-conceived design drawing on the surrounding detailing, has limited harm to surrounding neighbours and it is located in a sustainable part of the District. Therefore, given the above assessment and subject to a legal agreement 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***

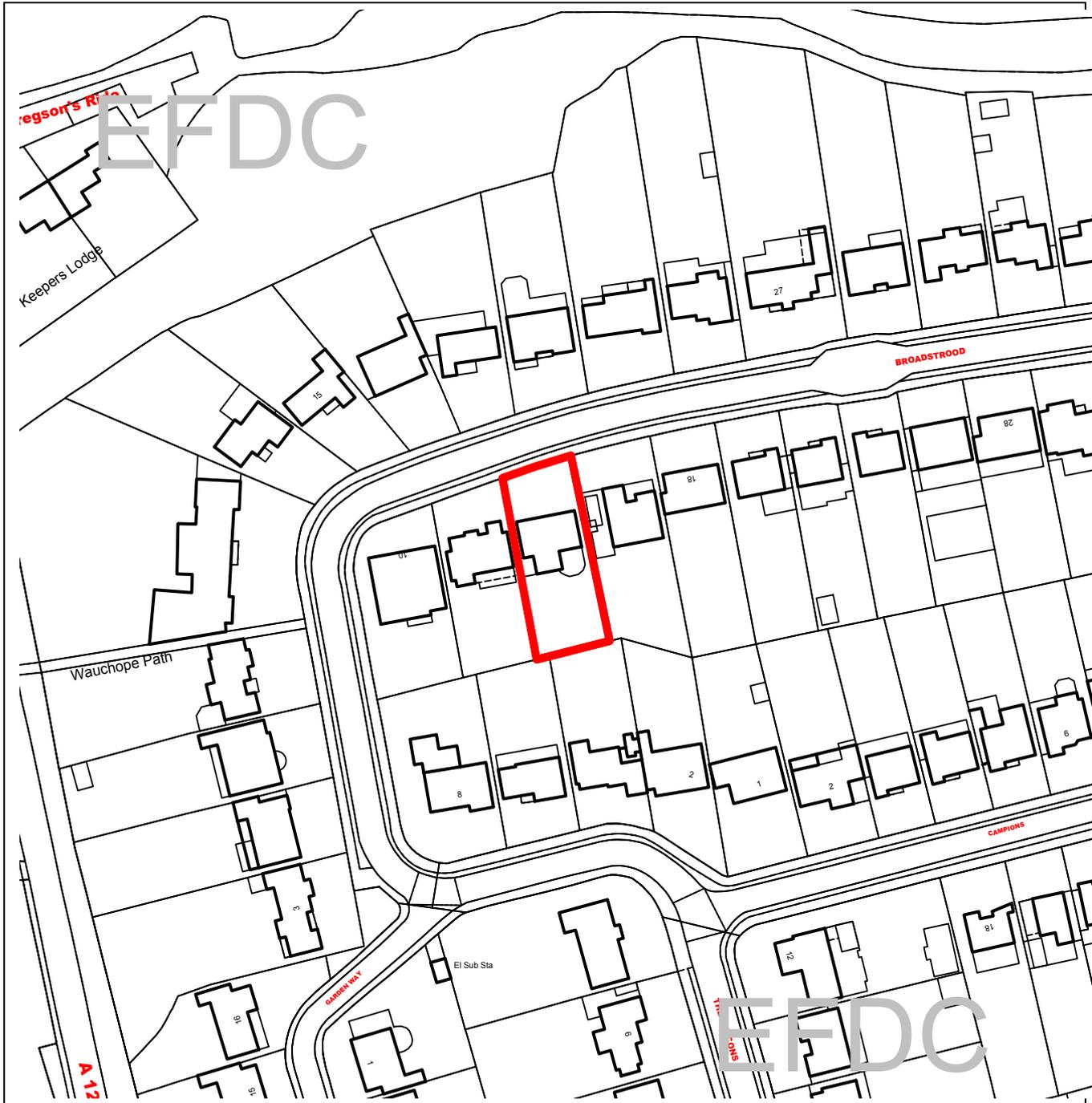
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/3421/18
Site Name:	14 Broadstrood Loughton Essex IG10 2SB
Scale of Plot:	1:1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/3421/18
<b>SITE ADDRESS:</b>	14 Broadstrod Loughton Essex IG10 2SB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mr Nathan Shetty
<b>DESCRIPTION OF PROPOSAL:</b>	Part demolition of existing and erection of new rear, front and roof extension.
<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=618814](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=618814)

**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's: 001, 002, 003, 004 Rev C, 005 Rev C, 006 Rev C, 007 Rev C, 008 Rev C and 009 Rev B.
- 3 The window openings in the flank elevations above ground floor shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A and B of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 6 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.

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

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).*

Description of Site:

The property is a two-storey detached dwelling located on the southern side of this street. It is not in a conservation area nor is it listed.

Description of Proposal:

The proposal is for part demolition of existing extensions and erection of new rear and front extensions and roof works. The proposal has been amended since its initial submission following officer's comments. The amendments are:

- Reduction of ridge height;
- Roof pitch angle changed from 50 Degrees to 45 Degrees;
- Removal of one front gable;
- Reduced glazing to the front elevation, and
- Addition of one roof light.

Relevant Planning History:

EPF/0733/86 - Two storey side extension, first floor rear extension and conservatory - Approved

EPF/0924/89 – Conservatory - Approved

EPF/0262/92 - Single storey front extension - Approved

EPF/2455/06 – Single storey side/rear extension - 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 re-consulted: 2. One response received  
Site notice posted: No, not required

16 BROADSTROOD – Objection still stands – Summarised as:

- Loss of light;
- Overlooking; and
- Loss of privacy.

EFDC LAND DRAINAGE – No Objection

LOUGHTON TOWN COUNCIL – Objection still stands – Summarised as:

- Overbearing;
- Out of character; and
- Overlooking.

### **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:***

It is considered that the proposed roof works, which would have a hipped roof with a 45-degree pitch and one front and two rear facing gable ends, would have an acceptable appearance. Whilst the works to the front of the house would be visible from the street, there is no uniform roof form, height, building typology or architectural merit on this street. Therefore, the proposed roof works, and front extensions are not considered to have an adverse impact to the street scene and be in keeping with the established character and appearance of the locality.

Furthermore, the works to the rear of the property is considered to complement the existing building and the introduction of the two-rear facing gable ends breaks up the bulk of the house. Also, as it is not readily visible from the street scene there will be no impact to it.

As such, the proposed works are not considered to have a detrimental impact on the character and appearance of the area, because the proposal would complement the design of the house, enhancing the appearance of the house by improving the coherence of its form.

*Living conditions of neighbours:*

With regards to the impact of the proposed development on the amenities of the occupiers of neighbouring dwellings, the two-storey rear element is set in from the common boundary line of No. 16 by approx. 1.2 metres and does not protrude the 45-degree line from the first-floor rear habitable room of No. 16. In addition, the rear works are North facing. So, there would be no excessive impact in terms of loss of light, overshadowing or outlook to No.16.

Although, there is the potential of some overshadowing to the rear conservatory, the harm is not excessive enough that justifies a refusal, as the rear conservatory would receive sufficient light from other windows.

In terms of impact of the balcony to both neighbour's amenities, there would be views to the rear ends of the gardens, but it is no different to what can be achieved from a standard window. Furthermore, as the balcony is enclosed within the rear facing gable end and flank wall by approx... 2.7 metres, there would be no excessive loss of privacy or overlooking to both 12 and 16 Broadstrood.

On the basis of the above assessment, it is concluded that the proposal would safeguard the living conditions of the neighbours.

Conclusions:

In light of the above appraisal, it is not considered that the proposal would have an excessive harmful impact to the amenities of the occupiers of neighbouring dwellings, or the character and appearance of the area. It is, therefore, recommended that planning permission be granted subject to the conditions outlined in the council's 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)***

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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/0564/19
Site Name:	71 Stonards Hill Loughton Essex IG10 3EH
Scale of Plot:	1:500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0564/19
<b>SITE ADDRESS:</b>	71 Stonards Hill Loughton Essex IG10 3EH
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>APPLICANT:</b>	Mr Keith Everitt
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a pair of single storey garages, with access on Alderton Way.
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=621241](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=621241)

**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's: DE 12, DE 13 and DE 15 Rev A
- 3 The building hereby approved shall only be used for the garaging of cars. It shall not be used for any other purpose including any commercial, business or industrial use.
- 4 Prior to occupation of the development the vehicular access shall be constructed to a width of not less than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge
- 5 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Andrew Day Arboricultural Consultancy Ltd dated 24th April 2019.
- 6 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 it has been 'called in' by Councillor Murray and 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: Part Three: Scheme of Delegation to Officers from Full Council)).*

### **Description of Site:**

The site is to the rear of No. 71 and 71a Stonards Hill and presumably was once part of the rear gardens but is now in separate ownership. The application site fronts onto Alderton Way and is enclosed by a 2m high wooden fence. There are two cypress trees within the site that are protected by a tree preservation order. The site is not within the Green Belt or a Conservation Area.

### **Description of Proposal:**

The proposal seeks consent for a pair of single storey garages, with access on Alderton Way. The garages measure 6.7m wide and 7.4m deep and are set back from the pavement edge by a minimum of 4.8m. The garages will have dual pitched roof to a height of 2.8m.

### **Relevant History:**

Various applications, the most relevant of which:

EPF/1694/16 - Proposed single-storey one-bedroom house with associated car parking and amenity space – Refused and dismissed at appeal

EPF/0181/15 - Erection of a pair of single storey garages, with access on to Alderton Way – Approved (not implemented and now expired)

EPF/1943/14 - Erection of a two-bedroom bungalow on land to the rear of 71 & 71A Stonards Hill – Refused

EPF/0856/13 - Proposed two-bedroom detached house – Refused and dismissed at appeal

### **Policies Applied:**

#### *Adopted Local Plan:*

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 – Amenity Issues

DBE3 – Development Layout

DBE9 – Loss of Amenity

ST6 – Car parking

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.

#### *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:

SP3 - Place Shaping  
T1 – Sustainable Transport Choices  
DM2 – Epping Forest SAC and the Lee Valley SPA  
DM3 – Landscape Character  
DM5 - Green and Blue Infrastructure  
DM9 – High quality design  
DM22 – Air Quality

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

Number of neighbours consulted: 16

Responses received: 6 Objections received:

69, 71 and 73 STONARDS HILL AND

11, 15 and 23 ALDERTON WAY Objections included: will lead to housing on site, previous permission has not been implemented, no need for garages, highway danger, disrupt the surrounding character, damage to TPO trees, increased congestion, loss of amenity, security issues to neighbouring gardens

LOUGHTON TOWN COUNCIL – The Committee expressed concern regarding the trees covered by the TPO in this application. Members stated that it would be unacceptable for any other development on this site and if the Planning Authority was minded to grant this proposal, requested that Lawful Development rights are removed.

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

The proposal is the same as that approved under reference EPF/0181/15. The main issues with this application relate to character and appearance, neighbouring amenity and highway issues.

Character and appearance

The proposal is of a modest scale and height and not dissimilar to a domestic outbuilding. The proposal will appear as a garage serving the properties on Stonards Hill (although it is appreciated they will be under separate ownership) but this relationship is common with properties siding onto a junction having a garage to the rear and therefore the proposal will respect the domestic character of the area.

#### Neighbouring Amenity

The building will be located on the shared boundaries with No. 71, 71a and 69 Stonards Hill, however the building is relatively low with a maximum height of 2.8m and will be located some 14m from the rear of these properties and therefore there are no loss of light or outlook issues associated with this application.

Although security has been raised as an issue, the proposal will retain existing fencing and include new fencing to a height of 1.8m (separating the north and south parts of the site) and therefore it is not considered that there will be a significant change to the existing security of the site.

As with the previous application it is considered acceptable to condition the use of the garages to the storing of cars only to avoid any commercial, industrial or business use.

#### Highways

The Highways Officer originally objected to the scheme, however in light of the planning history and approved permission for EPF/0181/15, being essentially the same as that submitted, it would be unreasonable of the Highway Authority to raise an objection to this scheme on highway grounds. Therefore, the Highway Officer has no objection to the scheme subject to a condition ensuring the cross over is constructed to a width of not less than 6 metres and this is considered reasonable.

#### Comments on Representations Received

In addition to the above discussion, concern has been raised by neighbours with regards to future developments on the site. An approval for the garages does not guarantee any future developments – any future application would have to be assessed under its own merits.

#### Air Quality

As the proposal results in an increase in traffic movements, the development will lead to an increase in impact on air quality and therefore an appropriate contribution in line with emerging policy and Natural England guidance is required by way of a legal agreement once negotiations are finalised.

#### **Conclusion:**

Given the above discussion, coupled with the historic approval the proposal is considered acceptable and approval subject to a legal agreement is recommended.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

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

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/0931/19
Site Name:	12 High Elms Chigwell Essex IG7 6NF
Scale of Plot:	1:1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0931/19
<b>SITE ADDRESS:</b>	12 High Elms Chigwell Essex IG7 6NF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>APPLICANT:</b>	Mr Colin Medley
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing property for x 2 no. 3 bedroom houses with basement, ground floor and first floor. (Revised application to EPF/2758/17).
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=622739](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=622739)

**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's: 001, 200, 201, 202(v2), 210(v2), 211(v2) and 212
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 5 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping

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

- 6 Tree protection shall be implemented prior to the commencement of development activities (including demolition) in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as described within Tracy Clarke Tree Consultancy report ref TCTC-00317 dated June 2017
- 7 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 9 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 10 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.

- 11 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 12 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling shall be installed and retained thereafter for use by the occupants of the site.
- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.
- 14 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.
- 15 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 16 The underground parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitor's vehicles.
- 17 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 18 The development hereby approved shall be carried out strictly in accordance with the recommendations of the Basement Impact Assessment dated June 2018 by Site Analytical Services Ltd.
- 19 The two houses hereby approved shall not be occupied until the internal lift linking all 3 floors in each of the dwellings has been constructed and is available for use.
- 20 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 A, B, C, D and E of Part 1 of Schedule 2 to the Order,

shall be undertaken without the prior written permission of the Local Planning Authority.

**...and subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to secure a financial contribution towards mitigation of air pollution in the vicinity of the Epping Forest SAC.**

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).*

**Description of Site:**

12 High Elms is a single storey dwelling located in a residential cul-de-sac leading out on to Manor Road near its junction with Vicarage Lane. The property is situated on a slope which slopes down to the south. Due to the layout of High Elms, the property fronts and sides onto the road, and sits within a fairly square plot with no real immediate neighbour. The property is not listed nor does it lie in a Conservation area. It does however lie next to the boundary wall and gardens of Forest House a Grade II listed mansion located to the north.

**Description of Proposal:**

The application seeks planning permission for 2 no. 3 bedroom, detached, 2 storey houses with basements below, providing underground parking and leisure uses. The proposal will front onto the upper part of High Elms opposite the townhouses. The houses will be 8.9m wide, a maximum depth of 14.8m and max height of 6.2m with parapet roofs. The basement will be attached underground and extend beyond the limits of the building above. The proposal has been revised since the previously refused application (EPF/ 2758/17) so that the front building line has been pushed back from the pavement edge. In addition, the proposal is now fully two storeys for the full depth (previously a single storey element was proposed to the rear) and the total depth has been reduced by 2m. The basement area has also been slightly altered in shape.

**Relevant History:**

EPF/2758/17 - Demolition of existing bungalow and replacement with 2 no. two storey dwellings with basements – Refused and dismissed at appeal

**Policies Applied:**

*Adopted Local Plan:*

CP2 – Quality of Rural and Built Environment  
DBE2 – Design  
DBE9 – Impact on Amenity  
GB7A – Conspicuous Development within the Green Belt  
HC12 - Development affecting the Setting of Listed Buildings  
NC1 - SPAs, SACs and SSSIs  
LL2 - Landscaping

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.

### *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:

H1	Housing Mix and accommodation types
DM2	Epping Forest SAC and Lee Valley SPA
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality
DM12	Subterranean, basement development and lightwells
DM22	Air Quality

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

Number of neighbours consulted: 17

Responses received: 12

Letters of Objection were received from 1, 5, 6, 7, 8, and 14 HIGH ELMS

In addition, a signed petition of objection was received with signatories from the following properties: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, and 17 HIGH ELMS and 1 and 2 FOREST HOUSE

Objections included: detrimental to character, high density development, loss of openness, loss of a bungalow, subsidence issues, traffic issues, impractical parking provision, loss of privacy, loss of green space, noise and disruption during construction process, flooding due to basement

Chigwell Parish Council: The Council STRONGLY OBJECTS to this application, because the proposal is a complete overdevelopment of the site, thoroughly out of character to the existing streetscene and would completely over-shadow the neighbouring properties. Further, there are severe concerns that vehicular access would be disadvantage by this development, especially with regards to the emergency services.

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

The main issue with this proposal is whether it has overcome the reason for dismissal within the Planning Inspector's decision.

The previous scheme was refused by the Council for one reason:

*By reason of its scale and extent the proposed development would appear cramped within the application site, contrasting unsympathetically with neighbouring development and appearing incongruous in the street scene. The proposal would therefore cause harm to the character and appearance of the immediate locality, contrary to Local Plan and Alterations policies CP2(iv) and DBE1(i), and to Draft Local Plan (Submission Version 2017) policy DM 9 (paragraphs A & D), which are consistent with the NPPF.*

The applicant appealed the decision and the Planning Inspectorate reached a decision in March this year dismissing the application (refusing). The Planning Inspector did however pinpoint within the decision notice the single criticism of the proposal:

*In summary, I find no harm from the principle of sub-division, the plot coverage of the houses, their height, their design, or the access to them. In regard to my duty under section 66(1) of the Act, freeing the space beside the boundary wall of the listed house would better reveal its significance and enhance its setting. My single criticism is the street-facing building lines of the houses which are set too close to the street. This would undermine the distinctive, spacious character of this section of the street. [Full decision notice attached below]*

This revised proposal has therefore been submitted with the proposal set back from the road frontage. To the west, opposite the town houses the proposal has been set back by 4.2m (previously 2.8m) and to the south has been set back from the road edge by 4m (previously 2m). This is a substantial improvement in terms of the impact of this proposal on the streetscene. It is therefore considered that this proposal respects the distinctive, spacious character of this section of the street and has overcome the previous reason for refusal.

### **Assessment of other revisions**

#### **Design**

The alteration to fully two storeys is considered acceptable, the height is still maintained so the relationship with the listed wall is respected. In addition, the reduction in overall depth reduces excess bulk and this aspect is acceptable. The basement although a slightly different shape is a similar size to that previously approved, as it is still fully underground no design issues are raised. Given the constraints of the site it is considered reasonable to remove permitted development rights for outbuildings and extensions.

#### **Amenity**

The alterations to the rear element (single storey to two storey) do not raise any amenity concerns due to the relative isolation of the plot due to it bordering the road on two sides and the high brick wall on the other. Again, as the basement will not be visible no amenity issues are raised

#### Implications of Basement

This revised proposal includes a slightly different shaped basement removing the more angled element. The previous submission was for a large basement and this proposal is a similar size. The application was submitted with a Basement Impact Assessment which concludes that any instability will be managed by proper design and construction of mitigation measures during the works. A condition can be added to ensure that the works are carried out strictly in accordance with the recommendations of the Basement Impact Assessment.

It is noted that the Council's land drainage team have no objection to the proposal and are aware of the proposed basement.

#### SAC/Air Quality

The application has been considered in the context of the Epping Forest SAC and associated air quality issues. The site lies outside the 3km SAC boundary and therefore does not require any contribution towards recreation mitigation. As the proposal results in an increase in dwellings (+1) the development will lead to an increase in impact on air quality and therefore an appropriate contribution in line with emerging policy and Natural England guidance is required by way of a legal agreement once negotiations are finalised.

#### Comments on representations received

In addition to those topics discussed above, the neighbours have also raised the issue of 'loss of a bungalow' as SVLP policy H1 resists the loss of bungalows. With the previously refused scheme it was considered that it would be unreasonable to insist that the bungalow be retained after 18 months of negotiation (through pre-application submissions). In addition, the two houses proposed will have lifts to all floors and hence will be suitable of occupation by the elderly and a condition was suggested to ensure that the lifts were installed prior to occupation and this condition can be added to any approval given.

In addition, the previous decision was made in August 2018, and the Inspector's decision in March 2019, at the time of both decisions the SVLP had been published and therefore given this very recent timeframe a new reason for refusal cannot now be introduced, particularly given the above justification.

#### **Conclusion:**

The proposal is considered to have overcome the previous reason for refusal and the minor revisions (two storey element/basement change) are considered acceptable given the above discussion and approval subject to a legal agreement is recommended.

***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

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



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## Appeal Decision

Site visit made on 12 February 2019

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

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**Appeal Ref: APP/J1535/W/18/3212404**  
**12 High Elms, Chigwell IG7 6NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Colin Medley, Goldberg Homes Ltd, against the decision of Epping Forest District Council.
  - The application Ref EPF/2758/17, dated 18 September 2017, was refused by notice dated 22 August 2018.
  - The development proposed is the demolition of existing property for 2x4b-8p houses with basement, ground floor and first floor.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Council refers to policies in its draft Local Plan. While this may be at an advanced stage, I cannot be sure there have been no significant objections to those policies, and the Plan has not yet completed examination. Accordingly, I give these policies only limited weight.

### Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

### Reasons

4. The entrance to Ely Place has a distinctive, green and spacious character determined by the low height of the bungalows which enclose it, and the set-back front building lines of these and the house opposite, which together provide attractive and broad, green frontages. It is notable for its variety of development patterns, which range from large bungalows to large well-spaced, 2-storey, detached houses, closer-set large houses and a terrace of 3-storey town houses.
  5. In the context of the town houses opposite the site, and the footprint of the existing house, I can see no incompatibility between the subdivision of the plot and the surrounding patterns of development. On this site, houses 2 storeys above ground with a parapet roof would not appear out of place against the other houses which include many with 2 and 3 storeys above ground. Nor would height alone undermine the spacious character in this section of the street. The proposed footprint and plot coverage would not be so dissimilar to
-

the existing patterns of development in this street to appear out of character. The houses appear to reflect some of the detailing of the listed house behind them, and against the facades of the surrounding houses they would sit well.

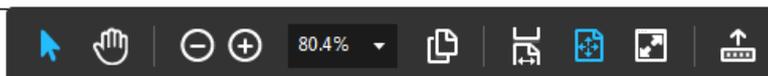
6. The height of the houses would be sufficiently close to the tall boundary wall of the early nineteenth century, grade II listed house in the grounds behind it, that its setting would be preserved. Indeed, the development would free the distinctive garden wall of the listed house from the extensive attachments of the present building, making a substantial improvement to the foreground setting of the listed building in views from the street.
7. Notwithstanding this, the street-facing building lines of these houses would be uncharacteristically close to the footway compared to the houses in this section of the cul-de-sac. Two-storey buildings at such proximity to the street would crowd the street boundaries and appear at odds with the spacious character of the street in this section.
8. In summary, I find no harm from the principle of sub-division, the plot coverage of the houses, their height, their design, or the access to them. In regard to my duty under section 66(1) of the Act, freeing the space beside the boundary wall of the listed house would better reveal its significance and enhance its setting. My single criticism is the street-facing building lines of the houses which are set too close to the street. This would undermine the distinctive, spacious character of this section of the street.
9. For this reason, the proposed development would harm the spacious character of the area. It would conflict with policies CP2 and DBE1 of the Epping Forest District Local Plan Alterations adopted July 2006 which seek to safeguard and to enhance the character of the urban environment and require that new buildings respect their setting in terms which include siting. It would also be at odds with paragraph 127 of the National Planning Policy Framework, which indicates that developments should be sympathetic to local character including the surrounding built environment.

#### **Other Matters**

10. The Council considers that because of the proposal's proximity to the Epping Forest Special Area of Conservation (SAC), and the resulting increased visitor pressure and the air quality alongside the roads which cross it, the proposed development would have an adverse impact on the integrity of the SAC. It seeks a planning obligation in respect of mitigation measures. Whilst I note the appellant's comments in this respect, as I am dismissing the appeal for another reason, it is not necessary for me to consider this matter any further as it could not alter my decision. I have taken into account the representations of neighbouring occupiers, but they do not lead me to a different conclusion.

#### **Conclusion**

11. The proposed development would make efficient use of a site within an established residential area, providing a modest, social benefit of 1 additional house to local housing supply. It would bring economic benefits too, both during its construction and from the spending in the local economy of the future occupiers.



12. However, these benefits of the development would be outweighed by its harm to the character of the area, and its conflict with the development plan, as a whole. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR