

# Committee Agenda



## Epping Forest District Council

### ***Area Planning Sub-Committee East Wednesday, 7th December, 2016***

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

**Council Chamber, Civic Offices, High Street, Epping  
on Wednesday, 7th December, 2016**

**To commence after the adjourned meeting held at the Council Chamber at 7pm.**

**Glen Chipp  
Chief Executive**

**Democratic Services  
Officer**

A. Hendry Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

Councillors S Jones (Chairman), P Keska (Vice-Chairman), N Avey, N Bedford, A Boyce, H Brady, W Breare-Hall, A Grigg, R Morgan, J Philip, B Rolfe, D Stallan, B Surtees, G Waller, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

#### **WEBCASTING/FILMING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.**

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**If you have any queries regarding this, please contact the Public Relations Manager on 01992 564039.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

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

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery.”

**2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)**

General advice to people attending the meeting is attached.

**3. APOLOGIES FOR ABSENCE**

**4. DECLARATIONS OF INTEREST**

(Director of Governance) To declare interests in any item on this agenda.

**5. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council Procedure Rules contained in the Constitution 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.

**6. DEVELOPMENT CONTROL (Pages 9 - 60)**

(Director of Governance) To consider planning applications as set out in the attached schedule

Background Papers:

(i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.

(ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

**7. 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):

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
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.

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## 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.

### 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.

Meetings of the District Development Management Committee, Area Plans Sub-Committee East and Area Plans Sub-Committee West are held at the Civic Offices in Epping. Meetings of Area Plans Sub-Committee South are held at Roding Valley High School in Loughton.

### 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 ringing the number shown on the top of the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

### Who can speak?

Three classes of speakers are generally allowed: 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 three 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 or Area Plans Sub-Committee West, you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

### 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 can be obtained through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). 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?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

Area Planning Subcommittee East 2016-17  
Members of the Committee and Wards Represented:



**Chairman**  
**Cllr Jones**  
Theydon Bois

**Vice-Chairman**  
**Cllr Keska**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Avey**  
Epping  
Hemnal

**Cllr Bedford**  
Shelley

**Cllr Boyce**  
Moreton and  
Fyfield



**Cllr Brady**  
Passingford

**Cllr Breare-Hall**  
Epping  
Lindsey and  
Thornwood  
Common

**Cllr Grigg**  
North Weald  
Bassett

**Cllr McEwen**  
High Ongar,  
Willingale and  
the Rodings

**Cllr Morgan**  
Hastingwood,  
Matching and  
Sheering  
Village



**Cllr Philip**  
Theydon Bois

**Cllr Rolfe**  
Lambourne

**Cllr Stallan**  
North Weald  
Bassett

**Cllr Surtees**  
Chipping Ongar,  
Greensted and  
Marden Ash

**Cllr Waller**  
Lower  
Sheering



**Cllr C**  
**Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr H**  
**Whitbread**  
Epping Lindsey  
and Thornwood  
Common

**Cllr J M**  
**Whitehouse**  
Epping  
Hemnal

**Cllr J M**  
**Whitehouse**  
Epping  
Hemnal

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## AREA PLANS SUB-COMMITTEE 'EAST'

Date 7 December 2016

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

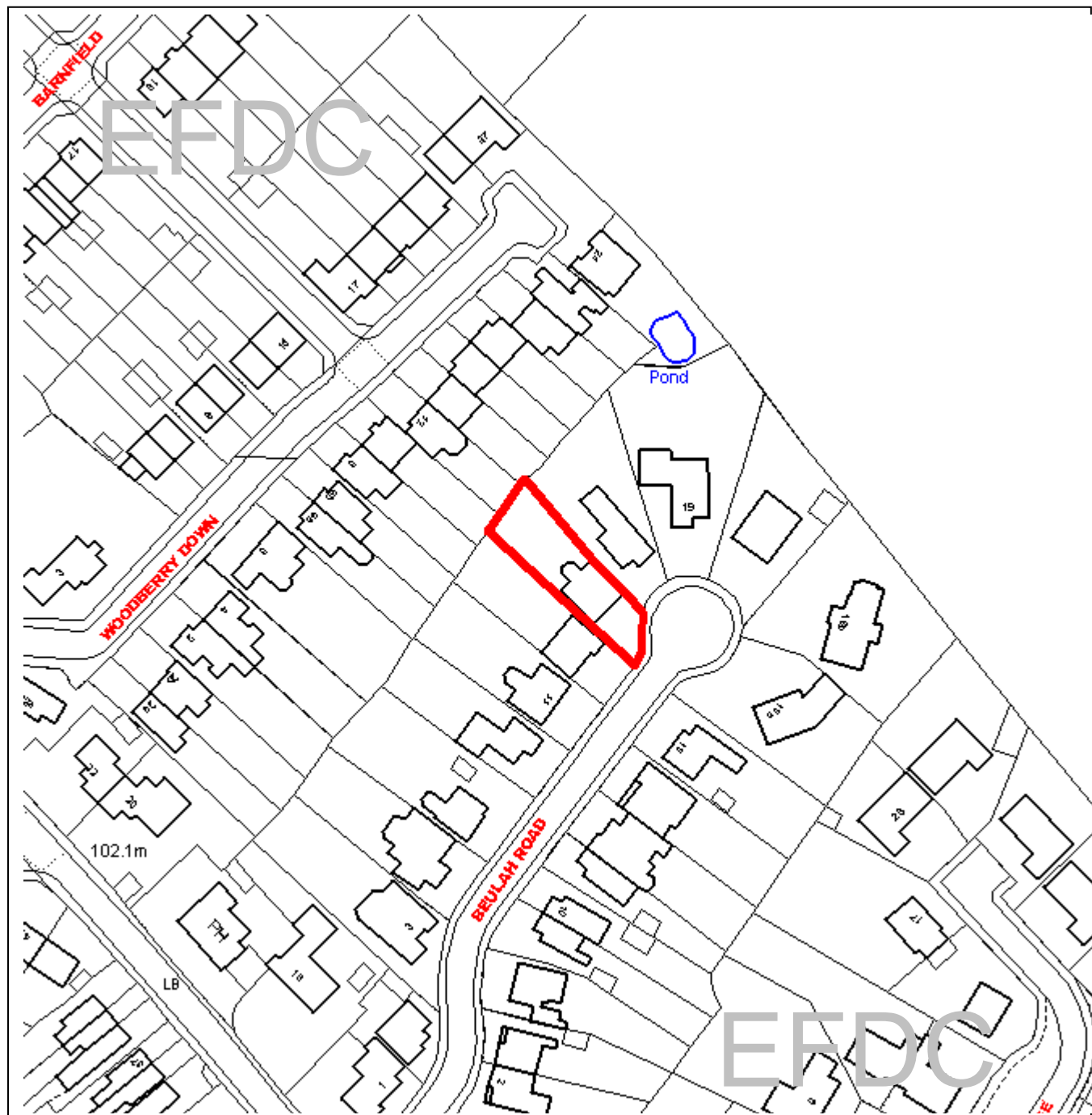
ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
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4	EPF/2251/16	Mill House Farm Theydon Road Epping Essex CM16 4DL	Refuse Permission	35
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/1546/16
Site Name:	15 Beulah Road, Epping, CM16 6RH
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1546/16
<b>SITE ADDRESS:</b>	15 Beulah Road Epping Essex CM16 6RH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr & Mrs Sheehy
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey rear extension and internal alterations
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585154](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585154)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 01, 02, 03C, 04B, 05I, 06E, 07I
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. 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.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

This application was **deferred** from the last Plans East Committee to enable a members Site Visit to take place and to provide additional information regarding loss of light.

Additional information has been added regarding the potential loss of light to the neighbouring dwellings:

A 45 degree line taken from the centre of the closest first floor window of no.17 shows that the single storey element of the extension to no.15 will intercept this line, however the first floor element will not. As a general rule, Officers consider that if a first floor extension will not intercept a 45 degree line, then it will not appear significantly overbearing or cause a substantial loss of light. Furthermore this neighbour has a first floor rear extension which projects almost 8m beyond the existing rear elevation of no.15, albeit 6m away from the shared boundary. The importance the objector at no.17 attaches to the small courtyard area adjacent to no.15 is almost entirely due to its own very deep first floor extension. It is acknowledged that there will be some loss of light to this area, however it is not considered that it will be excessively harmful and in any event, this neighbour has usable garden area to the rear of the property as well.

The original report is reproduced below.

### **Description of site**

The application site is located on Beulah Road which is within the built up area of Epping. The existing building is a two storey detached dwelling situated within a relatively long and wide plot. The adjacent neighbours are also detached dwellings which have a similar design to the application property. The rear garden of the property backs onto Woodbury Down whose rear gardens also back onto the site. It is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

### **Description of proposal**

The proposed development is to erect a part ground floor and part two storey rear extension with hipped crown roof. The single storey element is adjacent to the boundary with number 17 and continues the existing parapet wall design at 3m height with a pitched roof beyond and the two story element extends the existing flat roofed two storey extension by a further 2.7m and re roofs over the whole with a hipped crown roof. The additions allow to an enlarged kitchen/dining room at ground floor and enlarged bedrooms above with additional bathroom space.

The original proposal included raising the ridge of the main house, but this has been amended in the course of the application.

### **Relevant History**

EPU/0047/49 – garage - Approved

EPU/0155/71 – extensions – Approved

EPF/1528/83 - Single storey rear extension – Approved

EPF/0776/88 - First floor extension – Approved

EPF/0011/92 - Erection of a rear conservatory - Approved

EPF/0289/08 - Rebuild single storey side extension, pitched roof to existing first floor rear extension, extend front porch and bay window – Approved

### **Policies applied**

CP7- Quality of development

CP2 – Protecting the Quality of the Rural and Built Environment

DBE10 – Design of Residential Extensions

DBE9 – Impact on amenity

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

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

10 Neighbours consulted -

4 BEULAH ROAD – OBJECTION – The proposal is out of character with other properties on Beulah Road and would create a dangerous precedent.

17 BEULAH ROAD – OBJECTION – The proposed skylight will overlook my property, the two storey extension will cause significant loss of light and will appear overbearing. Concern has also been raised regarding the protected tree in the rear garden.

18 BEULAH ROAD – OBJECTION – The proposal will appear overbearing and cause harm to the character and appearance of the street scene.

18A BEULAH ROAD – OBJECTION – There would be significant loss of privacy into our private areas, there would be a significant loss of light, the proposal is bulky and will appear overbearing and may set an unwelcome precedent in future applications on Beulah Road.

19 BEULAH ROAD – OBJECTION – The proposed increased ridge height will cause harm to the character and appearance of the street scene.

14 WOODBURY DOWN – OBJECTION – The proposed mass and scale of the development will cause significant overlooking, will appear overbearing and will cause significant loss of light. There has been a recent removal of substantial trees and hedging on the rear boundary which will exacerbate this issue.

TOWN COUNCIL– OBJECTION – The proposal will result in a loss of amenity for neighbouring properties in terms of loss of light, due to mass and scale. Whilst Committee note the revised front roof line, the scale of the sides will be overbearing and result in unsympathetic change for the surrounding neighbours. The loss of trees has also exacerbated issues of overlooking.

Committee also note repeated amended drawings for this application which make it difficult for neighbours to ascertain which proposal is the latest and also that the drawings are not a totally accurate reflection of the current buildings external walls and scale.

## **Issues and considerations**

The main issues to consider are the potential impacts on the living conditions of the neighbours, the design of the proposal in relation to the existing building and its setting and the potential harm to the protected oak tree.

### **Living conditions of neighbours**

The two storey element will be built in place of an existing single storey rear conservatory, projecting 2.7m beyond the existing. Currently no.15 projects approximately 4.5m beyond the rear elevation of no.13 at first floor level and were this development approved it would increase to an approximate net projection of 7.7m, 0.9m from the shared boundary. No.13 has a relatively long and wide rear garden and there is a very robust area of trees and large hedging on the boundary which will somewhat screen the development. Given the significant sized garden of this neighbour and this screening, it is not considered that it will appear significantly overbearing or that there will be an excessive loss of light to this neighbour which lies to the south of the application site.

The first floor extension will however be set away from the shared boundary with no.17 by 2.7m and will not excessively project beyond the rear elevation of this neighbour. Therefore it is not considered that there will be any harm to the living conditions of this neighbour.

The single storey element will be close to the shared boundary with no.17, however it will only project 2.4m further than the existing and will not exceed the main rear elevation of this neighbour. It is acknowledged that the flank wall of no.17 is set away from the shared boundary and that the area between is used as a patio and that there is a side facing window that will be impacted, but it is not considered that the impact on residential amenity from the extensions will be excessive.

The installation of a skylight onto the side elevation will be at a high level within the roof and will not cause any overlooking into the neighbours property.

The back to back distance between this extended property and properties to the rear is in excess of 25m and would not therefore result in unacceptable overlooking, in addition there are trees to the rear boundary between the properties.

### **Design**

The proposed extensions as amended follow the form of the existing building and would not be visible from public areas of the street scene. Furthermore it is considered that it will improve the appearance of the existing dwelling by removing an existing area of flat roof.

### **Trees and landscaping**

The Tree and Landscape team have been consulted on this application and have no objection to the scheme subject to the following condition:

No development, including works of demolition or site clearance, shall take place until details of the retained landscaping (trees / hedges) and their methods of protection (in accordance with BS5837:2012 -Trees in relation to design, demolition and construction – Recommendations) have been submitted to and approved in writing by the Local Planning Authority. 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed

development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

This policy meets the required test of conditions and will safeguard the large protected tree in the rear garden.

### **Conclusion**

The proposal will not excessively harm the living conditions of the neighbours or the character and appearance of the street scene and is appropriate to the design of the house, as such it is in accordance with the adopted policies of the local plan and alterations and is recommended for approval.

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

***Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 5644371***

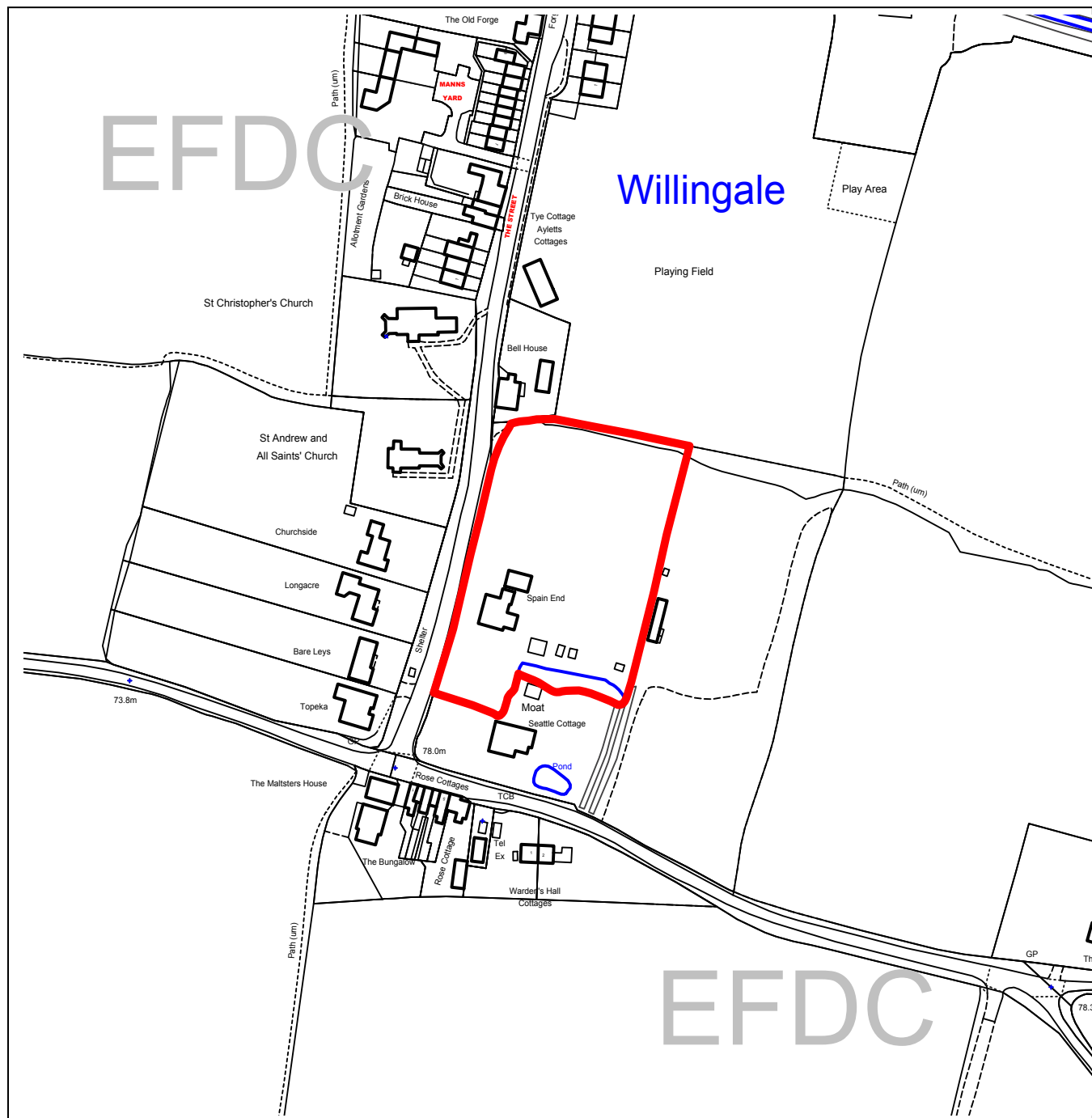
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Agenda Item Number 2



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Application Number:	EPF/2004/16
Site Name:	Spain End, The Street, Willingale, CM5 0SJ
Scale of Plot:	1/2500

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2004/16
<b>SITE ADDRESS:</b>	Spain End The Street Willingale Ongar Essex CM5 0SJ
<b>PARISH:</b>	Willingale
<b>WARD:</b>	High Ongar, Willingale and the Rodings
<b>APPLICANT:</b>	Mr Anthony Clough
<b>DESCRIPTION OF PROPOSAL:</b>	Internal and external alterations to existing garage/workshop, to provide pool plant room, changing facilities and a new garage, to include the conversion of the existing garage to a garden machinery store/garage store, with the erection of a new external swimming pool.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586140](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586140)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
- 3 Additional drawings that show details of the proposed new windows, doors and garage doors, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 4 Further photographic details and drawings of the types and colours of the hard surfacing surrounding the pool, the external pool lining, and the pool furniture shall be submitted to and approved by the LPA in writing prior to the commencement of any works.
- 5 No development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

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

The subject site is located on the eastern side of 'The Street' approximately 30 metres north of Fyfield Road within the small village of Willingale. The site itself is relatively level and comprises approximately 2 acres. Located towards the front of the site is a double storey detached dwelling house finished from render, painted white. The dwelling house is Grade Two Listed. A detached garage is located to the side of the existing dwelling house. Off street car parking is located within the garage and on the hard standing area towards the front of the dwelling. The dwelling is surrounded by extensive gardens consisting of smaller outbuildings, a tennis court and a significant amount of vegetation. Some of the mature trees within the garden area are protected by tree preservation orders.

The surrounding area mainly consists of detached double storey dwelling houses with large open space towards the frontage. Two churches are located opposite the site further to the north. The subject site and the surrounding are located within the Metropolitan Green Belt.

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

Planning permission is sought for internal and external alterations to the existing garage/workshop, to provide pool plant room, changing facilities and a new garage, to include the conversion of the existing garage to a garden machinery store/garage store, with the erection of a new external swimming pool.

NB: This is a resubmission (albeit with design changes to the garage resulting in a slightly increased depth of 6.5m as opposed to the approved 6.2m but a slightly lower ridge 4.5m as

opposed to 4.65m) of EPF/2241/13 which was approved on 18/12/2013. The Parish Council did not comment on that application.

In addition, two revised drawings during the course of the application were received to correct an incorrect drawing title (drg. 1617/29A) and to show the steps to the house correctly (drg. 1617/30A). Given the reason for the changes, third party re-consultation was not considered necessary.

**Relevant History:**

EPF/0508/82 - Single storey extension to provide double garage and workshop (approved)

EPF/1409/82 - Double garage (approved)

EPF/2570/07 - Grade II Listed Building application for two storey and single storey rear extensions and internal alterations (approved)

EPF/2571/07 - Two storey and single storey rear extensions (approved)

EPF/0387/08 - New fences and gates (approved)

EPF/2338/12 - Proposed single storey rear extension, alterations to side elevation window and door openings and internal alterations (refused)

EPF/2341/12 - Grade II listed building application for a proposed single storey rear extension, alterations to side elevation window and door openings and internal alterations (refused)

EPF/2241/13 - Minor internal and external alterations to existing dwelling; Construction of external swimming pool; alteration and extension to garage/workshop to provide pool plant room and garden machinery store (approved)

EPF/2242/13 - Grade II listed building consent for minor internal and external alterations to existing dwelling; alteration and extension to garage/workshop to provide pool plant room and garden machinery store (approved)

EPF/2105/15 - Grade II listed building consent for removal of internal and external walls. Installation of the steel beams over the two openings and the replacement of a timber floor with concrete (approved)

EPF/1663/16 - Retention of (i) internal alterations including the removal of walls and windows and (ii) single storey rear extension with proposed changes to eaves. (approved)

EPF/2003/16 - Alterations to front boundary treatment to include changes to railings and gates, with the construction of a new brick plinth to raise the overall height to 1.8m - Withdrawn

EPF/1842/16 - Grade II Listed Building Consent for new lighting, repairs to existing window sill, removal of shutters, new gate between house and garage and replacement of radiators - Approved

**Policies Applied:**

CP2 Protecting Rural and Built up Residential Areas

DBE1 Design of new buildings

DBE2 Effect on neighbouring properties

DBE4 Design in the Green Belt

DBE9 Loss of Amenity

LL10 Landscape Retention

GB2A Development within the Green Belt

GB7A Conspicuous Development

HC12 Development affecting the setting of a Listed Building

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

### **Summary of Representations:**

WILLINGALE PARISH COUNCIL: Objection - The Council noted the proposed significant enlargement of the garage and associated buildings which appeared to represent a near tripling of the footprint. The Council was of the view that given the high visibility of the buildings from The Street, and the close proximity the Listed Building, that the enlargement on the scale proposed was inappropriate. The Council wished to register its strong objection to this aspect of the proposal.

8 neighbours consulted – one objection received summarised below

TOPEKA: Objection - The addition of a swimming pool and any alterations to the garage which affect the view from the road should not be allowed as the house is within the Green Belt and the changes would detract from the visual aspect from the main road through the village of the Grade 2 Listing. The erection of a new garage will definitely be seen from the road. There is adequate land to the rear of the property and the owner owns a paddock at the rear and this would seem like a more sensible space to develop for this purpose, not anything that affects the vista from the street.

### **Issues and Considerations:**

The main issues to be addressed in this case are as follows:

- Green Belt
- Design and Appearance
- Neighbouring amenities
- Trees

#### *Green Belt*

The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness. One of the purposes of including land within the Green Belt is to safeguard the countryside from encroachment. The Framework explains that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does result in disproportionate additions over and above the size of the original building. The Framework does not define how disproportionate additions should be calculated. Policy GB2A of the Epping Forest Adopted Local Plan is broadly in accordance with these objectives. Policy CP2 seeks to protect the quality of the rural and built environment.

The proposal is a resubmission of a previous approval which itself expires on the 18<sup>th</sup> December 2016 (so could be implemented if condition details were submitted and agreed prior to that date). The current scheme alters from the extant permission in that the depth of the proposed extension has been increased slightly due to a different design but the height has been marginally reduced.

Green Belt policy has not altered since the previous application was assessed and approved by Officers. Therefore the extant permission is given significant weight when considering this application.

Given that this extension is enlarged by only 3 square metres but its height reduced by 150mm, it is still considered that the proposal as a whole which includes the swimming pool would not result in excessive harm to the openness and character of the Green Belt or conflict with the purposes of including land within the Green Belt.

The proposal would comply with policy GB2a and GB7A of the adopted Local Plan and Alterations.

#### *Character and Appearance*

The current scheme is very similar to the previously approved scheme. The swimming pool is in the same position and at the same size, the garage extension is in the same position but has been made marginally deeper but slightly lower, and there have been alterations to the garage fenestration. The amendments to the garage extension, including a lower ridge and the stepping in of the rear elevation, have improved its appearance. The changes to the fenestration raise no objection as the view from the road will now be of four timber garage doors, clearly demonstrating the status of the building as a subservient outbuilding to the main listed building. The impact of the garage when viewed from within the streetscene would be softened to some degree by the existing trees to the front which it would sit behind.

The proposal therefore is not considered to materially detract from the listed dwelling or the surrounding area when viewed from within the streetscene.

The proposal would comply with policies DBE1, DBE4, DBE10 and HC12 of the adopted Local Plan and Alterations

#### *Living Conditions*

Due consideration has been given in respect to the potential harm the proposal might have upon the amenities enjoyed by adjoining property occupiers. Given that the development is setback a reasonable distance away from adjoining properties and that there is plenty of screening in between, officers consider that there would not be excessive harm to the adjoining amenities in relation to loss of light and privacy and it would not result in visual blight.

The proposal would comply with policies DBE2 and 9 of the adopted Local Plan and Alterations

#### *Trees*

The applicant submitted an arboricultural method statement with the application to demonstrate that the preserved trees adjacent to the proposed garage extension have been considered in the design process. The Council's Trees and Landscape Officer has no objections to the proposal subject to the imposition of a condition relating to the protection of the trees.

The proposal would comply with policy LL10 of the adopted Local Plan and Alterations

#### *Response to representations made*

The comments relating to scale, impact on the street and impact on the listed building made by both the Parish Council and the neighbouring occupier at Topeka have been assessed in the main body of the report and are not considered such to result in a recommendation for refusal. The main issue here is that there is an extant permission for something very similar and this proposal has no more material impact on the green belt, the streetscene and on the listed dwelling than the extant permission. In addition, there have been no changes in either national or local planning policy that would materially affect the consideration of the application.

#### **Conclusion:**

The proposal is similar to the extant permission approved under EPF/2241/13 and is not considered to have a materially greater impact on the green belt, listed dwelling or the surrounding

area when viewed from within the streetscene than that proposal. There would be no excessive impact on the living conditions of neighbouring occupiers and there are no objections relating to the impact on the preserved trees close to the proposed extension. Therefore, the proposal is considered to comply with relevant local plan policies and is recommended for approval.

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

***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

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

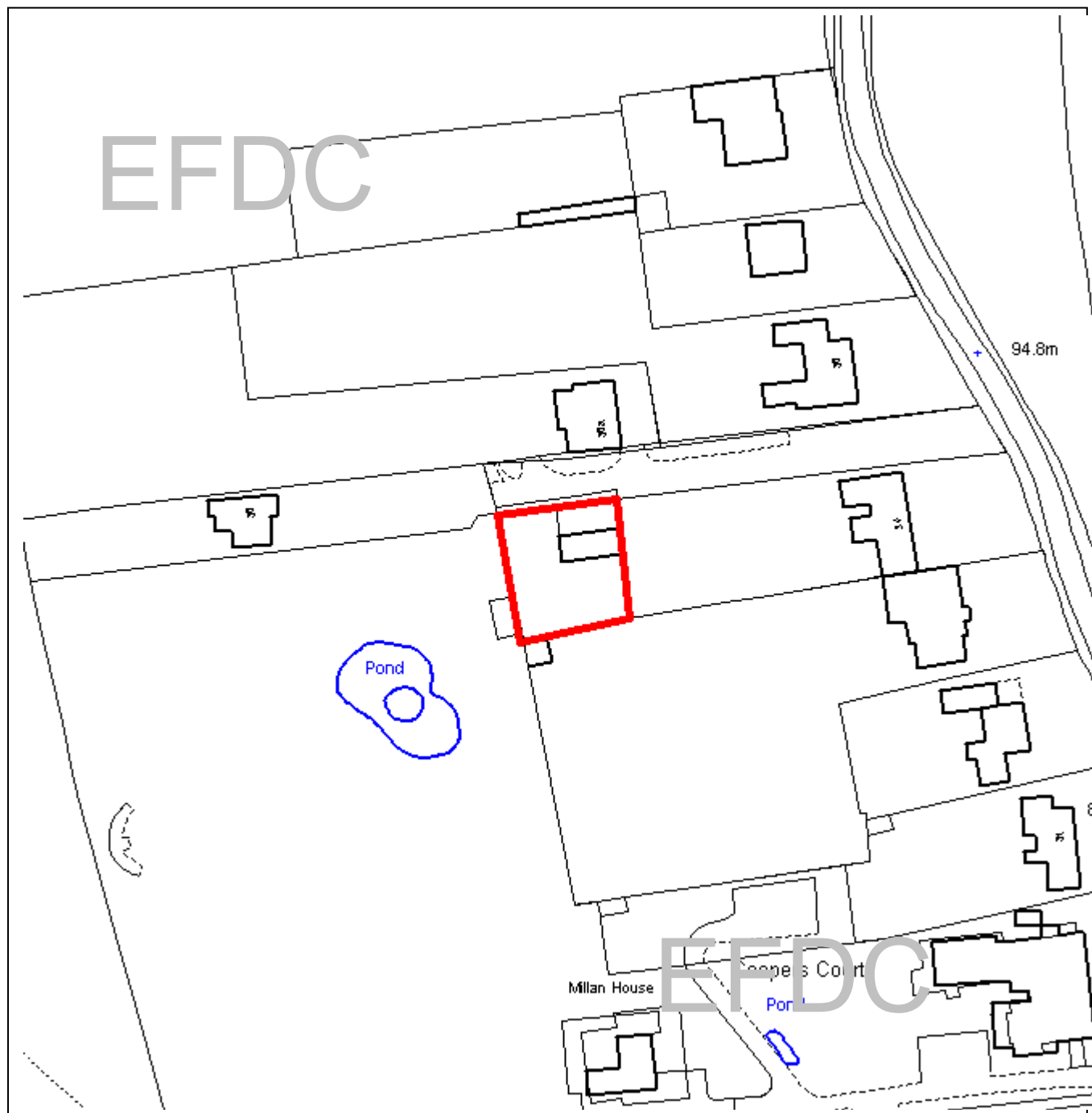
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# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/2037/16
Site Name:	Rear of 33 Piercing Hill, Theydon Bois, CM16 7JW
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2037/16
<b>SITE ADDRESS:</b>	33 Piercing Hill Theydon Bois Epping Essex CM16 7JW
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mrs C Ballard
<b>DESCRIPTION OF PROPOSAL:</b>	Renovation of existing former coach house with extension and basement to form a single family dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586256](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586256)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: FMS\_001, FMS\_002, FMS\_100 and FMS\_101 Rev A
- 3 Materials to be used for the external finishes of the proposed development shall match those as outlined on the planning application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to an approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 9 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 10 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no

unexpected contamination was encountered.

- 11 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 12 Prior to first occupation of the development hereby approved, the proposed window openings in the east facing elevation (facing No. 34 Piercing Hill) shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 Full details of a scheme for the eradication and/or control programme of Japanese Knotweed, suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
- 15 No development shall commence until a scheme to enhance the nature conservation interest of the site, including tree and shrub planting, grassland planting, bird and bat boxes and log piles has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 16 Vegetation removal shall take place outside the bird breeding season (March to August) unless agreed in writing with the Local Planning Authority and checked by a suitably experienced ecologist.
- 17 An external lighting plan shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Any external lighting shall be installed in accordance with such agreed details.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3) and since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site is a redundant coach house/outbuilding with associated land to the rear of No. 34 Piercing Hill. The site is square in shape with the existing one and a half storey building located to the north east side of the plot. There is vehicular access to the site along an access road which serves 36a and 35 Piercing Hill. Piercing Hill consists of a group of detached villas, built in the 1870's, set within large grounds fronting Piercing Hill – however there are residential properties behind this main building frontage (most relevant No. 36a and 35).

It appears the application building was originally within the grounds of No. 34 but at some time before the 1920's ownership changed to No. 33. The site has since been sold off and is in separate ownership to No. 33 and 34. There is no evidence to suggest that the building has ever been a separate dwelling.

The building itself is rather run down and part of it is very overgrown. It is located parallel to the access road. The site is within the Metropolitan Green Belt but not a Conservation Area.

### **Description of Proposal:**

The application seeks consent for the change of use, conversion and extension of the existing building to create a single dwelling with associated parking and garden area. The extension will project towards the access road, creating an 'L' shaped building. The extension measures 6.2m in depth and 5.5m wide with a pitched roof creating a gable end fronting the access road with a height to 5.4m. The proposal includes a garage within the extension, a raised decking to the rear and the formation of a basement under both the existing and proposed elements.

### **Relevant History:**

EPF/2092/10 – Residential conversion of redundant Coach House – Refused  
EPF/1548/96 – Change of use of coach house to dwelling – Refused  
EPF/0446/82 – Change of use to dwelling – Refused and dismissed at appeal

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New Development  
CP5 – Sustainable Building  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE8 – Private Amenity Space  
ST1 – Location of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention  
GB2A – Development within the Green Belt  
GB8A – Change of use or Adaptation of Buildings

GB7A – Development conspicuous within or from the Green Belt

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **Summary of Representations:**

THEYDON BOIS PARISH COUNCIL – Strong Objection. Firstly may we point out that this application is incorrectly recorded as 33 Piercing hill – it is to the rear of 34 Piercing Hill and has had no connection with number 33 for well over 20 years.

This proposal represents inappropriate development in the Green Belt and there are no special circumstances to outweigh the harm which would be caused to the Green Belt. There is a long planning history associated with this site including several previous attempts to convert the building into residential use. All have been refused on sound Green Belt grounds and we see no change of circumstances to affect the outcome this time around.

The proposal shows a significantly larger property than the existing one, even before taking into account the basement area. This is not simply a 'conversion' of a building, but adds an extension and a basement – the latter of which may well result in a virtual re-construction, such that it will constitute a 'new building' in the Green Belt (and certainly one which would be in a new use, as a dwelling, with a residential curtilage).

The NPPF is clear that replacement buildings in the Green Belt are only allowed provided the building is in the same use and not materially larger than the one it replaces. Clearly, the present application does not satisfy either of these criteria and therefore should be refused.

29 Neighbours Consulted:

15 Objections received from the following addresses and summarised below:

30A, 31 (2 letters), 32, 34 (2 letters), 35 and 36 PIERCING HILL  
36 THEYDON PARK ROAD  
59 WOODLAND GROVE  
THE COTTAGE, THEYDON ROAD  
39 BLACKACRE ROAD  
THEYDON BOIS ACTION GROUP  
THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY  
102-104 QUEENS ROAD, BUCKHURST HILL

Inappropriate within the Green Belt, increase in noise and light, overlooking to No. 30A and 34 Piercing Hill, Size of basement should be included within Green Belt assessment, existing right of way from No. 33, overdevelopment of the site, risks to groundwater flows, set a precedent, Japanese knotweed on site.

### **Issues and Considerations:**

The main issues with this proposal are considered to be impact on Green Belt, design and impact on neighbours.

## Green Belt

The NPPF provides a list of exceptions to inappropriate development within the Green Belt this list suggests the following may be appropriate:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The NPPF also goes on to suggest that *'the re-use of buildings provided that the buildings are of permanent and substantial construction'* can be acceptable provided they preserve the openness of the Green Belt. In addition to the National policy, Policy GB8A states that Council may grant planning permission for the change of use of a building in the Green Belt provided the building is permanent and of substantial construction, capable of conversion without major changes and that the use would not have a greater impact than the present use.

The building can therefore be converted within the scope of Green Belt policy and the NPPF does allow for extensions to buildings provided these are not disproportionate. Although different strands of the Green Belt policy it is considered that both of these elements apply to this application.

A structural survey was submitted during the course of the application which concludes that the building is capable of conversion even with the provision of the basement. A Building Control Officer has been consulted on the submitted survey and has concluded that it is possible to convert the existing building with careful underpinning however, did caveat the response by suggesting it would be easier and most likely cheaper to demolish and start again. However, the application is for extension and therefore regardless of ease of build or expense (which are not covered by planning legislation) it has been shown that the building is capable of conversion. Therefore it is considered that the building is of permanent and substantial construction.

With regards to the proposed extensions, although a large basement, it will not be visible and therefore does not impact on the character or openness of the Green Belt in this location. The proposed extension adds a forward projecting wing to the existing building and will result in a percentage increase in the region of 44%. This is not considered excessive or disproportionate above the size of the existing building. Clearly any built form can have some impact on the character and openness of the Green Belt but it is considered in this case, that any impact is minimal given the overall modest size and low height of both the existing building and proposed extension.

In addition and of greater weight is that the NPPF allows for “limited infilling within a village”. This site is surrounded on all sides by residential development or garden land and is within the Village, and the works proposed amount to “limited infilling” of the site. As such the proposal is not inappropriate development within the Green Belt.

The proposal will create a separate dwelling and therefore the proposal includes a residential garden and parking area to the front which will introduce domestic paraphernalia into this area. It is not considered that this will result in harm to the character of the Green Belt given the enclosed nature of the site, and that the lawful use is as garden land.

Given the location of the development within the Green Belt it is considered reasonable to restrict permitted development rights for extensions, roof alterations and outbuildings so that the Council can manage any future development at the site. Additionally for the same reason it is considered reasonable to condition the retention of the garage for the parking of cars/storage to avoid any future need for further outbuildings.

Although there are other outbuildings to the rear of properties in Piercing Hill it is not considered that this proposal will set an unwanted precedent. This proposal is within an established site, directly opposite another residential property, with a further residential property to the rear (which are all behind the main Piercing Hill frontage), the building is capable of conversion, proposing a proportionate extension, has an existing access and in any event it must be stressed that each application is assessed on its own merits.

The previously refused applications were all prior to the publication of the NPPF. Previously, only limited extensions to ‘dwellings’ were listed as exceptions to Green Belt policy. However, with the publication of the NPPF the wording was changed to allow for the extension of ‘buildings’, and limited infilling within a village, as well as change of use of existing buildings. Therefore as described above this proposal is not inappropriate development within the Green Belt.

In addition, given the location and design of the proposal it is not considered that there would be harm to the purposes of including land within the Green Belt.

## Design

The proposed design follows the proportions and design of the existing building and is considered acceptable. The proposal follows a fairly traditional design and materials are to match existing including timber windows.

The proposal does result in a new dwelling which has a much smaller residential curtilage than surrounding properties. However this is considered to retain the subservience of this building compared to the larger detached properties fronting Piercing Hill and is not considered to disrupt the general character of the area.

## Neighbouring Amenity

The nearest residential property is directly opposite the site on the other side of the access road (no. 36A). The proposal will move built form closer to this property, however a distance of 9m will



be retained across the access road between the flank walls. No windows are proposed facing this property and therefore there are no amenity concerns in terms of overlooking.

With regards to No. 34 the proposed dwelling is located on the shared boundary to this property. Given the distance to the main house of No. 34 it is not considered that the proposal will result in any excessive harm to light or outlook.

With regards to loss of privacy, given the distance of some 45m to the main house this is not considered a significant issue to the privacy of the house. However, due to the location right on the shared boundary, privacy into the garden of No. 34 may be an issue. Four windows are proposed on the elevation facing the garden of No. 34. However, these are roof lights serving an en-suite and dressing area and at ground floor level a utility room and WC and therefore it is considered reasonable that all of these windows are obscured glazed to avoid any actual or perception of overlooking.

With regards to other properties in the locality these are some distance away (the next nearest some 55m plus). Any possible views will be far reaching and loss of privacy is not considered a significant issue particularly given the low height of the building.

#### Other Issues

##### *Landscaping*

The Tree and Landscape Officer has no objection to the proposal subject to conditions requiring hard and soft landscaping details, tree protection and the removal of excavated material.

From comments received, Japanese Knotweed may be present on site. It is considered reasonable in the interests of habitat protection that a condition is included within any approval ensuring its removal.

##### *Habitat and Wildlife Protection*

The application was accompanied by an Extended Phase 1 Habitat Assessment and a Bat Survey. The Countryside manager has no objection to the development subject to conditions ensuring the recommendations outlined within the submitted report are implemented.

##### *Comments on representations received*

Reference has been made to neighbour comments within the main body of the report above. With regards to any right of way across the site – this is a private legal matter and would not impact on the granting of permission. There would still be sufficient private amenity space available should this right of way be enforced.

Whilst the Draft Local Plan proposes a new basement policy which seeks to require detailed drainage and structural investigations for such developments, this is not adopted policy and is at the very earliest stage of the Local Plan therefore can only be afforded limited weight. As such these details can not be required at this time. However, With regards to groundwater flows, as with any development for subterranean development an informative is added to any permission ensuring the owner/developer is aware of the implications of not thoroughly investigating hydrological and flooding implications of the proposed development.

The informative reads “The applicant is advised to note that in certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing

subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring properties and structures, you could be liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.”

**Conclusion:**

The proposal is for the conversion of a building that is of permanent and substantial construction and the extension proposed is not considered disproportionate, in addition the development amounts to limited infilling within a village and as such the proposal is not inappropriate development in the Green Belt. It is well designed and will provide a good standard of accommodation within an appropriate location without harm to adjacent living conditions or to the character and amenity of the area. It is considered that the proposal accords with the adopted policies of the Local Plan and the NPPF and it is therefore recommended for approval, subject to conditions.

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

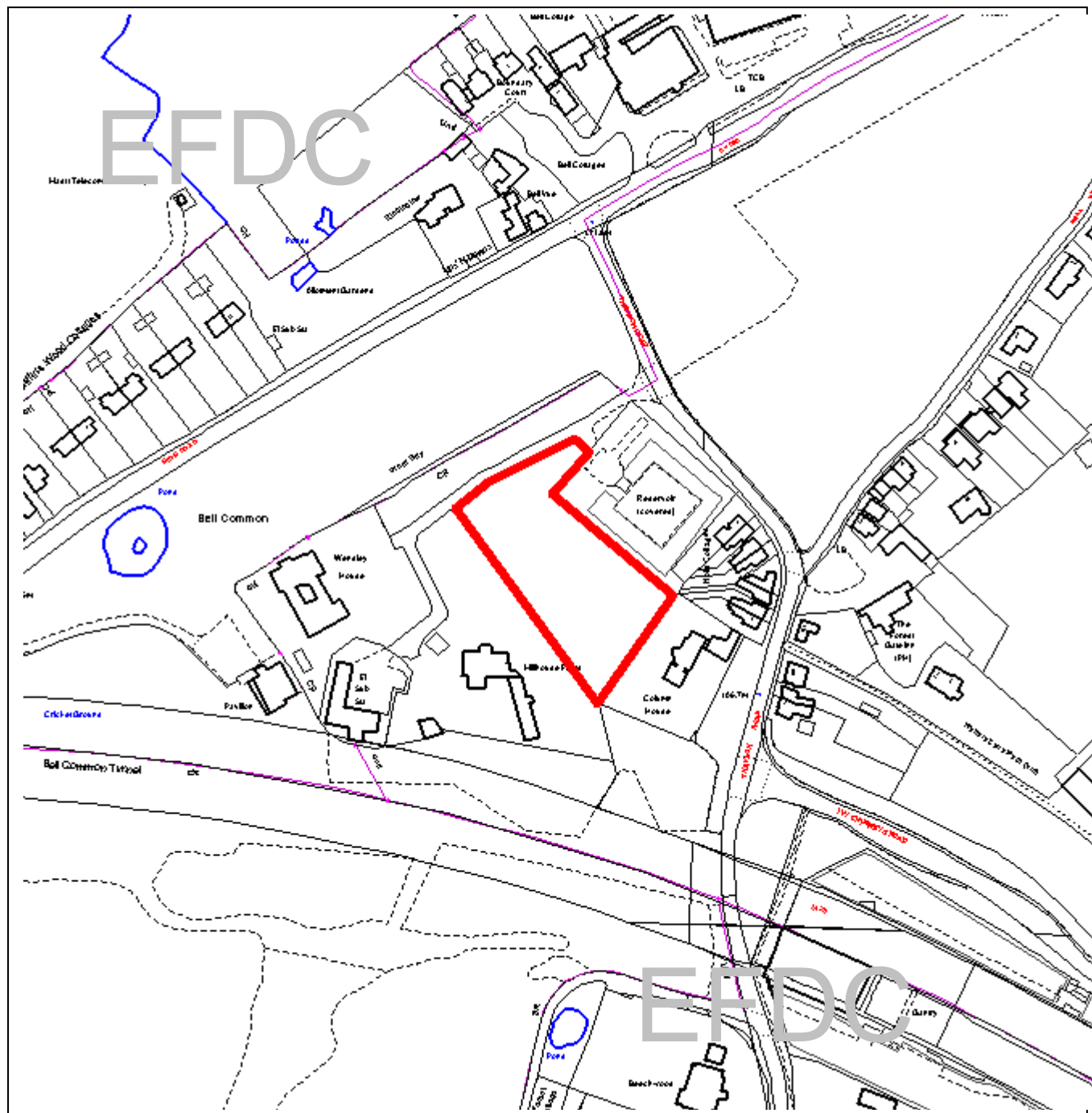
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564414***

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



# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/2251/16
Site Name:	Mill House Farm, Theydon Road, Epping, CM16 4DL
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2251/16
<b>SITE ADDRESS:</b>	Mill House Farm Theydon Road Epping Essex CM16 4DL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Ian Bennett
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 7 dwellings, car ports, landscaping and related development
<b>RECOMMENDED DECISION:</b>	Refuse Permission

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=586757](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=586757)

**REASON FOR REFUSAL**

- 1 The site is located within the Metropolitan Green Belt and the proposal constitutes inappropriate development. Whilst the benefits of providing additional housing is a material consideration that weighs in favour of the development, as is the positive impact on the character of the conservation area, it is not considered that these, or any other material considerations, are sufficient enough to outweigh the harm to the Green Belt. Therefore no very special circumstances exist and the application is contrary to the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site consists of a 0.7 hectare of land that is mown grassland that has no current usage. It is understood that the land previously contained a tennis court and would likely have been used as residential gardens to Mill House Farm.

The application site is located on the southwestern side of Theydon Road within the enclave known as Bell Common. To the immediate northeast is a raised reservoir and pumping station. To

the southwest is Mill House Farm, which is a detached dwelling, with Wensley House beyond this. Wensley House is a large detached care home that has recently been extended to cater for 42 rooms. To the south of the site is a detached dwelling known as Column House and to the east of the site are further semi-detached dwellings with the main built-up enclave of Bell Common beyond this.

The site is located within the designated Metropolitan Green Belt and the Bell Common Conservation Area.

### **Description of Proposal:**

Consent is being sought for the erection of seven dwellings and car ports with all associated works. The development would comprise of 3 no. three bed detached bungalows and 4 no. three bed semi-detached houses (two storey). All seven properties would be Lifetime Homes and are put forward as over 55's dwellings.

The layout of the proposed development would consist of a detached bungalow at the entrance to the new road system that would front onto the existing access road (Plot 1), followed by the four semi-detached dwelling fronting the new road system (facing northeast – Plots 2-5), with the two remaining bungalows located at the end of the new internal road facing northwest (Plots 6 & 7).

### **Relevant History:**

EPF/0973/79 - Construction of Reservoir and booster pumping installation for public water supply purposes – approved/conditions 23/08/79

EPF/0125/06 - Outline application for the sub-division of existing plot to construct one new detached property detached garage, tennis court and new vehicular access – refused 03/04/06

EPF/3199/15 - Erection of 10 dwellings for over 55's, car ports, landscaping and related development – withdrawn 04/05/16

### **Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Quality of rural and built environment  
CP3 - New development  
GB2A - Development in the Green Belt  
H3A - Housing density  
H4A - Dwelling mix  
DBE2 - Effect on neighbouring properties  
DBE8 - Private amenity space  
DBE9 - Loss of amenity  
HC6 - Character, appearance and setting of conservation areas  
HC7 - Development within conservation areas  
LL10 - Adequacy of provision for landscape retention  
ST1 - Location of development  
ST4 - Road safety  
ST6 - Vehicle parking  
RP3 - Water quality  
RP4 - Contaminated land  
U3A - Catchment effects

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

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

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

TOWN COUNCIL – Object. Whilst committee note the reduced number of dwellings and variety of styles, this proposal is still new residential development in the Green Belt. The proposal is inappropriate use of Green Belt land and the circumstances are not exceptional. Only in exceptional circumstances should development be allowed in the Green Belt. National policy states the government attaches great importance to protecting the Green Belt. This should therefore be reflected in planning decisions.

The proposal would be detrimental to the character and openness of both the Bell Common Conservation Area and the Green Belt. It does not protect the rural environment or preserve the countryside character and landscape of this location.

The site is not easily accessible to the town (particularly for age restricted residents in future years) and committee are concerned by the narrow access road to the proposed development which adjoins a very busy main road, close to a major junction.

EPPING SOCIETY – Object. This is the second application for this area of Green Belt land. The suggestion in the application that development in the Green Belt might be made more acceptable by screening is the antithesis of openness which is the purpose of the Green Belt. Speculation by the applicant about what might or might not be decided in respect of Green Belt boundaries at a later date following consultation is not relevant. The applicant has not made out any very special circumstances. There are traffic safety and congestion issues in having traffic emerging from the access road onto a busy road.

CITY OF LONDON – Object. The site is previously undeveloped and the proposal for 7 dwellings, car ports, landscaping and related development would alter the character and setting and amenity of the property and the locality, would make more intensive use of the land and create a visual intrusion, conflicting with the semi-rural aspect of the area contrary to Policy HC6 and Policy GB2A of the Adopted Local Plan. The development would consequently be inappropriate development within the Green Belt. The proposed occupants of the dwellings will be elderly (over 55). The site is not in a sustainable location for elderly people as it is not within easy walking distance to the local shops and facilities. The narrow access road which is owned by the City of London where it adjoins a busy main road is also close to a major junction. We consider that there can be no very special circumstances justifying this development. The cited housing shortage, whether for a specific age category or overall, has no bearing on the choice of this location. Housing locations for the District should be provided against the local Objectively Assessed Need (OAN) and in locations that do not breach current national and local policies.

COLUMN HOUSE, BELL COMMON – Object as this is inappropriate development in the Green Belt and there are no 'very special circumstances', it may impact on surface water and foul sewage, it would add to the existing traffic congestion in the area, and as it may have a detrimental impact on neighbouring properties.

1 HOLLY COTTAGES, BELL COMMON – Object as this amounts to a housing development on Green Belt land and there is no justification for this, as there are other people with a greater need for housing rather than over 55's (i.e. affordable housing), since the tree within their site is protected, there is no footpath at the end of the private road so only safe access and egress will be by car, as it has a visual and harmful impact on their property, it would not be in character with the conservation area, and due to the impact on traffic.

2 HOLLY COTTAGES, BELL COMMON – Object due to concerns regarding overlooking, as these would be out of keeping with the area, due to the impact on the existing parking strain of the area, and due to the noise and disruption to neighbouring residents and wildlife.

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

The key considerations in this application are the appropriateness and impact of the development on the Metropolitan Green Belt, the sustainability of the development, the design and impact on the conservation area, the impact on neighbouring amenities and with regards to highways/parking.

#### **Green Belt:**

The application site is located within the Green Belt and is currently an undeveloped parcel of greenfield land. The National Planning Policy Framework states that the erection of new buildings within the Green Belt constitutes inappropriate development, however provides a number of exceptions to this. The list of exceptions includes:

- *Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; and*
- *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

The location of the site is somewhat unusual as it is within the built up enclave of Bell Common that whilst detached is almost seen as a continuation of the larger town of Epping. The enclave is also located to the north of a further small residential enclave around Theydon Road and Forest Side. Despite the location of these enclaves neither would be considered as a 'village' and, with respect of Bell Common, whilst close to the edge of Epping this enclave does not form part of the larger town. Therefore this cannot be considered as an exception to inappropriate development under the 'limited infill in villages' category.

With regards to the second highlighted exception to inappropriate development the definition of previously developed land is laid out within Annex 2 of the NPPF and reads:

*Land which is or was occupied by a permanent structure, including the curtilage of the development land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.*

Whilst it is understood that there was previously a tennis court stationed on this land, which suggests that the site was previously part of the gardens for Mill House Farm, the site does not currently constitute the curtilage of the adjacent dwelling and does not contain any permanent structures. As such this cannot meet the definition of previously developed land and therefore does not meet this exception to inappropriate development.

Since the proposed development would not meet the above, or any other, exceptions as laid out within paragraph 89 of the NPPF the proposal would constitute inappropriate development. The NPPF states that "*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*" and that "*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*".

The main matter put forward in favour of the proposed development is the provision of over 55's housing that would address an 'identified need' within the area. The application has been submitted with a report prepared by Mullock Wells, Estate Agent, which concludes that:

*From the evidence above and clearly with the aging population in Essex and the UK generally, there is an urgent need to both revisit the supply of accommodation to meet the needs of over 55s as set out above, and to review the current Green Belt sites in and around the towns to allow flexibility to allow suitable sites controlled to the over 55s through appropriate conditions, to come forward.*

*Sites within the urban area are constrained by competition from general housing developers meeting a range of needs without specifically over 55s, and/or from retirement home schemes which are built at higher densities and which almost exclusively involve flatted schemes.*

*The issue of over 55s housing demand in Epping is becoming more apparent with current and future demand not being met by supply due to competing sectors of the housing market, therefore little chance of the over 55s housing coming forward unless Green Belt sites are reviewed by local and national planning authorities.*

*It is our view that the application proposal if limited to over 55s will meet a clear and specific housing need for over 55s accommodation in Epping that is not currently being provided.*

There are some concerns with regards to the method of assessment within this report. The most apparent of these is that within section 2 of the report it is stated that "*Epping purchaser characteristics for the over 55s mirror closely the statistics revealed by Uttlesford District Council Over 50s Housing Needs Survey of 2011*" however there is no justification as to how the situation in Epping mirrors that in Uttlesford, and the Housing Needs Survey is from 2011 and therefore could be considered somewhat out of date now. What is considered to be more relevant is the West Essex and East Hertfordshire Strategic Housing Market Assessment (SHMA), which was produced in September 2015.

The SHMA does appear to suggest that there is a need for more appropriate accommodation to meet the housing needs of older people. This report identifies that "*older people are living longer, healthier lives, and the specialist housing offered today may not be appropriate in future years and the Government's reform of Health and Adult Social Care is underpinned by a principle of sustaining people at home for as long as possible*".

This has fed into the Draft Local Plan whereby it is stated that:

*4.5 It is important that a proportion of new homes can provide for the needs of those with, or who may develop, accessibility needs through the design of those homes. This reflects the evidence as set out in the revised SHMA that there is an existing need for accessible housing in the District and that will continue taking into account the aging profile of the District's population over the period of the Local Plan. Improving housing standards to strengthen local communities and reduce the need for residential care by enabling vulnerable people to remain in their homes, or be able to have the choice to be able to move into a new home, is important as part of improving the overall housing mix within the District. Consequently, the Council's preferred approach is that all new homes should be built to Category 2: Accessible and Adaptable Homes standards, subject to further viability testing.*

*4.6 The needs of those with accessibility needs, including older people can be supported by bungalow accommodation. Recent information contained in the Council's Authority Monitoring Report shows that there has been a gradual erosion of the District's*



*existing stock of bungalows. The Council considers that bungalows can play an important role because of their potential ease of adaptation such that they can provide choice for people with accessibility needs, including the current and future needs of older people.*

Notwithstanding the above, the Draft Local Plan is at an early stage and therefore can only be given limited weight.

Whilst the applicant proposes that the dwellings would be provided specifically for over-55's and suggest that there would be an interdependent relationship with the adjacent residential care home it is not considered that adequate information has been provided to fully justify the 'need' for such housing in this location nor that these properties are particularly designed for the purpose proposed. Although the properties have been put forward as meeting Lifetime Home Standards this is the equivalent to Category 2: Accessible and Adaptable Homes standard which, as can be seen above, the Draft Local Plan would seek all new homes to meet.

It is recognised that, irrespective of the above, the proposal would nonetheless provide additional housing to the District and since the Council can currently only demonstrate a 1.35 year supply of land for housing purposes and it has been shown in several recent appeal decisions, both within and outside of the district, that a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission for the supply of new houses. However the Court of Appeal Judgement *Suffolk Coastal District Council v Secretary of State for Communities and Local Government and Richborough Estates v Cheshire East Borough Council* clearly highlights that:

- 46. We must emphasize here that the policies in paragraph 14 and 49 of the NPPF do not make "out-of-date" policies for the supply of housing irrelevant in the determination of a planning application or appeal. Nor do they prescribe how much weight should be given to such policies in the decision. Weight is, as ever, a matter for the decision-maker. Neither of those paragraphs of the NPPF says that a development plan policy for the supply of housing that is "out-of-date" should be given no weight, or minimal weight, or, indeed, any specific amount of weight. They do not say that such a policy should simply be ignored or disapplied. That idea appears to have found favour in some of the first instance judgments where this question has arisen. It is incorrect.*
- 47. One may, of course, infer from paragraph 49 of the NPPF that in the Government's view the weight to be given to out-of-date policies for the supply of housing will normally be less than the weight due to policies that provide fully for the requisite supply. The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for examples, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the local planning authority to address it, or the particular purpose of a restrictive policy – such as the protection of a "green wedge" or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in paragraph 49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF. It will always be for the decision-maker to judge, in the particular circumstances of the case in hand, how much weight should be given to conflict with policies for the supply of housing that are out-of-date. This is not a matter of law; it is a matter of planning judgment.*

As can be seen above neither paragraph 14 nor paragraph 49 of the NPPF suggest that when an LPA cannot demonstrate a five-year housing land supply any policies relating to the supply of housing should be ignored. Simply that these should be considered out of date and that the LPA may proscribe them with less weight. However even if the Epping Forest District Local Plan policies were completely ignored the entire NPPF is still considered relevant, which includes the paragraph

that relate to Green Belt restrictions. This is clearly considered to be an important consideration since it is one of the stated policies within the Framework that indicates that development should be restricted (footnote to paragraph 14) and it is one of the only parts of the NPPF that specifies that *“when considering any planning application, local planning authorities should ensure that **substantial weight** is given to any harm to the Green Belt”* (paragraph 88 – my emphasis). Furthermore it has been made clear in both the Ministerial Statement from July 2013 and paragraph 034 of the Planning Practice Guidance that *“unmet housing need (including for traveller sites) is unlikely to outweigh the harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development on a site within the Green Belt”*.

As such it is considered that the single matter of the provision of additional housing is not sufficient to outweigh harm to the Green Belt. As highlighted above it is considered that an overriding ‘need’ for over-55’s housing in this location has not been sufficiently justified nor are the proposed houses considered to be particularly ‘exceptional’. As such the matters put forward in favour of the development are not sufficient enough to constitute very special circumstances that clearly outweigh the harm to the Green Belt that would result from this inappropriate development.

#### Sustainability:

Paragraph 7 of the NPPF states that *“there are three strands to sustainable development: economic, social and environmental”* and gives the following explanations on each:

- *An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*
- *A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*
- *An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*

Paragraph 8 of the NPPF makes it clear that these elements are *“not to be undertaken in isolation because they are mutually dependant.....to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system”*.

The proposed development would clearly be considered as economically sustainable and would provide construction work in order to undertake the development. Furthermore the proposed development is in line with the Governments goals and incentives to ‘drive local growth’ and to ‘get the housebuilding industry building’ and within Eric Pickles March 2011 statement he recognised that *“every new home built will create jobs in the UK building industry”*.

The provision of additional housing in light of the Council’s current lack of a five-year land supply would ensure that the proposal is socially sustainable. Furthermore the provision of specially designed Lifetime Homes to meet the above identified need would further strengthen the socially sustainable nature of the development.

The proposed development would make more efficient use of this parcel of land that is situated within an existing built up enclave and would be constructed in accordance with current Building Regulations, which requires sustainable construction and energy efficiency. However one of the key principles of planning, as laid out within the NPPF, is that decision-makers should *“actively*

*manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in location which are or can be made sustainable*". Whilst the site is not considered to be within a desirable walking distance to facilities (i.e. the Tesco store is some 1.5km away and Epping Station is 2km away), particularly for older residents, there are good bus services with stops some 200m from the application site that run through Epping along with other settlements such as Waltham Cross (213C), and Harlow and Romford (575). Therefore whilst the site is not best located within easy walking distance of local facilities sustainable transport methods are available to serve future residents. Furthermore such 'retirement villages' are primarily located close to, but not centrally within, urban areas in order to provide independent access to facilities whilst being far enough outside of towns to enable lower density developments. Therefore it is not considered that the location of the development in terms of sustainable transport options would be unacceptable.

#### Design:

The application site is located with the Bell Common Conservation Area. Whilst the site is not particularly visible from public view its major constraint is in fact its enclosure. There were concerns with the previously withdrawn scheme with regards to this reinforcing the enclosure by introducing a cramped form of development to the site.

This revised application has been subject to discussions with the Conservation Officer and has managed; through the removal of the thick thuja hedge to the east and the gradual stepping of the dwellings; to introduce a development to the site while preserving views towards Wensley House. .

The design of the proposed dwellings is sympathetic and respects the local context in terms of scale, massing, layout and materials.

The proposed development would remove the evergreen hedge from around the site and the trees within the site along the boundary with Column House. The removal of the hedge could be regarded as a positive enhancement to the site as it removes the sense of enclosure and the submitted tree report grades the trees to be removed as category 'C' and as such their removal is considered to be acceptable.

The proposed layout shows indicative replacement planting of native species and it would be necessary that the boundary planting should consist of both hedges and trees and should be robust along the boundary with Column House. This matter can be suitably dealt with by way of a condition.

#### Amenity concerns:

The application site is primarily located between Mill House Farm (house) and the covered reservoir to the northeast. Despite not being outlined in blue on the submitted Location Plan it appears that the applicant resides in (and assumedly owns) Millhouse Farm. To the southeast of the site is a large detached dwelling known as Column House and to the east, opposite the corner point of the application site, are several sets of semi-detached cottages.

The proposed development on this site would involve the removal of existing landscaping and would therefore make the site far more visible to the adjoining neighbours. However the two proposed dwellings closest to the neighbouring cottages and Column House are the two single storey bungalows at Plots 6 and 7. Given that these would be single storey properties and new boundary treatments (including new landscaping) would be installed there would be no overlooking or loss of privacy from these two properties. Similarly, due to their single storey nature and set back from the shared boundaries any physical impact on light and outlook would be minimal. The proposed two storey dwellings would be in excess of 22m from the shared boundaries of these neighbours and would face the adjacent reservoir and therefore cause no harm to these residents.

The adjacent neighbour at Millhouse Farm is assumed to be owned by the applicant. Nonetheless the proposed two storey dwellings would be located between 15m and 22m from the shared boundary and as such would not result in any excessive loss of privacy, light or outlook.

Whilst the proposed development would introduce additional activities and movement to the site it is not considered that the introduction of seven over-55's dwellings would cause any excessive harm as a result of noise and general disturbance.

#### Access and Parking:

The proposed development would require two off-street parking spaces per dwelling plus two visitor parking spaces. Each of the proposed dwellings would be served by a carport (double for the bungalows and single for the two storey dwellings) plus additional off-street parking in front of these. As a result the proposed development would be served by a total 20 parking spaces, which is four more than required by the Vehicle Parking Standards. In addition to the above, informal parking would also be available along the private access road. As such there is more than adequate space on site to allow for the required parking provision.

Concerns have been raised by neighbours regarding safe pedestrian access to the site. Whilst it is accepted that the site entrance is close to the junction of Theydon Road and the High Road, which can get very busy and congested at times, there is a pavement running along the opposite side of the junction that would provide safe pedestrian access directly into Epping Town Centre. Given the proximity of the site entrance to the junction it is unlikely that Essex County Council would allow for a new crossing point to be provided in this location and whilst this means that there are no crossing points directly outside of the site this is a single lane road that often has vehicles queuing for the traffic lights. There has been no objections raised from Essex County Council Highways and therefore it must be concluded that the proposal would not result in any highway safety concerns.

#### Other considerations:

##### *Drainage:*

The development is of a size where it is necessary to avoid generating additional runoff and where the opportunity should be taken to improve existing surface water runoff. As such a flood risk assessment is required for the development, which can be dealt with by condition.

The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. As such further details are required with regards to surface water drainage, which can be agreed by condition.

##### *Contamination:*

Due to the presence of an Infilled Pond and the potential for the disposal of farm wastes from the adjoining former Farmyard and Construction Wastes from use of the site during construction of the adjoining reservoir, M25 tunnel and the access road for the tunnel control depot, there is the potential for contaminants to be present over all or part of the site. Domestic dwellings with gardens are classified as a particularly sensitive proposed use. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

##### *Ecology:*

No development should take place until a biodiversity enhancement scheme has been agreed,

which should include wildlife friendly planting, hedge planting, bat and bird boxes, hibernacula, etc. This is in order to ensure that existing species are not lost from the site and in order to enhance the biodiversity of the area. This can be dealt with by condition.

### **Conclusion**

The proposed development constitutes inappropriate development in the Green Belt. As have been made clear in government guidance the provision of additional housing is not in itself likely to be sufficient enough to outweigh the harm from such development. Whilst the proposal has been put forward as an over-55's scheme that would be constructed to Lifetime Homes Standards it is not considered that the need for such a development in this location has been sufficiently justified nor are the proposed dwellings considered to be exceptional. Therefore this would not be sufficient enough to constitute very special circumstances that clearly outweigh the harm from this inappropriate development.

Whilst the development of the site could have a positive impact on the character of the conservation area by opening up views towards Wensley House and the design of the proposed dwellings is considered to be acceptable it is not considered that this matter would be sufficient to clearly outweigh the identified harm, either singularly or when combined with the provision of additional housing. As such the proposal would constitute inappropriate development harmful to the Green Belt contrary to the guidance contained within the NPPF and Local Plan policies CP2 and GB2A and the application is therefore recommended for refusal.

### **Is there a way forward?**

It is not considered that there is any way forward on the proposed development.

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

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

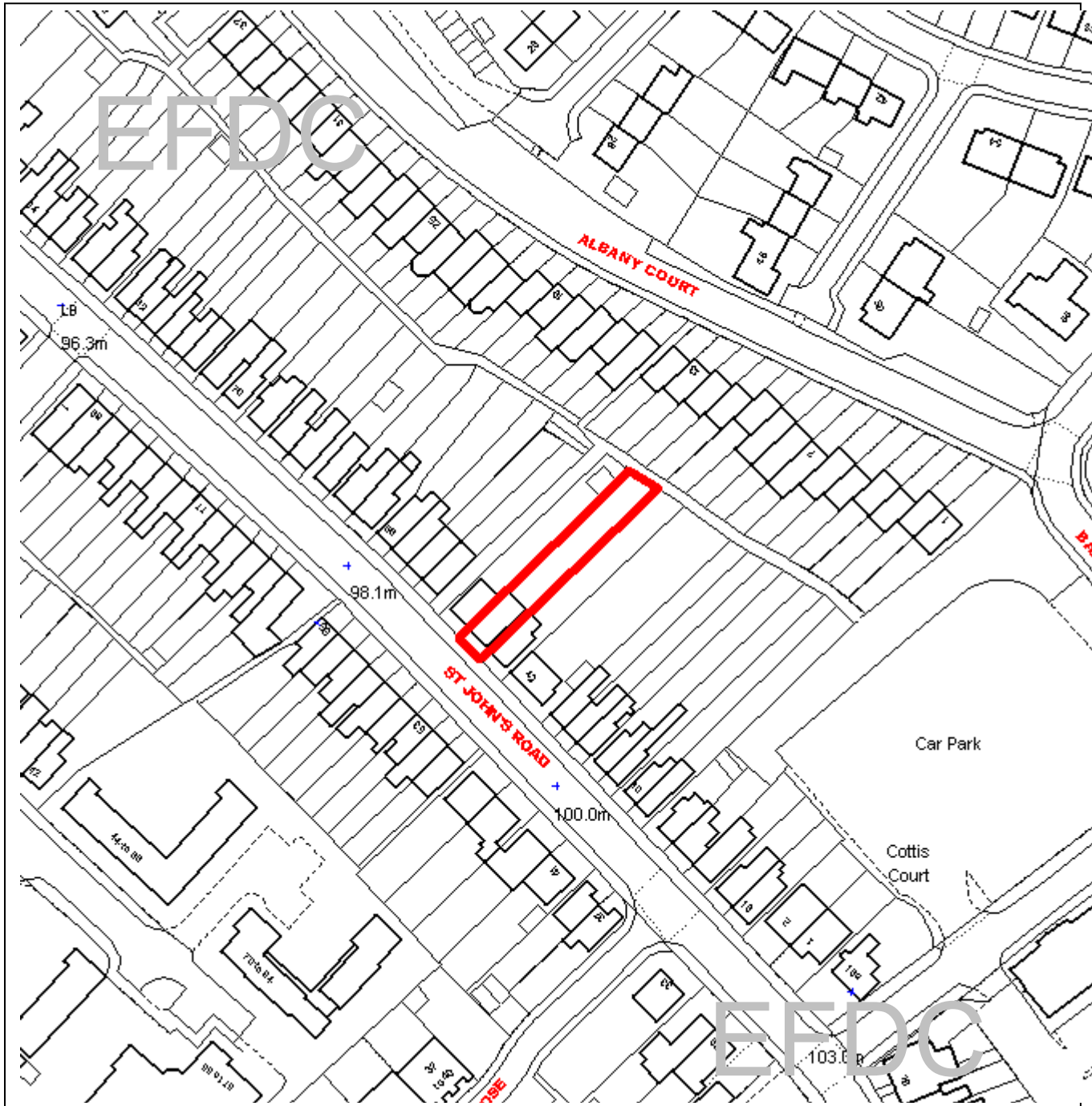
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/2436/16
Site Name:	46 St Johns Road, Epping, CM16 5DP
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2436/16
<b>SITE ADDRESS:</b>	46 St Johns Road Epping Essex CM16 5DP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs Mary Kenny-Moth
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension (Revised application to EPF/1599/16).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=587697](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587697)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

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



**Description of Site:**

The application property comprises a semi detached three storey dwelling on the eastern side of St Johns Road. It currently has a 2.5m deep single storey rear extension. Number 44 has 2.5m deep (approx.) two storey projection close to the mutual boundary with the application property. Number 48 has no extensions close to the boundary with the application site.

**Description of Proposal:**

Permission is sought for a single storey rear extension which measures 5.9m deep by 5.2m wide and 2.57m high to its flat roof. This extension will replace the existing single storey rear extension.

Materials include red facing bricks, powder coated aluminium double glazed fenestration and the roof will be covered in a glass reinforced plastic seal.

**Relevant History:**

Planning permission was refused under reference EPF/1599/16 for a single storey extension.

**Policies Applied:**

National Planning Policy Framework  
National Planning Policy Guidance

Combined Policies of Epping Forest District Local Plan (1998) and alterations (2006)  
DBE9: Loss of amenity  
DBE10: Residential extensions

**Consultation Carried out and Representations Received**

EPPING TOWN COUNCIL: The proposed extension will cause loss of amenity for the neighbouring property in terms of sunlight and visual impact. The design and layout of the adjacent house and garden will result in an unsympathetic change due to its height, materials and length. Relevant policies CP7, DBE2, DBE9 and DBE10.

5 letters were sent to occupants of adjoining and nearby properties. 1 objection was received.

The occupier of 48 ST JOHNS ROAD objects on the following grounds.

Because my house is on the side of a hill, from the end of their existing extension, the ground floor rises 12" on my side of the fence therefore meaning I have to go up 2 steps into my garden. The existing extension already stops the light and sun from getting into my kitchen and although there is a wooden fence between my property and that of 46 light and air does enter my garden. With a brick wall I would be in the shade particularly as the sun goes around the right of my property. Not to mention the fact the proposed extension would be longer than the existing one. My property is on 3 levels, kitchen in a semi-basement and lounge, dining room on the first floor. The view from my lounge will be impaired and instead of looking at beautiful mature trees and greenery I will be looking at a grey flat roof. Property value may also be affected. If the existing extension was replaced like for like I would have no objection.

## **Main Issues and Considerations:**

The key considerations for the determination of this application are the impact of the proposal will have on the character and appearance of the area and neighbouring residential amenity.

Paragraph 39 of the Planning and Compulsory Purchase Act requires that the Local Authority must seek to achieve 'good design'. Policies contained within the National Planning Policy Framework define what 'good design' is.

Paragraph 58 of the NPPF requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identity of local surroundings.

This application is a revised application following a previously refused scheme under reference EPF/1599/16. The previous application was refused on the grounds that

*"The proposed extension due to its height, depth and position close to the boundaries of the site would neither complement nor enhance the existing building. It would also have a detrimental impact on the living conditions of the adjoining neighbour at 48 St Johns Road, through the proposal's overbearing appearance and the resultant loss of outlook to this neighbour. The proposal is therefore contrary to the requirements of Chapter 7 of the National Planning Policy Framework along with policies DBE9 and DBE10 of the Combined Policies of Epping Forest District Local Plan and alterations 2008."*

The amendments include reducing the depth of the extension from 6.3m to 5.9m and reducing its height from 2.8 to 2.57m.

The proposed extension will not be visible from the street scene or wider surrounding private realm beyond numbers 44 and 48 St Johns Road.

The application property is three storeys high. Whilst the extension still remains larger than the existing single storey rear extensions in close vicinity of the application site, it is below maximum limitations allowed by the government under the prior notification of larger extensions scheme. (Number 17 St Johns Road has had approval for a 6.5m deep extension under reference EPF/0781/15). Furthermore the reductions in height and depth ensure that the first floor Victorian window ledge will not be concealed or removed by the development. This height is now the same as that of the existing single storey extension currently in situ.

Plans are therefore considered to now be sufficiently changed to ensure that the proposed extension appears as a subsidiary feature in relation to the three storey host building. It will therefore have a neutral impact on the local distinctiveness of the area and as such complies with the requirements of chapter 7 of the NPPF and policy DBE10 of the Local Plan.

### **Impact on neighbour amenity**

Number 48 St Johns Road is north of the application site. The nearest window at number 48 serves a kitchen. There is a 1.8m fence on the boundary of the site, above which is a trellis and hedging. The garden at number 48 is currently significantly overgrown with trees. The height of the extension is the same as that of the existing extension therefore it will be mostly screened by the existing boundary treatment between the two properties, where there are gaps in the hedging it will rise up around 700mm above the fence. It is therefore considered that the actual loss of light and sense of enclosure created by the proposal to number 48 St Johns Road would not be excessive.

The proposal will extend 3.4m beyond the existing two storey rear extension at number 44 St Johns Road. The proposal will therefore not have a significant impact on the amenities of this neighbour in terms of light, outlook or privacy. The proposal therefore accords with the requirements of policy DBE9 of the Local Plan.

#### Other matters

Loss of view and loss of property value are not a material planning considerations.

#### **Conclusion**

The proposal has a design which complements the appearance of the application building and will have a neutral impact on the character and appearance of the area and impact on neighbouring residential amenity is not so excessive as to justify refusal of the scheme, approval is therefore recommended.

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

***Planning Application Case Officer: Sukhi Dhadwar  
Direct Line Telephone Number: 01992 564597***

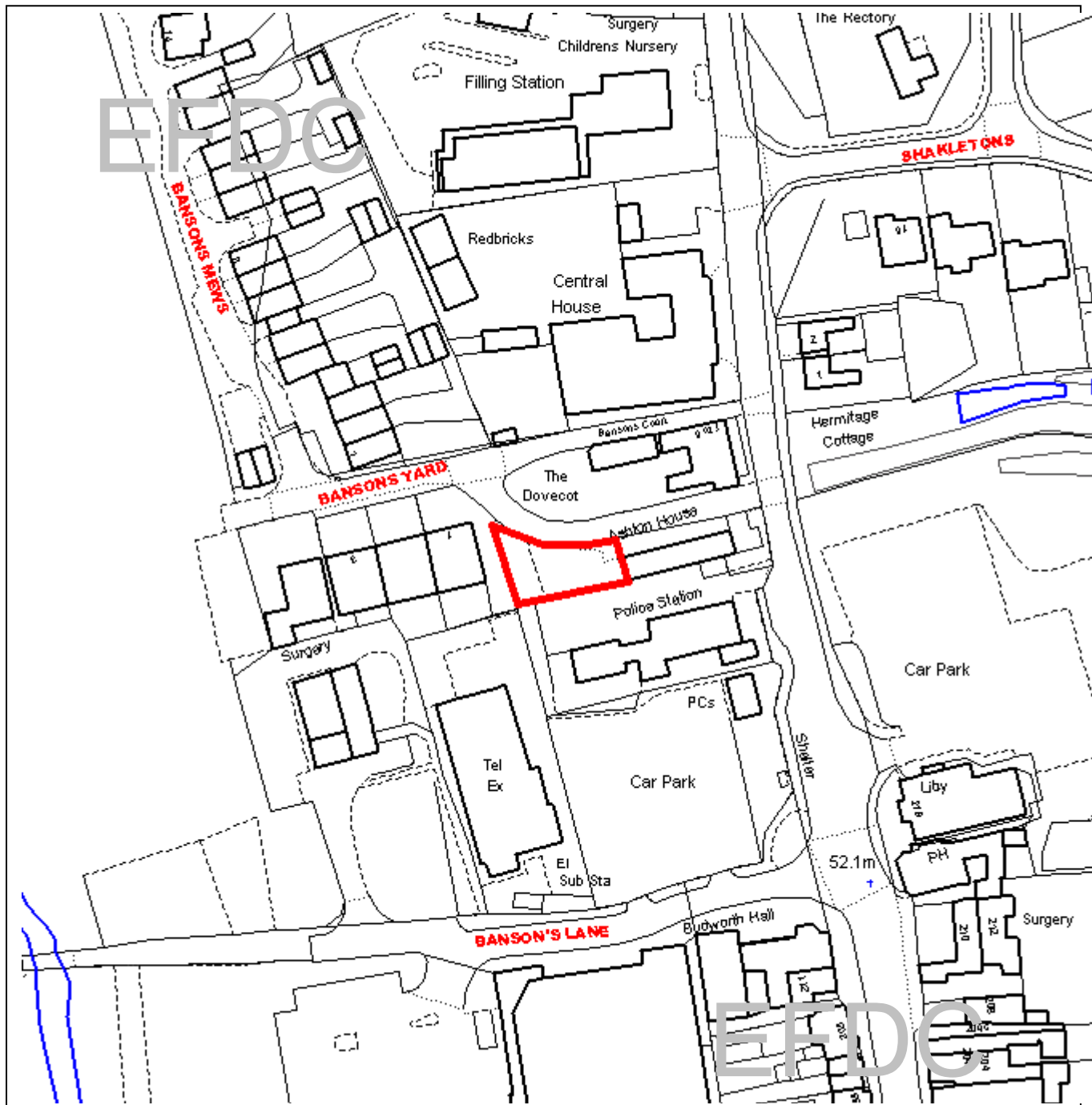
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/2483/16
Site Name:	Land adjacent to Ashton House, High Street, Ongar, CM5 9AA
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2483/16
<b>SITE ADDRESS:</b>	Land adjacent to Ashton House High Street Ongar Essex CM5 9AA
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Ongar Building Services Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 4 no. residential units comprising 4 no. 1 bed flats with associated parking and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=587833](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=587833)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: P01,P02 Rev B, Po3 Rev C, P04 Rev C, P05 Rev B, P06 Rev B, P07 Rev B, P08 RevC, P09 Rev B, P10 Rev C, P11 Rev C and P12
- 3 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 4      Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 5      Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 6      Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 7      In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.

- 8 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 9 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Planning Authority.
- 10 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 11 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 12 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 14 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed at the site. The installed cleaning facilities shall be used to clean vehicles wheels immediately



before leaving the site.

- 15 Windows in the west facing side elevation of the building hereby approved shall be non opening and finished in obscure glazing, and shall thereafter be retained in that form.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

Ashton House is a Grade II Listed Building on the west side of the High Street. The property comprises a single storey brick frontage building onto the main road with a two storey rear section clad in vertical weather boarding. Land to the rear of the main building comprises the application site, and until recently housed 3 metal storage containers used for storage during refurbishment works to the listed building, these have now been removed and the land remains open with some scrub and a rough surface. Vehicle access runs along the site's northern boundary accessing Basons Yard, this boundary is open and the land in the site is hard surfaced.

The site lies within the Ongar Conservation Area in an area of mixed use. The adjoining site to the north is residential, including a detached dwelling in a former outbuilding at the rear and to the south lies the police station building. To the rear Basons Yard comprises two storey small business units. The site and land generally falls away from the High Street towards the west, becoming gradually steeper as it crosses the site.

### **Description of Proposal:**

The application relates to the land at the rear of the listed building measuring around 240 sq. m. The proposal comprises a two storey building (with a partial lower level semi-basement at the western end comprising 4 x 1 bedroom flats, two units on each floor served off a central core. The eastern end abutting the listed building has a gable roof running front to rear, set lower than the main L-shaped gable roof over the remainder of the building. The building abuts the southern and western site boundary. The scheme includes a basement element at the western end (where the land falls away which provide storage sheds accessed from an external stair at the front; bins stores are located at the eastern end. Four parking spaces are shown on the frontage.

The application is a revised scheme following previous refusal for a scheme of 5 units.

### **Relevant History:**

- EPF/1244/14 Three bedroom house approved on application site – two storey with no rooms in roof, L shaped building with amenity space at western end of site.  
EPF/2417/15 Temporary permission for storage containers on application site approved.  
EPF/2747/15 Related retrospective permission granted for renovation works to the listed building.  
EPF/1350/16 Erection of 5 no. residential units comprising 4 no. 1 bed flats, 1 no. 2 bed flat with associated parking in a part two, part three storey building..

### **Policies Applied:**

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
CP3	New Development
HC6	Character, Appearance and Setting of Conservation Areas
HC7	Development within Conservation Areas
HC12	Development affecting the setting of Listed Buildings
RP5A	Adverse Environmental Impacts
H3A	Housing Density
DBE1	Design of new buildings
DBE2	Effect on neighbouring properties
DBE3	Design in Urban areas
DBE6	Car parking in new development
DBE8	Private amenity space
DBE9	Loss of Amenity
ST6	Vehicle parking

NPPF            The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

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

Date of site visit:                    07 October 2016

Number of neighbours consulted:    79

Site notice posted: 07 October 2016

Responses received: Objections have been received from 8 surrounding properties; 2, 3, 4 and 14 BANSONS MEWS, THE DOVECOT, 5 AND 6 BANSONS COURT, AND 1 BANSONS YARD raising issues as under:

- Inadequate parking – objectors are concerned at the overall level of parking and the lack of visitor parking.
- Scale of the building in particular as it relates to the adjacent Banson Yard buildings
- General amenity impacts – overbearing appearance (in particular in relation to The Dovecot), overlooking and overshadowing of gardens in Bansons Mews.
- Impact of side windows on immediate neighbour (1 Bansons Yard) – reference is made to this element being unlikely to comply with Building Regulations)
- Loss of trees from the site and adjoining police station.
- Other matters raised are not directly relevant to the planning considerations, relating to issues around the ownership and maintenance of the access road, access for construction traffic and drainage and sewerage capacity.

Parish Council: ONGAR TOWN COUNCIL commented that they have no objections to the application.

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

The principle of residential development on the site has been previously accepted, albeit for a single dwelling. These issues are therefore around whether the development in scale, form and intensity is acceptable on the site.

The proposal differs from the previous refused scheme in that it is now a two storey building, removing the additional unit in the roof space and the additional volume required to create this

unit. As a result, the building is now of a more appropriate scale in relation to the listed building and conservation area in general. A similar palette of materials to the listed building is also proposed, further establishing a consistent design strategy. Local objections have referred to the contrast with the adjoining buildings to the west which are evidently lower following the natural fall in ground level from east to west. There is however a gap of around 4metres between the two buildings and as a result the proposal is not considered to appear overly dominant in this context, particularly with the reduction in height.

In terms of direct impact, while the building lies to the south of existing dwellings, the building is some distance from any potentially affected property. There is no direct overlooking of habitable rooms, the nearest property in this regard being The Dovecot which faces onto the listed building. The eastern end of the building, the lowest part lies around 20 metres from properties at Basons Court (including The Dovecot) and the western element is at least 23 metres from the flank boundary of properties in Basons Mews, evidently adequate separation for a new two storey building to address concerns of overshadowing and overlooking.

The application proposes one car parking space per dwelling within curtilage. While this technically falls short of the adopted parking standards (which would also require one visitor space but no additional resident provision), this needs to be considered in the context of the site location within 100 metres of two public car parks, the proposal represents satisfactory provision in this regard. This does result in much of the frontage being hard surfaced, but the areas of landscaping that are proposed are greater than on the listed building, Basons Court opposite and Basons Yard where all forecourt areas are hard surfaced for parking.

Objectors raise concerns at loss of trees but officers have reviewed the site and find no trees of note that would warrant protection. Comments in relation to flank windows possibly not meeting Building Regulations are noted but should not affect determination, the side windows are secondary in nature and their removal later in the design process would not materially affect the scheme.

The site has a history of commercial use and contamination is likely to be present, this matter can however be adequately addressed by condition. Further, there are indications that the site lies within the medieval and post-medieval part of the town and a condition to allow archaeological recording is also deemed appropriate.

### **Conclusion:**

The application in its current form proposes a building that has been designed with due regard to its relationship with the adjacent listed building and its wider setting in the Conservation Area. The overall scale and mass of the building is now considered to be acceptable, there is clear separation from the lower buildings to the west while the siting ensures there is little direct impact on surrounding properties. Parking provision is reasonable and realistic in the context of the town centre location and the general character of site frontages nearby.

Subject to conditions therefore, officers consider the proposals result in a development that makes a positive contribution to the character and appearance of the Conservation Area.

***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: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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

