



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday 31st January 2024**

You are invited to attend the next meeting of **Area Planning Sub-Committee South**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday 31st January 2024 at 7.00 pm**

Georgina Blakemore
Chief Executive

**Democratic Services
Officer:**

V Messenger, Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman),
I Allgood, D Barlow, P Bhanot, R Brookes, E Gabbett, S Heap,
R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead,
L Morgan, S Murray, C Nweke, M Owen, A Patel, S Patel,
Caroline Pond, C C Pond, D Sunger, K Williamson and D Wixley

[This meeting will be broadcast live and recorded for repeated viewing.](#)

1. WEBCASTING INTRODUCTION

This meeting is to be webcast and the Chairman will read the following announcement:

“I would like to remind everyone present that this hybrid meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or other such use by third parties).

Therefore, by participating in this meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If any public speakers on MS Teams do not wish to have their image captured, they should ensure that their video setting throughout the meeting is turned off and set to audio only.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.

Members are reminded to activate their microphones before speaking”.

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 4 - 5)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

To be announced at the meeting.

To report non-attendance before the meeting, please use the [Members Portal webpage](#) to ensure your query is properly logged.

Alternatively, you can access the Members portal from the front page of the [Council's website](#), at the bottom under 'Contact Us'.

4. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

5. MINUTES (Pages 6 - 7)

To confirm the minutes of the last meeting of the Sub-Committee held on 6 December 2023.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

8. EPF/0625/23 - 2 COURTLAND DRIVE, CHIGWELL IG7 6PN (Pages 8 - 22)

To consider the attached report for the demolition of existing dwelling and replacement with two structures containing a total of 5 new dwellings.

9. EPF/0726/23 - GARAGE SITE BURNEY DRIVE, LOUGHTON IG10 2DU (Pages 23 - 34)

To consider the attached report for the demolition of existing garages and the addition of two new build flats (2 storey); 2 1B2P, designed to achieve Passivhaus standards, with new 3 no. parking spaces, standalone bin stores to the front of the property and private standalone cycle stores in rear gardens for each unit.

10. EPF/1415/23 - 6 GREAT OAKS, CHIGWELL IG7 5ES (Pages 35 - 39)

To consider the attached report for the demolition of existing garage and the construction of a two-storey rear/side wraparound extension (Revised app to EPF/2316/22).

11. EPF/1815/23 - 25 LOWER PARK ROAD, LOUGHTON IG10 4NB (Pages 40 - 44)

To consider the attached report for loft conversion with rear dormer and five roof lights to existing front roof slope, first floor side extension and alterations to existing single storey rear extension.

12. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Agenda Item 2

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can [view the webcast](#) on the Council's website. Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. You can register to speak at the meeting either virtually via MS Teams or in person at the Civic Offices. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: Only one objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to **3 minutes**. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee South or Area Plans Sub-Committee West you will either address the Committee from within the Council Chamber at the Civic Offices or will be admitted to the meeting virtually via MS Teams. Speakers must NOT forward the MS Teams invite to anyone else under any circumstances. If attending virtually, your representation may be supplied in advance of the meeting, so this can be read out by an officer on your behalf should there be a technical problem. Please email your statement to: democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes, you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details are available on [our website](#). Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services, email democraticservices@eppingforestdc.gov.uk

Agenda Item 5

EPPING FOREST DISTRICT COUNCIL AREA PLANNING SUB-COMMITTEE SOUTH MEETING MINUTES

Wednesday 6 December 2023, 7.00 pm - 8.27 pm

Council Chamber, Civic Offices, High Street, Epping

Members Present: Councillors K Rizvi (Chairman), R Baldwin (Vice-Chairman), I Allgood, R Brookes, E Gabbett, S Heap, H Kauffman, L Morgan, C Nweke, M Owen, S Patel, Caroline Pond, C C Pond, D Sunger, K Williamson and D Wixley

Apologies: Councillor(s) D Barlow, P Bhanot, R Jennings, J Jennings, J Jogia, A Lion, L Mead and S Murray

Officers In Attendance: V Messenger (Democratic Services Officer), S Mitchell (PR Website Editor) and J Rogers (Principal Planning Officer)

Officers In Attendance (Virtually): T Larsen (Democratic Services Officer), M Rahman (Planning Officer), N Raimi (Planning Officer) and C Wright (Planning Officer)

[A RECORDING OF THE MEETING IS AVAILABLE FOR REPEATED VIEWING](#)

59 WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

60 DECLARATIONS OF INTEREST

a) Pursuant to the Council's Members' Code of Conduct, Councillor Chris Pond declared a non-pecuniary interest in the following item of the agenda by virtue of knowing (but not very well) several people who lived around the site below. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2193/23 – 155, Forest Road, Loughton, IG10 1EF

b) Pursuant to the Council's Members' Code of Conduct, Councillor Caroline Pond declared a non-pecuniary interest in the following item of the agenda by virtue of knowing (but not very well) several people who lived around the site below. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2193/23 – 155, Forest Road, Loughton, IG10 1EF

61 MINUTES

RESOLVED:

That the minutes of the Sub-Committee held on 8 November 2023 be taken as read and signed by the Chairman as a correct record.

62 ANY OTHER BUSINESS

The Chairman, Councillor K Rizvi, announced that item 14 for planning application EPF/1415/23 – 6 Great Oaks, Chigwell was to be deferred to a future meeting of the Committee at the request of the applicant who was unavailable for this meeting.

63 SITE VISITS

- (a) Ward Councillor D Wixley proposed a site visit for agenda item EPF/0726/23 Garage site Burney Drive, Loughton IG10 2DU, which was seconded by Councillor Chris Pond, so this item was deferred to a future meeting.
- (b) Councillor H Kauffman proposed a site visit for agenda item EPF/2193/23 155, Forest Road, Loughton IG10 1EF, which was seconded by Councillor Chris Pond, so this item was deferred to a future meeting.

64 EPF/1169/23 11 TYCEHURST HILL, LOUGHTON IG10 1BX

The application was [approved with conditions](#).

65 EPF/1500/23 SKYHAVEN, 87 OAKWOOD HILL, LOUGHTON IG10 3EP

The application was [approved with conditions](#).

66 EPF/2047/23 WAYBACK 179 LAMBOURNE ROAD CHIGWELL IG7 6JU

The application was [refused](#).

67 EPF/2084/23 51 ALGERS ROAD LOUGHTON IG10 4NF

This application was [refused](#).

68 EPF/2193/23 155, FOREST ROAD, LOUGHTON IG10 1EF

This application was [deferred](#) pending a site visit by the Sub-Committee.

69 EPF/0726/23 GARAGE SITE BURNEY DRIVE LOUGHTON IG10 2DU

This application was [deferred](#) pending a site visit by the Sub-Committee.

70 EPF/1415/23 - 6 GREAT OAKS CHIGWELL IG7 5ES

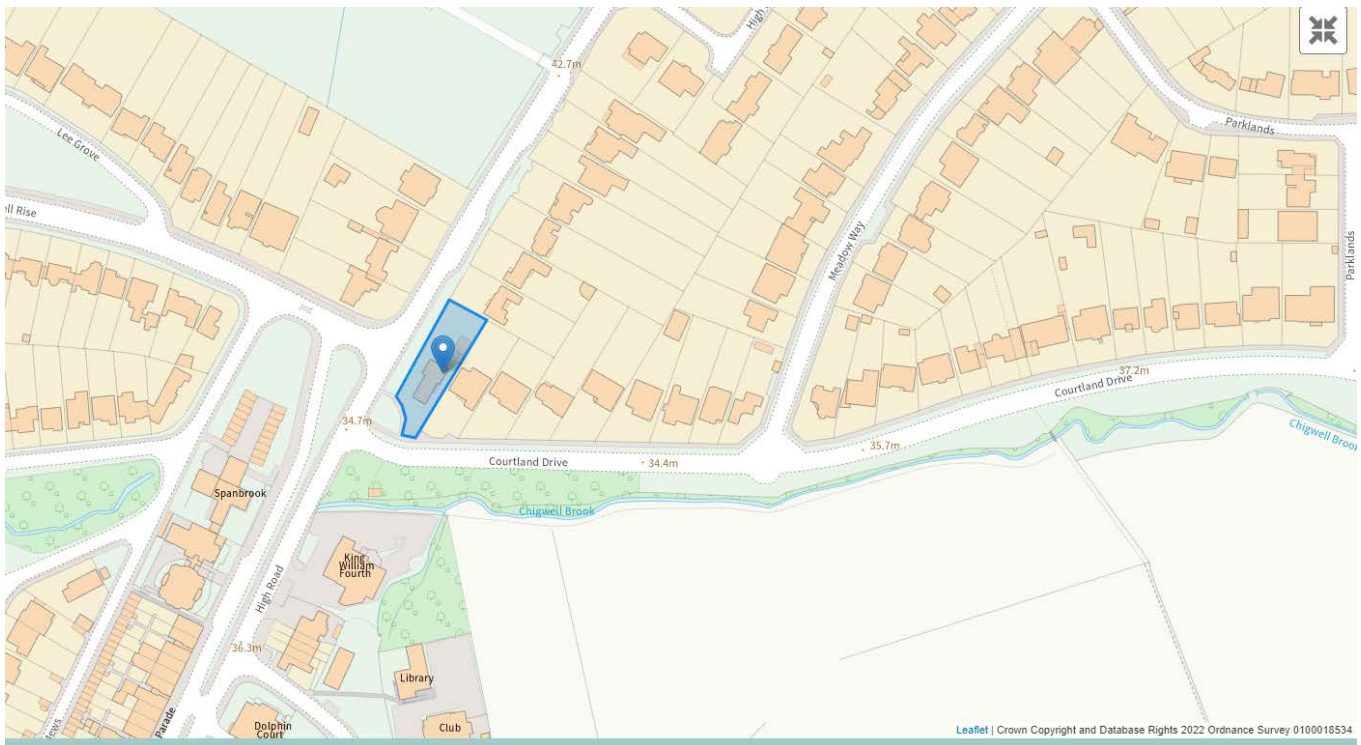
The application was [deferred](#) to a future meeting of the Committee.

CHAIRMAN

Agenda Item 8

OFFICER REPORT

Application Ref: EPF/0625/23
Application Type: Full planning permission
Applicant: Mr John Digwa
Case Officer: Caroline Brown
Site Address: 2, Courtland Drive, Chigwell, IG7 6PN
Proposal: Demolition of existing dwelling and replacement with two structures containing a total of 5 new dwellings.
Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VjTM>
Recommendation: Approved with Conditions (Subject to s106 Legal Agreement)



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Additional information

This application has been put back in front of Members since the Court quashed the previous decision in part due to the Committee's decision being reached on incorrect evidence.

This application was discussed at Area Planning Sub-Committee South on 11 October 2023. The decision reached by Members was to refuse planning consent. Unfortunately on the 25 October 2023 an incorrect decision notice was sent to the applicant granted consent for the proposal. The Council subsequently judicially reviewed the decision and the Courts recognised that the

Consent Order was clearly a mistake and therefore quashed this decision and as a result the application has returned to the LPA and is now once again 'live'.

It should however be noted that the reasons for the order state:

- 3. *The reasons the decision should be quashed is two-fold. Firstly, the Interested Party was erroneously sent an approval decision notice rather than a refusal decision notice as per the Committee's decision. Secondly, upon review of the Committee's reasons for refusal both the Claimant and Defendant have noted that the Committee's decision was based on incorrect evidence. Should the Committee hear the application based on all of the correct evidence their outcome may be different.***
- 4. *The Claimant and Defendant recognise the errors in this matter and so both seek an order to quash the approval decision, so that the matter can be resent to Committee to be re-debated on the basis of all of the supporting evidence obtained during the investigations ahead of these proceedings. Following the Committee's decision, a new decision can be issued.***

The incorrect evidence referred to was the lack of clarity in terms of the date of the previous appeal decision regarding EPF/1573/20 in relation to the adoption of the latest Local Plan. This formed part of the previous debate and at least some Members may have been under the impression that the appeal decision pre-dated the adoption of the new Local Plan.

It can be confirmed that the previous appeal decision for the exact same proposal, which was dismissed only on the failure to safeguard mitigation measures regarding the EFSAC, was dated the 09 March 2023. The Epping Forest District Local Plan 2011-2033 was formally adopted by the Council on 06 March 2023. Therefore, on the day that the Planning Inspector determined the previous appeal the latest Local Plan was adopted.

Since the only reason for the Inspector previously dismissing the appeal was due to the lack of a legal agreement to secure EFSAC mitigation measures, and this proposal is identical except that it is accompanied by a signed legal agreement securing these measures, Officers do not consider that there are any Material Planning Considerations that would lead to this application being refused. Whilst Members may not be supportive of the development, for all intents and purposes the decision has effectively already been approved by the Planning Inspectorate, subject to a legal agreement. Therefore, the previous officers recommendation to approve planning consent still applies.

ORIGINAL REPORT

This application is before this Committee since it has been 'called in' by Councillor Lion (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

The application is also 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).

Site and Surroundings

No. 2 comprises of a 2-storey detached dwellinghouse with a detached rear/side garage located to the north of Courtland Drive, a corner plot sited adjacent to the main High Road. The plot is deep, and the property is well set back from the highway on both Courtland Drive and High Road with a large wide corner pavement and grass verge.

Courtland Drive is residential in character comprising of large, wide 2- storey detached dwellinghouses with deep frontages and parking in the frontage arranged in a staggered alignment with no. 2 sited further forward than No. 4 and the other dwellings in this section of Courtland Drive.

No. 2 is sited adjacent to High Road which is typified by a mixed variety of urban building types and heights with 3-and 4 storey residential blocks of flats to the west and commercial units to the south.

Proposed Development

Planning permission is sought for the redevelopment of the site involving the demolition of the existing 2- storey detached dwellinghouse and garage and its replacement with a 2- storey building to accommodate x 5 residential units. (2, 1 bed and 3, 2 bed), basement car parking for 7 car spaces...

The communal refuse storage and cycle area is sited to the east boundary measuring a height of 1.5m, a width of 3m and a depth of 2.3m.

The proposed building has a similar front building line and height as the existing dwellinghouse, some 2m wider set in between 2.5 - 3.66m from the east boundary and some 3.8m from the west boundary.

Ground floor

Flat 1: 1 bed (56,6sqm)

Flat 2: 1 bed (59.7sq)

Flat 3: 2 bed (109sqm)

First Floor

Flat 4: 2 bed (90.4sqm)

Flat 5: 2 bed (117sqm)

The main pedestrian entrance to the building is to the central west elevation of the building with the provision of a lift and staircase. The majority of the habitable room windows are to be sited to the west and front elevations. The existing crossover is to be widened and the bollard removed.

Amenity space is to the rear of the building with the provision of balconies to units, 3.4 and 5.

Materials: Brick and render and clay tiles

A completed s106 Legal Agreement has been submitted with the application to secure mitigating measures for the EFSAC.

Relevant Planning History

EPF/0583/22 - Demolition of existing dwelling and erection of new replacement dwelling.-

Refused 26/07/22 - Allowed on Appeal 9 March 2023 Ref: APP/J1535/W/22/3305279

EPF/1573/20 - Demolition of existing dwelling and replacement with new structure containing 5 new dwellings. Refused 23/07/2020 – Dismissed at Appeal 09 March 2023 Ref: APP/J1535/W/22/3293378

EPF/0672/17 - Enlargement of roof, and provision of one front dormer window and three rear dormer windows as part of loft conversion.

EPF/1929/18 - Proposed first floor rear infill extension, enlargement of roof and loft conversion with one front dormer window and three rear dormer windows.

EPF/2057/16 - Two storey rear extension, and erection of new front wall, railings, and gates on front boundary – 06/10/2016

CHI/0320/59 - Erection of Detached House & Garage - Approved

Policies Applied:

DEVELOPMENT PLAN CONTEXT

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

Epping Forest District Local Plan (2011-2033) (March 2023)

The proposed adoption of the Epping Forest District Local Plan 2011 - 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council and therefore has full weight when considering planning applications.

The following policies are relevant:

SP6 - Green Belt and District Open Land
SP7 - The Natural Environment, Landscape Character and Green and Blue infrastructure
H1 - Housing mix and accommodation types
H4a - Dwelling Mix
T1 - Sustainable transport choices Significant
DM2 - Epping Forest SAC and the Lee Valley SPA
DM5 - Green and Blue Infrastructure
DM9 - High Quality Design
DM10 - Housing Design and Quality
DM 11 - Waste recycling facilities on new developments
DM16 - Sustainable drainage systems
DM18 - On Site Management of Wastewater and Water Supply
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy
DM2 - Epping Forest SAC
DM21 - Local environmental impacts, pollution and land Contamination
DM22 - Air Quality

CONSULTATION CARRIED OUT & SUMMARY OF REPRESENTATIONS RECEIVED:

Site Notice Displayed

Chigwell Parish Council - OBJECTION

- the Planning Inspector when dismissing the appeal against a previous refusal of the same proposal (EPF/1573/20), was not convinced that a shared basement carpark proposed would be practicable or convenient for the future residents of five separate dwellings.
- Should the car lift be out of action there is insufficient space on site for the occupiers of five dwellings to park leading to an increase on on-street parking.
the Council noted the approval of a single dwelling granted at appeal, specifically condition 13 which requires any gates shall be inward opening only and set back a minimum of 6 metres from the back edge of the carriageway. This application placed the vehicular access at less than 5m from the back edge of the carriageway and the Committee thus considers the proposal is contrary to the policies of the adopted Local Plan
- whilst the Planning Inspector considered the car lift for a single dwelling would not cause an unacceptable disturbance, the Parish consider the use of both the car lift and car turntable necessary for five dwellings would cause an unacceptable disturbance to the occupants of nearby dwellings,
- whilst it was noted the applicant stated a S106 was submitted, no such document was before the Committee.

- the Courtland Estate is a unique area of predominantly Arts and Crafts style houses within Chigwell and does not contain any purpose-built flats units.
- whilst not officially designated a flood zone, local Councillors noted the frequent flooding of the road from surface water run off.

Chigwell Residents Association - OBJECTION

- over development of a relatively small site, out of keeping - affect the character and loss of amenity.
- Existing mature vegetation will have to be removed during construction and this will have a substantial and negative visual impact on what is one of the principal junctions in Chigwell village.
- The adjoining 'street trees and shrubs' will also be adversely impacted.
- parking onsite is inadequate and nearby roadside resident/visitor parking will be limited due to commuter parking and the 'overflow' of cars from the nearby shops, businesses and pub.
- The site adjoins a very busy traffic 'through route' which together with commuter/local parking and contractor requirements will place overwhelming pressure on the space available.
- During construction excavated material removal will have an unacceptable impact on the area and in particular the adjoining properties.

96 adjoining neighbours were notified, and 20 objections have been received that raise the following concerns:

Flat 16 Claremont Place, 24 Brook Parade Chigwell; 14 Meadow Way Chigwell; 36 Courtland Drive; 20 Daleside Gardens; 37 Meadow Way; 28 Lee Grove; 37 Meadow Way; 23 Daleside Gardens; 5 Parkland Close; 2 Meadow Way Chigwell; 34 Courtland Drive; Green Acres Vicarage Lane; 24a Meadow Way; A Sharad, Sharon Welley.

- block of flats is inappropriate and would overload the existing community facilities.
- the Design and Access statement states 'On the opposite side of High Road there are several blocks of five storey high flats.' Almost opposite the site there are indeed 2 blocks of flats but not 'several blocks'.
- The single entry/exit driveway proposed seems insufficient for the likely number of cars. Insufficient parking spaces will increase congestion.
- A basement carpark opposite Chigwell Brook could easily become flooded. The application has already been considered, appealed, and rejected.
- Nothing is different from the previous application that has changed the situation.
- The applicant relies upon an Arboricultural Impact Assessment Report dated January 2020. This Report fails to address the impact on certain trees and hedges lying close to the boundaries of the proposed site. This includes the tree on the corner of Courtland Drive and the 2.5m high hedge belonging to No. 4.
- The issue relating to the Epping Forest SAC is another reason for consideration; the proposal would result in increased vehicle movements going to and from the site compared with the existing situation. The proposal would therefore cause harm to the integrity of the Epping Forest SAC due to the increased emission the parking for the house would generate.
- Poor design loss of light and privacy for the occupiers of the neighbouring property due to directly overlooking the private rear outdoor amenity space of No.4,
The refuse storage facilities appear insufficient to accommodate the refuse from these 5 flats. Scale of the property will make the ground unstable the excavation of the basement parking would exacerbate this.
The inspector stated he was not convinced that a shared basement carpark of the scale and nature proposed would be practical or convenient for the future residents.
No account was taken of the potential noise at all times night and day of the underground turntable machinery which is directly below our main bedroom and main habitable room.

- It sets a wholly undesirable precedent on the Courtland Estate which is characterised by large family homes - any argument that the flatted development is providing affordable housing is superius - there is no doubt that the flats are anything but affordable.

Main issues for consideration:

- Principle of development, design, scale and siting
- Impact on the amenity of neighbouring properties.
- Parking and highway safety.
- Land Drainage
- Contamination
- Epping Forest Special Area of Conservation

Principle of development, Design, Scale and Siting

This application is a resubmission following a refusal of the same proposal in July 2020 which was dismissed at Appeal in March 2023.

The Inspector, whilst dismissing the appeal, raised no objection to the redevelopment of the site or the design, scale and siting of the building concluding that the 'proposal would not result in any harm to the character and appearance of the area'.

The Inspector stated that,

The eaves and ridge height would be no greater than those of the existing dwelling to be replaced or those of the adjacent houses. Although the principal elevation of the new dwelling would be longer than the existing one, its massing would be broken up by the varying building and roof lines, appearing almost as two linked dwellings. It would project roughly up to the front of the existing garage that is to be demolished, and little beyond the rear elevation of No.4 Courtland Drive.

The side elevation fronting Courtland Drive, despite being slightly wider than that of the existing dwelling, would replicate similar features such as the ground floor bay window. As other properties along Courtland Drive have wide frontages, the increased width of the building would not appear out of character with its surroundings.

The new building would be set further forward than the adjacent dwellings on both High Road and Courtland Drive. However, this is also the case with the existing dwelling. Accordingly, the pattern of development in the area would not be harmed and the staggered building line of Courtland Drive would be retained.

As the design and materials would reflect those of the existing dwelling and those surrounding it, the proposal would not appear incongruous. I acknowledge that the new building would be larger than the dwelling it would replace. However, given the size of the plot and the design of the building, with its varied elevation and roof lines, the proposal would not appear cramped or over dominant and would maintain the open spacious character of the area.

Whilst I am not convinced that a shared basement carpark of the scale and nature proposed would be practical or convenient for the future residents of 5 separate households, I do not agree that providing the option of underground parking would be harmful to the visual character and appearance of the surrounding area. Moreover, I note that the site is close to a good range of services and facilities and the area is well served by public transport. Cycle parking is also proposed. Accordingly, future occupiers of the development would not necessarily all need a car.

In addition, the application ref: EPF/0583/22 for the replacement single family dwellinghouse at the site has been allowed on appeal, is of the same design, scale and siting as the building for the 5 units and can be built out.

Comments on Representations Received.

The concerns expressed by the Parish Council and neighbouring residents are noted. The Inspectors decision on the previous planning application which is for the same proposal is of material consideration on any new resubmission.

While the Inspector dismissed the proposal overall, he raised no objection to the redevelopment of the site concluding that the '*proposal would not result in any harm to the character and appearance of the area*'.

'As the design and materials would reflect those of the existing dwelling and those surrounding it, the proposal would not appear incongruous....the proposal would not appear cramped or over dominant and would maintain the open spacious character of the area.'

The Inspector in his decision also stated that whilst he remained to be convinced on how practical or convenient a proposed shared basement carpark would be for the future residents of 5 separate households, he did not consider that underground parking would be harmful to the visual character and appearance of the surrounding area.

The Inspector does on to state that,

I have considered the additional concerns of local residents with regards to the effect of the development on the living conditions of neighbouring occupiers, highway safety, loss of trees and landscaping and setting a precedent for other similar development in the future. I note the conclusions of the Council and relevant consultees, who found no harm in respect of these matters. Based upon my own assessment I have no reason to disagree.

The Inspectors only objection to the scheme was the absence of a mechanism for securing mitigating measures for the EFSAC. To address this objection, the applicant has re submitted the same scheme with a signed s106 legal agreement confirming the willingness to make a financial contribution to secure recreational and air quality mitigation measures for the forest.

Furthermore, the design, scale, form and siting of the proposed development is the same as the application for the proposed replacement single family dwellinghouse at the site under, ref: EPF/0583/22 which was Allowed on Appeal by the Inspectorate and can therefore be built out.

The only objection the Inspector raised to the proposal was the lack of mitigating measures for the monitoring and implementation of the EFSAC which has now been addressed in this application by the applicant submitted a completed and signed s106 Legal agreement.

Impact on amenity of neighbouring properties

No. 4 Courtland Drive is the closest residential dwellinghouse to No. 2 which itself has been extended into a large property with a first floor and 2- storey rear extension. The majority of the main habitable room windows to the proposed development are sited to the west flank elevation fronting onto High Road with 3 minor non-habitable room windows located to the east first floor flank elevation. In addition, it is considered that the separation distance would prevent any demonstrable harm to the living conditions of neighbouring properties in terms of loss of light, overlooking or privacy subject to first floor flank elevation windows being conditioned as being non openable and obscure glazed below 1.7m from the internal floor height of the rooms. It is considered that the amenity of the adjoining occupiers would

be maintained to an acceptable level and accords with the requirements of policy DM9 of the adopted Local Plan, 2023.

The Inspector at appeal raised no objection to the proposed development in terms of the impact on the amenity of neighbouring properties and it did not form one of the reasons for refusal on the previous planning application.

Parking and Highway Considerations

From a highway and transportation perspective the Highway Authority has no objection to make on the proposal and did not form one of the reasons for refusal on the previous application and the development complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and policy T1 of the adopted Local Plan, (2011-2033), 2023. The Inspector in his decision raised no objection on Highway grounds and again did not form one of the reasons for refusal on the previous application.

Land Drainage

The site is outside of any Flood Risk Assessment Zone therefore a Flood risk assessment is not required. A Basement Impact Assessment was submitted with the application and the drainage team have not raised any objection and none was raised by the Inspector at Appeal.

The Council's Land Drainage engineer have requested details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Contamination

There are no acknowledged on-site potentially contaminated land however off-site sources include former horticultural nursery sites. No contaminated land assessment has been submitted and in line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Given the sensitive nature of the use it is recommended a suitable condition on any approval for the possibility of unacknowledged contamination during development/demolition is considered necessary *and* reasonable.

Epping Forest Special Area of Conservation:

The Inspector in his appeal decision did note that the appeal site is located within 3km zone of Influence of the Epping Forest SAC stating that:-

'The Council has adopted an 'Interim Approach to Managing Recreational Pressures' on the SAC, which identifies a number of costed mitigation measures. The cost of providing these mitigation measures is to be achieved by seeking a financial contribution from new residential developments within a specified distance of the SAC.

As the proposal would increase the number of dwellings on the site from 1 to 5, which would inevitably result in increased vehicles and pedestrians and in the absence of a completed S106 Agreement to secure contributions to the mitigation measures necessary he could not be satisfied that the proposed development would not harm the integrity of the Epping Forest SAC. It would therefore conflict with Chapter 15 of the Framework and the Habitats Regulations.

Whilst I have found that the proposal would not result in harm to the character and appearance of the area, this would not outweigh the harm to the Epping Forest SAC, which would result from the development in the absence of a mechanism for securing the necessary mitigation measures of the site in as far as it is comparatively large for the existing one dwelling. It is also intended that the proposal would meet accessibility standards in order to assist with mobility and be energy efficient. The appellant also considers that the proposal would be reflective of the character of the houses in the area and incorporate the use of good quality materials and design’.

It was for this reason only that the proposed development was dismissed by the Inspector.

The application site is within 3km of the EFSAC and does have the potential to increase recreational pressures and a net increase in traffic using roads on the EFSAC. The Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating recreational and air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities.

The previous planning application ref: EPF/0195/21 was dismissed at appeal by the Inspector who confirmed that,

‘the applicant had not demonstrated beyond reasonable scientific doubt as competent Authority that the development would not adversely affect the integrity of the Epping Forest Special Area of Conservation and in the absence of such information, and / or a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of air pollution, the development is contrary to Policies NC1, CP1 and CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policy DM2 and DM22 of the Epping Forest District Local Plan Submission Version (2017), and the requirements of the National Planning Policy Framework and the Habitats Regulations, 2017.

The applicant has submitted a completed and signed legal agreement agreeing to make a financial contribution in accordance with the IAPMS and therefore has addressed the Inspectors outstanding objection to the proposal. In addition, the application will be subject to the imposition of planning conditions to secure further mitigating measures. Consequently, the Council is satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC.

Conclusion

The Inspector raised no objection to the redevelopment of the site, the design, scale or siting of the building or the underground carparking. He considered that the building sufficiently maintained the character, appearance of the surrounding area and would not result in any amenity implications to neighbouring dwellings in terms of light, privacy and outlook’ Other aspects in relation to parking/highway safety and landscaping are considered satisfactory.

The only objection the Inspector did raise was with the ‘*absence of a completed planning obligation to mitigate against any adverse impact it would have on the Epping Forest Special Area for Conservation in terms of recreational and air pollution*’. The applicant has now addressed this by submitting a completed signed s106 legal agreement securing appropriate funds to recreational and air quality and the management and monitoring of visitors to the Epping Forest Area of Conservation. In light of the above considerations, it is recommended that planning permission is approved 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: Caroline Brown***

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (21)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: TGV- 001;002; 101; 102; 103; 104; 105; 106; 202;203;204;206;209; Basement Impact Assessment; Tree Survey

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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 the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 Prior to first occupation of the building hereby permitted the window(s) in the East flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 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. 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to the first occupation of the development the vehicle parking , car lift and turning facility, as indicated on the approved plans shall be provided and retained as such for the life of the development.

Reason: To ensure that appropriate parking and turning is provided in compliance with Policy T1 of the adopted Local Plan, 2023

- 10 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. In compliance with policy T1 of the adopted Local Plan, 2023

- 11 Electric vehicle charging points shall be provided for all of the car parking spaces shown on the approved plans. The spaces shall be constructed and marked out and the charging points installed prior to the occupation of the development, and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A-E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with Policy DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF, 2023.

- 14 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British

Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

15 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the adopted Local Plan, (2011-2033). 2023 and the NPPF 2021.

16 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

17 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 Prior to the first occupation of the development the proposed private drive shall be constructed to a minimum width of 5 metres for at least the first 6 metres from the back edge of the carriageway and provided with an appropriate dropped kerb crossing of the verge.
Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, and to ensure that opposing vehicles can pass clear of the limits of the highway, in the interests of highway safety in compliance with policy T1 of the adopted Local Plan.

- 19 Prior to the first occupation of the development the cycle parking, as indicated on the approved plans, shall be provided and retained as such for the life of the development.
Reason: To ensure that appropriate cycle parking is provided to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023), and the NPPF 2021.

- 20 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 21 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

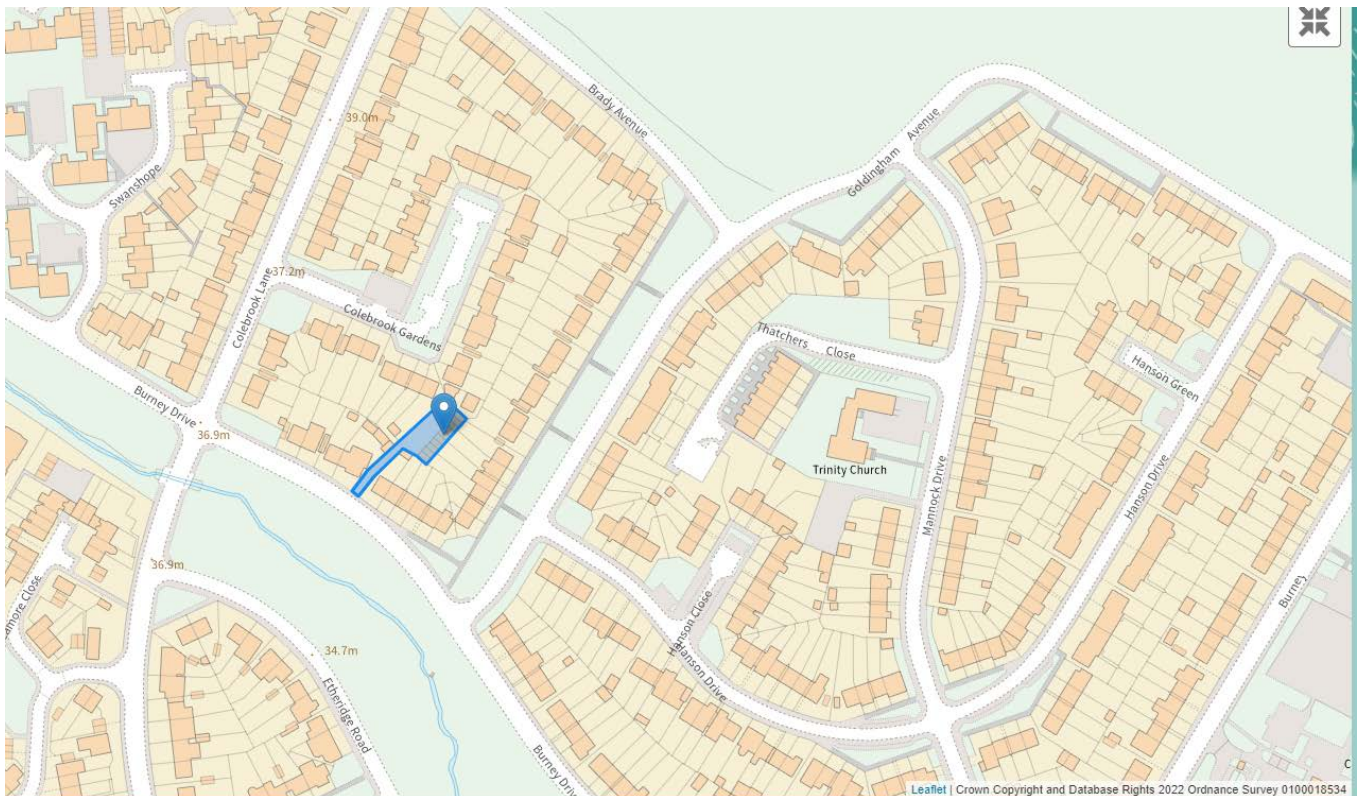
- 22 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 23 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

or by post to:SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

OFFICER REPORT

Application Ref: EPF/0726/23
Application Type: Full planning permission
Applicant: Rochelle Hoyte
Case Officer: Muhammad Rahman
Site Address: Garage site Burney Drive , Loughton, IG10 2DU
Proposal: Demolition of existing garages and the addition of two new build flats (2 storey); 2 1B2P, designed to achieve Passivhaus standards, with new 3 no. parking spaces, standalone bin stores to the front of the property and private standalone cycle stores in rear gardens for each unit.
Ward: Loughton Fairmead
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VoWA>
Recommendation: Approve with Conditions



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This application was deferred from the 6th December 2023 meeting for a Members site visit, which took place on the 16th January 2024.

Furthermore, since the deferral an update was made to the National Planning Policy Framework 2023 replacing Paragraph numbers 126, 131 & 180 with Paragraph numbers 131, 135 & 186.

In addition, the Councils Housing Team have set out the current established process for addressing access rights on a development site as below;

Any site that is suitable for development will undergo its feasibility and a planning application will be submitted with designs. The site will be considered across multiple factors including access types and its impact. Once planning permission has been obtained and cabinet have approved that the site can be developed on. The site can be appropriated. Appropriating the site gives the site special parameters to aid councils in the development of land. This is granted by legislation.

With regards to access we make use of s203 and s204 of the Housing and Planning Act 2016. This act gives us the right to extinguish access that have no expressed or prescribed rights. Those individuals whom do have it are then assessed on the evidence provided (if no record can be seen on the deed pack or historical imagery). This evidence will be assessed internally to see if 20 years can be established. If so, then the rights are recognised and a valuer will be appointed to assess the value of this. Some development schemes look to incorporate accesses where reasonable and non-detrimental to the future residents of the proposed development. As such accesses that are maintained (who have a recognised right) will be compensated on the loss of use on a temporary basis from the date of closure to the date of reopening. This is also calculated by an independent valuer.

Housing and Planning Act 2016 (legislation.gov.uk)

This application is before this Committee since it is for a type of development that cannot be determined by Officers if 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).

Site and Surroundings

The site comprises of approx. 10 garages accessed via a road in between No's 7 & 9 Burney Drive. It is located within a built-up area of Loughton. It is not listed nor in a conservation area. No protected trees lie within/adjacent the site.

Proposal

The proposal is for the demolition of existing garages and the addition of two new build flats (2 storey); 2 1-Bed 2-Person, designed to achieve Passivhaus standards, with new 3 no. parking spaces, standalone bin stores to the front of the property and private standalone cycle stores in rear gardens for each unit.

The Councils Housing Team have confirmed that the proposed dwellings would be for affordable housing.

Relevant Planning History

None.

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of

adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

SP1	Spatial Development Strategy 2011-2033
H1	Housing Mix and Accommodation Types
T1	Sustainable Transport Choices
DM2	Epping Forest SAC and the Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing Design and Quality
DM11	Waste Recycling Facilities on New Development
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM18	On Site Management of Wastewater and Water Supply
DM19	Sustainable Water Use
DM21	Local Environmental Impacts, Pollution and Land Contamination
DM22	Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	131 & 135
Paragraph	186

Summary of Representations

Number of neighbours Consulted: 20. 7 response(s) received.
Site notice posted: Yes.

2, 7, 8 & 9 COLEBROOK GARDENS, 7 & 17 BURNEY DRIVE, 7 GOLDINGHAM AVENUE & LRA
PLANS GROUP – Objections – Summarised as;

- Out of keeping;
- Unacceptable infill development;
- Parking concerns;
- Loss of privacy;
- Loss of light;
- Refuse concerns
- Loss of outlook;
- Overbearing Impact;
- Impact on Trees;
- Fire safety concerns;
- Sustainability;
- Drainage concerns; and
- Concerns from Construction Phase.

LOUGHTON TOWN COUNCIL – The Chairman informed the members of the public present with an interest in this application who had not received notification from the local planning authority, Epping Forest District Council, that they would not be able to participate in these proceedings, only observe,

having not registered to speak at this meeting. They were however advised to submit written objections to the local planning authority.

The Committee NOTED the contents of two letters of objection.

The Committee OBJECTED to this application on the grounds that the site was very closely surrounded by other dwellings. The proposed development would be out of scale and proportion to the surrounding houses and out of character with the area.

The proposed building would be too close to its neighbours, in particular those at 8 Colebrook Gardens. The occupiers of the development would also look into surrounding gardens and windows to the detriment of the privacy of those occupants, negatively impacting neighbours in Colebrook Gardens, Burney Drive and Goldingham Avenue, as well as negatively affecting their outlook.

There was a garage to the rear of Colebrook Gardens that backed onto the development site which was the sole access for the garage. No mention of this was in the planning application. The Committee noted and objected to the development because, as well as being overbearing, visually blocking and negatively impacting their outlook and amenity, No 9 Colebrook Gardens would also be losing access to their garage and an established right of way. Members also understood that the existing garages on this site were mainly in use, the loss of these garages would put added pressure on parking in Colebrook Gardens.

The proposed refuse strategy was considered flawed. The collection point was on a very narrow access. Cars would not be able to pass when bins were placed on the collection point without putting them on the private forecourt of No 7 Burney Drive.

Overall, this proposal was considered an unacceptable form of back land development. Members believed the site was not suitable to accommodate two storey flats, it might however be possible to accommodate single storey dwellings.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) Highway safety and parking provision;
- c) The impact to the living conditions of neighbours;
- d) Standard of Accommodation for future occupiers; and
- e) The impact on the Epping Forest Special Area of Conservation.

Character and Appearance

New developments need to relate positively to the locality by complementing and enhancing the character and appearance of the area including the street scene.

In this regard, the proposal is of a contemporary design and would not be readily visible from the main street. The proposed building is of a modest scale using high quality materials and it would be tucked behind residential dwellings on Burney Drive, Colebrook Gardens and Goldingham Avenue. Views would be limited from the street and the rear gardens of the surrounding properties.

On balance, in lieu of the existing unpleasant garages, the proposal would enhance the locality. As such, there would be no harmful impact to the character and appearance of the area.

Highway Safety and Parking Provision

The site would utilise an existing accessway and no objections have been raised by the Highways Officer subject to recommended conditions. The proposal also meets the requisite parking provision as per the adopted parking standards.

Living Conditions of Neighbouring Properties

The flank wall facing the rear gardens of the properties on Goldingham Avenue has no flank windows. The remainder of the windows at the other flank wall and rear elevation at first floor level would be obscure glazed as indicated on the proposed plan. Thus, the only potential overlooking issue is to the rear gardens of 7, 9 & 11 Burney Drive. However, given the siting of the proposed building together with the minimum separation distance of 11m to the common boundary with No's 9 & 11 and the surroundings as a highly dense urban area, there would be no significant harmful overlooking that warrants a reason for refusal.

Standard of Accommodation

The proposed dwellings would have sufficient internal amenity space for future occupiers of the dwellings in accordance with the National Described Space Standards, including private external amenity space with a reasonable outlook and light levels.

Epping Forest Special Area of Conservation

A large part of the Epping Forest contains a Special Area of Conservation (EFSAC) which has been identified primarily for its value in respect of beech trees and wet and dry heaths and for its population of stag beetle. As an internationally important site it is afforded the highest level of protection due to its habitats and species that are vulnerable or rare within an international context.

The Council, as a competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations), and Policies DM2 & DM22 of the Epping Forest District Local Plan 2011 – 2033 has a duty to ensure that plans and projects for whose consent it is responsible will not have an adverse effect on the integrity of these designated sites either alone or in-combination with other plans and projects within the adopted Local Plan.

The Council has identified two main issues (known as 'Pathways of Impact') that are currently adversely affecting the health of the Epping Forest.

The first is recreational pressure. Surveys have demonstrated that most visitors live within 6.2km (Zone of Influence) of the Epping Forest. As new residential development within 6.2km is likely to result in more people visiting the Epping Forest on a regular basis this will add to that recreational pressure.

The second issue is atmospheric pollution which is caused primarily by vehicles travelling on roads in close proximity to the Forest emitting pollutants (Nitrogen Dioxide and Ammonia). Development proposals (regardless of their type, size, and location within the District) which would result in even an increase in just one additional vehicle has the potential to contribute to increases in atmospheric pollution within the Epping Forest.

Stage 1: Screening Assessment

This application has been screened in relation to the recreational pressures and atmospheric Pathways of Impact and concludes as follows:

1) The site lies within the 0-3km / 3-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring (SAMM) Strategy. In addition, the site lies within the

parish of Loughton. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

2) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to recreational pressures and atmospheric pollution.

Stage 2: 'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the SAMM strategy and the Epping Forest District Green Infrastructure Strategy has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals, and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the above strategies. The applicant has agreed to make a financial contribution in accordance with agreed approach. Consequently, the Council is satisfied that the proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of the Air Pollution Mitigation Strategy (APMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the APMS. The applicant has agreed to make a financial contribution in accordance with the APMS. In addition, the application will be subject to planning conditions (EVCP/Broadband) to secure measures as identified in the APMS. Consequently, the Council is satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

Notwithstanding the above, as the Council is the applicant the contribution cannot be secured by a Unilateral Undertaking or S106 legal agreement, as the Council cannot sign such an agreement with itself. Other mechanisms are available, however, to ensure that the obligations are met.

Other Considerations

The Councils Tree & Drainage Officers have raised no objections subject to recommended conditions.

The submitted ecology report indicates that there is no material impact on local habitats and wildlife, but various enhancement measures have been suggested. This has been secured via a condition.

Officers note the concerns raised regarding refuse, however, there are inadequate grounds to refuse in this regards. There is sufficient refuse storage within the site and only on collection days will it be taken to the collection point as specified on the refuse strategy plan.

Concerns have also been raised regarding fire safety; however, this is a matter sufficiently covered by the building regulations as highlighted by the Essex Fire Service below;

It is the view of Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (hereafter called "the Authority") that the proposal achieves an acceptable standard subject to the satisfactory implementation of all fire precautionary matters identified on the proposed drawings and drawing schedules.

Turning to the concerns regarding access, this is not a planning matter and falls to be considered outside the planning regime.

Conclusion

The proposal would make efficient use of land with benefit to the public in the form of affordable housing provision. There will also be some benefit to the local economy from its occupation and construction.

For the reasons set out above having regard to all the matters raised, it is recommended that conditional 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: Muhammad Rahman | 01992 564415 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (20)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 05000 Rev P01, 05001 Rev P01, 05002 Rev P01, 05003 Rev P01, 05004 Rev P01, 05100 Rev P01, 05101 Rev P01, 05102 Rev P01, 05200 Rev P01, 05300 Rev P01, 05301 Rev P01, 05302 Rev P01, and 05303 Rev P01.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 An assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.

Reason: It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development is carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Tree protection shall be installed as shown on Tim Moya Associates 'Tree Protection Plan' drawing number 210768-P-12 (dated August 2022) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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 tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 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 the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

Reason: To comply with requirements of Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with Policies DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:

- Location of active charging infrastructure; and
- Specification of charging equipment to be used.

Reason: To ensure the development contributes to supporting the Council towards a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 Prior to first occupation, the applicant/developer shall ensure that each dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the District and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with Policies D5, DM2, DM9 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability, in accordance with Policy DM19 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Prior to the first occupation of the development the access arrangements and other associated works, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.

Reason: To ensure that appropriate access, vehicle parking and turning is provided. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers, and/or Oyster Cards, for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 Prior to the first occupation of the development the cycle parking, as indicated on the approved plans, shall be provided and retained as such for the life of the development.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and accessibility. The above measures are to ensure that this proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 Prior to the first occupation of the development the refuse storage, as indicated on the approved plans, shall be provided and retained as such for the life of the development.

Reason: To ensure adequate provision is made in a suitable location, in accordance with Policies DM11 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans and the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 The proposed dwelling(s) hereby permitted shall be built in accordance with Part M4 (2) of the Building Regulations.

Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households, in accordance with Policy H1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 19 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 20 The development hereby approved must be carried out in accordance with the letter dated 08/11/2023 from the Head of Development at Epping Forest District Council.

Reason: To ensure the development mitigates against any harm caused by air pollution in regard to the EFSAC, in accordance with Policy DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (2)

- 21 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 22 i. Under Building Regulations B5, access for fire tenders is required to a point not further than 45 metres from the entrance to the dwelling. Any road or private drive forming part of such a fire access must be no less than 3.7 metres wide between kerbs (this may be reduced to 3.1 metres

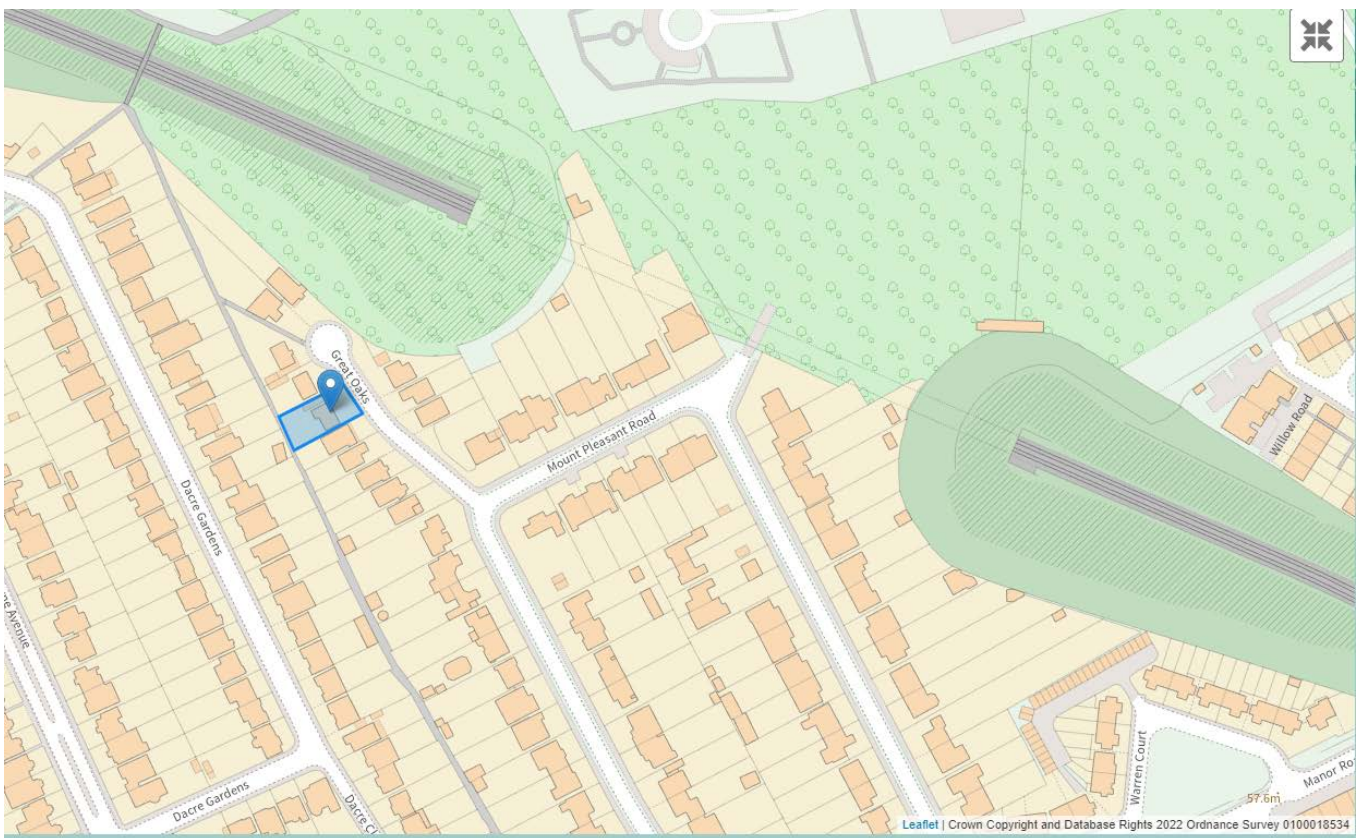
for a gateway or similar short narrowing) and should have a minimum centre line bend radius of 6.55 metres. The access way should be capable of carrying a 12.5 tonne vehicle. A cul-desac which is more than 20 metres long must have a turning head of a least Size 3.

ii. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

OFFICER REPORT

Application Ref: EPF/1415/23
Application Type: Householder planning permission
Applicant: Mr Berg Bedrossin
Case Officer: Muhammad Rahman
Site Address: 6, Great Oaks, Chigwell, IG7 5ES
Proposal: Demolition of existing garage and the construction of a two-storey rear/side wraparound extension (Revised app to EPF/2316/22).
Ward: Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001Wegn>
Recommendation: Approve with Conditions



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This application was deferred from the 6th December 2023 meeting to a future meeting upon the request of the applicant.

Since the deferral a number of further updates were made, namely, the revised Parish Comments below and the update to the National Planning Policy Framework 2023 replacing Paragraph numbers 126 & 131 with Paragraph numbers 131 & 135.

The Council OBJECTS considering there remains insufficient evidence to show all the reasons for the previous refusal have been adequately addressed. There remains concern regarding the material overbearing, loss of light and visual impact to No. 7, which sits on a lower ground level than the host house.

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).

Site and Surroundings

The site comprises of a detached house located within a built-up area of Chigwell. It is not listed nor in a conservation area or a flood zone. No protected trees lie within the site.

Proposal

The proposal is for the demolition of the existing garage and the construction of a two-storey rear/side wraparound extension.

Plans were amended since the initial submission alteration the design of the extension. All parties were reconsulted on the plans.

This is also a revised application to EPF/2316/22 which was refused on design and amenity grounds. The main changes are; the set in from the common boundary with No.7 by 1m and the pitched roof to the rear extension as opposed to a flat roof.

Relevant Planning History

EPF/2316/22 - Proposal to build a two-storey rear extension a first-floor side extension as well as incorporating a side garage into the main house - Refused

PRE/0044/23 - Post application to EPF/2316/22 - Proposed two storey side and rear extension - Advice Given

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

DM9 High Quality Design

National Planning Policy Framework 2023 (Framework)

Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 7. 1 response(s) received.
Site notice posted: No, not required.

7 GREAT OAKS – I do not fully object to this extension; I am just a little concerned about the size and the effect on our light and being overlooked by a two-story build to the rear of the property.

CHIGWELL PARISH COUNCIL – The Council OBJECTS to this application on the grounds of mass, bulk, and poor design and that it is considered detrimental to the local area, contrary to Policy DM9 of the adopted Local Plan.

Chigwell Parish Council comment: The Council expects householder applications to demonstrate they adequately comply with Policy DM9 iii (sustainable design and construction), DM19 (sustainable water) and/or DM20 (the incorporation of low carbon and renewable energy measures) and make sufficient contribution to meeting the EFDC objective of net zero by 2030 or 2050. The householder sustainability checklist was not available; the Council OBJECTS to this application on the grounds of insufficient available information. If, however a householder sustainability checklist is submitted to show 10 (ten) or more of the possible 19 (nineteen) sustainable design principles and building elements are being adopted and fulfilling these is made a condition of planning being granted, then the council is willing to waive this objection.

Planning Considerations

The main issues are whether the previous reasons for refusal for EPF/2316/22 have been overcome. The reasons for refusal are;

1. The proposed extensions are considered to be of a bulky appearance and of a poor design, that fails to complement the appearance of the existing building and street scene. Consequently, it would have a harmful effect to the character and appearance of the area, contrary to policies CP2, CP7 & DBE10 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.
2. The additional bulk to the rear in close proximity to the common boundary with No. 7, would result in a material overbearing and visual impact when viewed from their rear garden area. Also, given the orientation of the host house facing northeast, there would likely be a loss of afternoon light and increased overshadowing to their detriment. Therefore, the proposal is contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 (h) of the Local Plan Submission Version 2017, and Paragraph 130 (f) of the NPPF 2021.

1st Reason for Refusal - Character and Appearance

There is no uniform building form or architectural design in this street. The proposed works now appear as a subservient design that complement the appearance of the existing building and by extension the street scene. There is still ample space to the front and rear along with the 1m set in from the common boundary with No.7, it would not amount to harmful overdevelopment of the site. The proposal does not extend further than the rear building line of both neighbouring dwellings.

On balance, the proposed works would not have a harmful effect to the established character and appearance of the area.

2nd Reason for Refusal - Living Conditions

The host building is orientated towards the northeast and given the visual gap of 1m from the common boundary with No.7, the absence of any flank windows, together with the rear elevation not extending further than the rear building line of both neighbouring buildings, there will be no material loss of light, overshadowing, overbearing and visual impact that warrants a reason for refusal.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

Other Considerations

Officers note the concerns raised by the Parish with regards to sustainability. However, the minimum standards for sustainability as set out within the available guidance is to meet the building regulations, which sits outside the planning regime. As such, there are insufficient grounds to refuse in this regard.

Conclusion

Officers are of the opinion that the previous reasons for refusal have been overcome.

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

If you wish to discuss the contents of this report item please email the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (6)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, A2.0, A2.3, A2.4, A3.01, A3.1, P.2, P.5-A, and P.6-A.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A & B of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

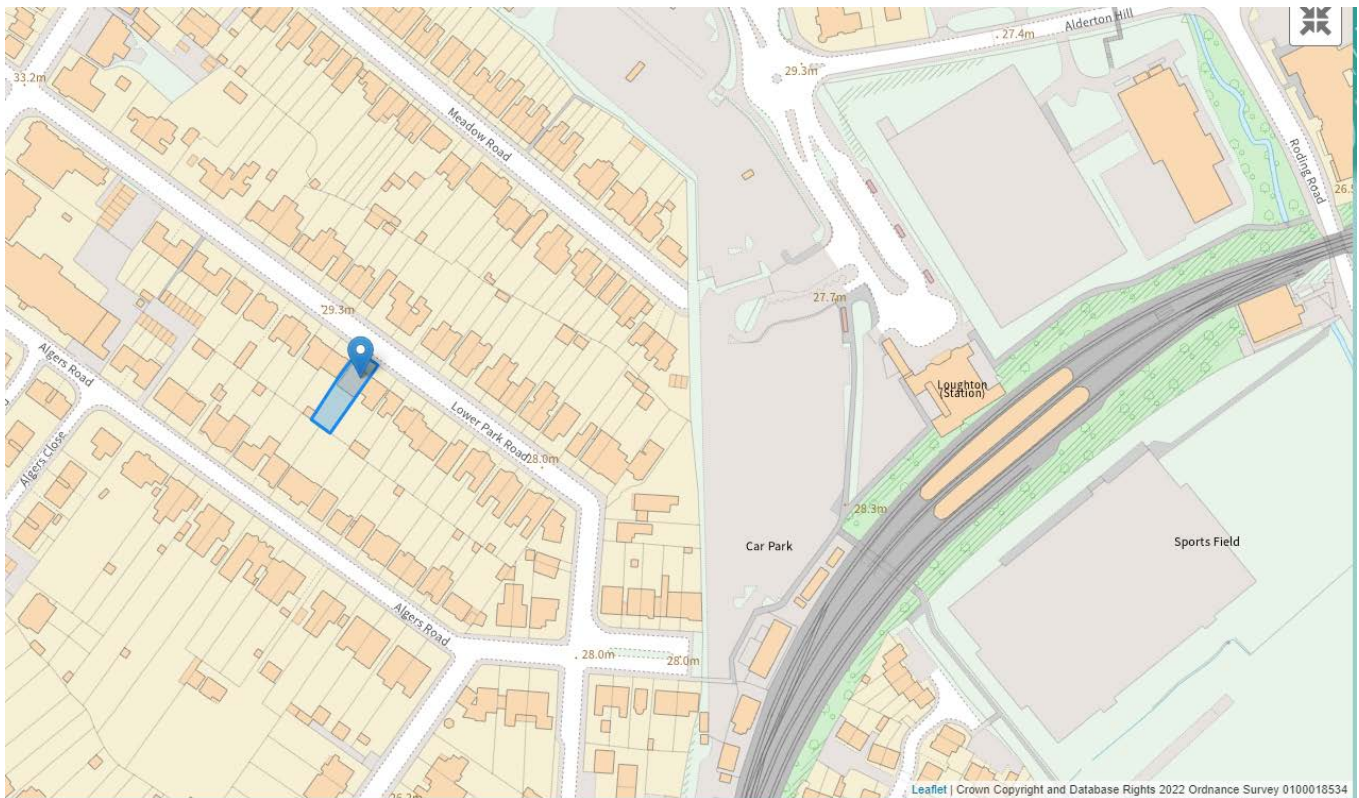
Informatives: (1)

- 7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Agenda Item 11

OFFICER REPORT

Application Ref: EPF/1815/23
Application Type: Householder planning permission
Applicant: Mr Jake Marcou
Case Officer: Muhammad Rahman
Site Address: 25, Lower Park Road, Loughton, IG10 4NB
Proposal: Loft conversion with rear dormer and five roof lights to existing front roof slope, first floor side extension and alterations to existing single storey rear extension.
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001X8z7>
Recommendation: Approve with Conditions



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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).

Site and Surroundings

The site comprises of a semi-detached house located within a built-up area of Loughton. It is not listed nor in a conservation area or a flood zone. No protected trees lie within the site.

Proposal

The proposal is for a loft conversion with rear dormer and five roof lights to existing front roof slope, first floor side extension and alterations to existing single storey rear extension.

Relevant Planning History

EPF/1504/06 - Single storey side and rear extension - Approved with Conditions

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

The following policies within the current Development Plan are considered to be of relevance to this application:

DM9 High Quality Design

National Planning Policy Framework 2023 (Framework)

Paragraphs 131 & 135

Summary of Representations

Number of neighbours Consulted: 7. 1 response(s) received.

Site notice posted: No, not required.

23 LOWER PARK ROAD & LRA PLANS GROUP – OBJECTIONS – Summarised as:

- Out of Character/Loss of Symmetry;
- Terracing Effect;
- Loss of Light/Overshadowing; and
- Loss of privacy.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that No 25 forms part of a pair of dwellings with that of No 27 which has been extended sympathetically. Members believed that the proposed extensions to No 25 would dramatically change the roof form and be detrimental to the townscape and this part of Lower Park Road. The applicant should consider matching the extension to No 27.

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 neighbouring properties.

Character and Appearance

The street scene varies in building form and architectural design. The proposed extension would introduce a gable end to the main roof and a stepped down first floor side extension also with a gabled roof. This will clearly unbalance the roof form of this pair of semi-detached dwellings. However, there are some material planning considerations that must be taken into account.

Firstly, permitted development rights are intact for the dwelling, so at present a hip-to-gable extension on the main roof, along with a rear box dormer, could be achieved without the need for planning consent. Whilst this would not allow for the gable roofed side extension to be added, the permitted development fallback option would have a similar unbalancing effect on the dwellings.

Secondly, the attached neighbour has extended right up to the boundary, albeit with a hipped roof and the absence of any loft conversion. Nonetheless, this already causes an imbalance between the pair of semi-detached dwellings weakening any case against further unbalancing of this roof form.

Finally, other examples of side/roof extensions to one half of semi-detached dwellings in the locality can be seen, including at number 21 (two doors down) that has added a gable end to the main roof and a hip ended first floor side extension despite the attached neighbour retaining its original hipped roof design, and at number 64 Algiers Road, where a hip-to-gable extension has been added where none exists on number 66.

The proposed first floor side extension is set in from the common boundary with number 23 Lower Park Road by approx. 1.1m, as shown on the proposed ground floor plan. Number 23 is not fully developed right up to the common boundary. Thus, there would be sufficient visual separation to ensure that no unacceptable terracing effect would occur. The proposed first floor side extension would be stepped down and would appear as a subservient addition that, on balance, would not have a harmful effect to the character and appearance of the street scene or wider area.

Living Conditions

The building is orientated towards the northeast and as the first-floor side extension does not protrude past the existing rear building line of the host house and that of No. 23, together with the visual gap of 1.1m, there will be no material loss of light, overshadowing, overbearing and visual impact that warrants a reason for refusal.

One flank window to the rear box dormer is proposed (this will be required to be obscure glazed secure via condition) and there is no justification to refuse the rear box dormer on overlooking grounds, given that this is a common feature on houses, including some present at neighbouring dwellings. Furthermore, a similar development could be achieved under permitted development.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policy DM9 (H) of the LP and Paragraph 130 (f) of the Framework.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

If you wish to discuss the contents of this report item please email the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (6)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Proposed Block Plan, 2307-01b, 2307-02a, 2307-03a, 2307-04, 2307-05, 2307-06e, 2307-07d, 2307-08d, 2307-09a, 2307-10, 2307-11, 2307-12b, 2307-13b, 2307-14, and 2307-15.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building and those specified in the submitted application form.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent), and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained at these specifications thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with Policy T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.