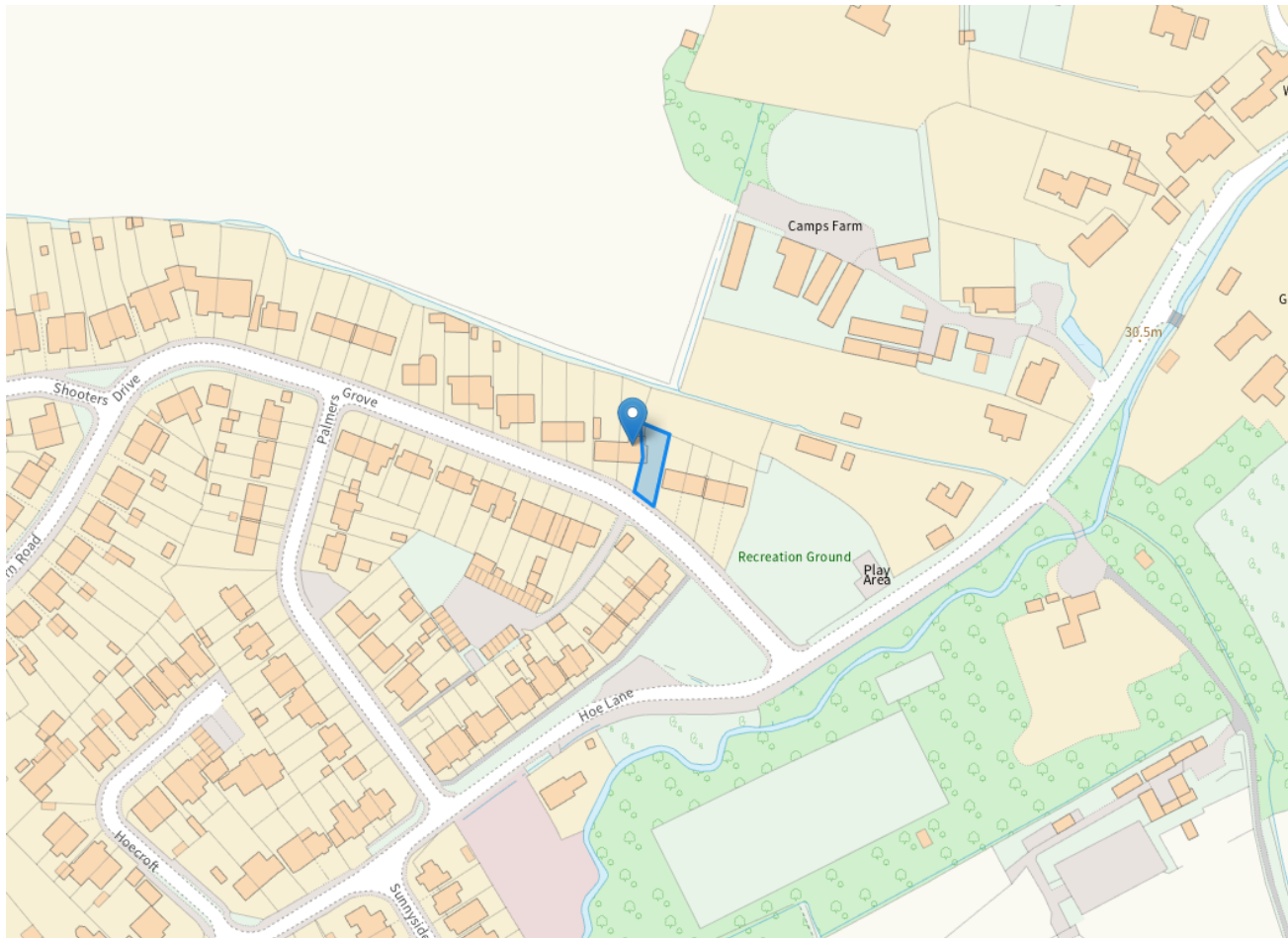




Epping Forest District Council

EFDC



EFDC

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data.
© Crown Copyright 2013 EFDC
License No: 100018534

Application Number:	EPF/2417/22
Site Name:	67 Palmers Grove Nazeing EN9 2QE

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

OFFICER REPORT

Application Ref: EPF/2417/22
Application Type: Full planning permission
Applicant: Mr J Jackman
Case Officer: Kie Farrell
Site Address: 67, Palmers Grove, Nazeing, Waltham Abbey, EN9 2QE
Proposal: Construction of new dwelling with associated car parking
Ward: Lower Nazeing
Parish: Nazeing
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UQMZ>
Recommendation: Refuse

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

Address:

67 Palmers Grove, Nazeing, Waltham Abbey, EN9 2QE.

Description of Site:

The application site currently accommodates a semi-detached dwelling known as 67 Palmers Grove.

An attached garage was granted planning permission in 1999 and has been built.

To the north of the site (at the end of the garden) is Green Belt land.

Immediately to the east of the site are two pairs of bungalows 69 and 71 and 73 and 75 Palmers Grove.

To the south and west there are residential properties.

Description of Proposal:

Construction of new dwelling with associated car parking

This application follows refusal of an application for a similar development (EPF/2355/21) in January 2022.

The proposal includes demolition of the existing garage.

The proposal includes subdivision of the existing plot at 67 Palmers Grove.

The proposed One bedroom, two person bungalow would measure part 10m, part 7m deep, 8m wide with a maximum height of approximately 4.7m.

The proposed dwelling refused under EPF/2355/21 measured 8.1m deep, 7.3m wide with a maximum height of approximately 4.6m.

Drawing L-32 states that the internal floor area would be 57.5 sq m and the rear garden area would be 60 sq m.

The proposed dwelling refused under EPF/2355/21 had an internal floor area of 46 sq m and a rear garden of 90 sq m.

Additional Information:

The following documents were received after the original application submission:

- Supplementary Planning Statement 2023, received 12.01.2023.
- Email from applicant dated 16.01.23 at 5.30pm (Personal Circumstances).

Relevant Planning History:

EPF/2355/21

Proposed one bedroom detached bungalow after demolition of the existing garage.

Refused 17.01.2022

Reasons for refusal:

The proposed development by reason of its design, scale, height, footprint and siting would appear cramped and incongruous and would interrupt the established pattern of development of the existing residential estate as well as resulting in the loss of views through to the Green Belt land beyond from the streetscene contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

The proposed development by reason of its design, scale, height, footprint and siting would have a harmful overbearing visual impact on occupiers of neighbouring residential properties and result in a loss of outlook. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.

By reason of its inadequate internal floorspace which falls below minimum national space standards, the proposed development would provide an unacceptable quality of accommodation for future occupiers. As such the proposal fails to provide suitable living conditions contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

EPF/2220/21

Application for a Lawful Development certificate for a proposed loft conversion incorporating rear dormer extension and 2 no. Velux style roof windows to front roof slope.

Lawful 06.10.2021.

EPF/2218/21

Proposed single storey rear extension to replace existing rear store and sheds.

Approved 05.11.2021.

EF\2021\ENQ\00454

Detached 2 bedroom bungalow following demolition of existing attached garage and outbuildings.

Pre-app advice issued 23.07.2021

EPF/1183/99

Attached garage

Approved with conditions 17.09.1999.

Policies Applied:

Adopted Local Plan:

CP3 New Development
CP4 Energy Conservation
CP5 Sustainable Building
I1A Planning Obligations
H2A Previously developed land
H3A Housing Density
H4A Housing Mix
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
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
ST1 Location of Development
ST4 Road Safety
ST6 Vehicle Parking
U1 Infrastructure Adequacy
U2A – Development in Flood Risk Areas
RP4 Contaminated Lane
CP1 Achieving Sustainability Objectives

NPPF (July 2021):

The National Planning Policy Framework (NPPF) states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight. Epping Forest District Local Plan Submission Version) 2017 (LPSV):

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ended 23rd September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

SP1: Presumption in Favour of Sustainable Development

H1: Housing mix and accommodation types

DM2: Epping Forest SAC and Lee Valley SPA

DM9: High Quality Design

DM10: Housing design and quality

DM11: Waste Recycling facilities in New Development

DM15: Managing and reducing flood risk

DM16: Sustainable Drainage Systems

Consultation Carried Out and Summary of Representations Received

Nazeing Parish Council: No objection.

Number of neighbours Consulted: 10. No comments received.

Consultation Responses

Essex CC Highways: No comments received.

EFDC Land Drainage: No objection subject to surface water drainage condition.

EFDC Contaminated Land: No objection subject to condition.

Main Issues and Considerations:

The main issues in this case are Design, Character and Appearance, Residential Amenity, Quality of Accommodation, Trees and Landscaping, Highways and SAC.

Design, Character and Appearance

It is not considered that the proposed dwelling can be accommodated on this site as it will appear cramped and incongruous and would interrupt the established pattern of development of the existing residential estate as well as resulting in the loss of views through to the Green Belt land beyond from the streetscene.

Depth of building / footprint: At 10m deep, the depth of the proposed bungalow exceeds that of the previously refused dwelling (8.1m) and both No. 67 and the neighbouring bungalow No. 69.

Due to the staggered position of the proposed building, the front building line comes well forward of No 67 and the rear building line is well beyond the rear elevation of the neighbouring bungalow No. 69, appearing cramped and incongruous on the site.

It is noted that the front building line has been moved even further forward than the previously refused dwelling.

The width of the footprint extends across most of the width of the site (built right on the boundary with the neighbouring property No. 69) further exacerbating the cramped appearance and resulting in the loss of the existing visual gap.

The proposed development is considered to be unacceptable in terms of design, character and appearance.

Impact on the Residential Amenity of Occupiers of Neighbouring Residential Properties

The application site is at a higher land level than the neighbouring bungalow to the east, No 69 (approximately 80cm higher). The proposed bungalow would be built on the boundary with No. 69 and would extend approximately 3.8m beyond No. 69's rear elevation.

The previously refused dwelling was set 1m off the boundary with No. 69, extending approximately 4.5m beyond No. 69's rear elevation.

The proposed dwelling extends almost 4m beyond the rear elevation of the neighbouring bungalow at No. 69. This depth beyond combined with the higher land level of the application site the proposed bungalow being built on the shared side boundary will result in a harmful impact on No. 69 in terms of an overbearing visual impact / loss of outlook from the rear of the property and afternoon overshadowing of the rear garden.

It is also noted that the main living room patio doors of the proposed dwelling do not face north onto the rear garden but face east towards the garden of the neighbour No. 69 and it is considered that this will result in an unnecessary and harmful loss of privacy to the occupiers of No. 69.

The proposed bungalow will extend approximately 3m forward of No 67's front elevation again resulting in an overbearing visual impact and loss of outlook.

The proposal is considered to be unacceptable in terms of the loss of visual and residential amenity to both No 69 and No 67.

Quality of Accommodation

The proposed bungalow would be required to meet National Residential Space Standards which for a 1 bed 2 person dwelling is 50 sq m.

Drawing L-3 states that the internal floor area would be 57.5 sq m and therefore the proposed development exceeds the minimum standards and is therefore acceptable in this respect.

Personal Circumstances

The 'personal circumstances' email received from the applicant on 16.01.23 states:

"I'm not sure if you've received the supplementary documents or not so just wanted to add this just in case.

As discussed briefly on the original planning application, I now reside in 67 Palmers Grove after a big refurbishment and have now made it my forever home. The current proposal would provide a new bungalow for my dad a carpenter by profession who after years of carpentry work without the modern health and safety equipment now suffers from back pain following slipped discs, knee problems and general mobility issues. This small house will allow my dad to live next door to me within a purpose built property adapted for his needs.

Please take this into consideration when deciding on your recommendation."

Whilst the applicant's personal circumstances are noted these are not material planning considerations and they do not represent a reason to set aside the concerns that have resulted in this application being recommended for refusal.

Trees and Landscaping

The proposed 2 no. car parking spaces to serve No. 67 would result in the loss of the existing front garden to No. 67.

Highways

Two car parking spaces are proposed to serve the new bungalow accessed using the existing crossover (extended).

Two spaces are proposed to serve the existing dwelling and these would require a new crossover.

Ecology:

The Council's Planning Application Validation Requirements document states that an Ecology Survey must be submitted with all non-householder applications:

"Required for all applications and as a minimum applications should include a Phase 1 habitat survey identifying any ecological constraints and any potential opportunities for introducing new habitats, whilst also laying the groundwork for further ecological surveys should they also be required (which should also be submitted with an application).

- This assessment must be undertaken by a suitably qualified ecologist, in accordance with British Standard BS 42020:2013 Biodiversity. Code of practice for planning and development."

An 'Ecological Assessment' was submitted with the application, however it is unclear whether this was undertaken by a suitably qualified ecologist.

Most Ecology Reports submitted with Planning applications state in the introductory pages that the author is a qualified Ecologist but the Ecological Assessment submitted with this application does not state this.

The document concludes by stating that no evidence of protected species was found on the site.

The document states that the survey was carried out on 11th November 2021 and is valid for a period of 12 months.

SAC:

In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation

in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM 22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Conclusion:

Recommended for refusal.

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

Case Officer | Kie Farrell | kfarrell@eppingforestdc.gov.uk

Refusal Reason(s): (3)

- 1 The proposed development by reason of its design, scale, height, footprint and siting would appear cramped and incongruous and would interrupt the established pattern of development of the existing residential estate as well as resulting in the loss of views through to the Green Belt land beyond from the streetscene contrary to policies CP2, CP7 & DBE1 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
- 2 The proposed development by reason of its design, scale, height, footprint and siting would have a harmful overbearing visual impact on occupiers of neighbouring residential properties and result in a loss of outlook and privacy. As such the proposal fails to safeguard the living conditions of the occupiers of neighbouring properties contrary to policies CP7, DBE2 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
- 3 In the absence of a completed Section 106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area for Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to policies CP1, CP6 and NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM 2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

Informatives: (2)

- 4 The Local Planning Authority has identified matters of concern within the officer's report and clearly set out the reason(s) for refusal within the decision notice. The Local Planning Authority has a formal post-application advice service. Please see the Councils website for guidance and fees for this service - <https://www.eppingforestdc.gov.uk/planning-and-building/apply-for-pre-application-advice/>. If appropriate, the Local Planning Authority is willing to provide post-

application advice in respect of any future application for a revised development through this service.

5 This decision is made with reference to the following plan numbers:

Drawing L-30 Rev A - Proposed Site Development Plan, Site Location and Block Plans

Drawing L-21 - Existing Ground and First Floor General Arrangement Plans & Elevations

Drawing L-32 Rev A - Proposed General Arrangement Plan, Elevations and Site Cross Section

Supporting Planning Statement, AATP, 2021

Ecological Assessment, AATP

Habitat Regulations Assessment, AATP

Supplementary Planning Statement, 2023, received 12.01.2023

Email from applicant dated 16.01.23 at 5.30pm (Personal Circumstances).