

Committee Agenda



Epping Forest District Council

Area Planning Sub-Committee East Wednesday, 4th March, 2020

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, 4th March, 2020
at 7.30 pm .**

**Georgina Blakemore
Chief Executive**

**Democratic Services
Officer**

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

Members:

Councillors P Keska (Chairman), B Rolfe (Vice-Chairman), N Bedford, P Bolton, H Brady, L Burrows, I Hadley, S Jones, C McCredie, M McEwen, J McIvor, R Morgan, J Philip, P Stalker, B Vaz, 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.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications 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. MINUTES (Pages 9 - 12)

To confirm the minutes of the last meeting of the Sub-Committee held on 5 February 2020.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

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

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

<http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing->

[Note_Mar-2018.pdf](#)

8. SITE VISITS

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

9. PLANNING APPLICATION - EPF/1235/19 7 BEULAH ROAD, EPPING (Pages 13 - 24)

To consider the attached report.

10. PLANNING APPLICATION - EPF/2377/19 44 FOREST DRIVE, THEYDON BOIS, EPPING (Pages 25 - 30)

To consider the attached report.

11. EXCLUSION OF PUBLIC AND PRESS

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

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

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

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

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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.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. 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, Area Plans Sub-Committee West or Area Plans Sub-Committee South 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 from Democratic Services or our website 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

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee East 2019-20
Members of the Committee and Wards Represented:



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

**Vice-
Chairman
Cllr Rolfe**
Lambourne

**Cllr Bedford
Shelley**

Cllr Bolton
North Weald
Bassett

Cllr Brady
Passingford



Cllr Burrows
Epping
Lindsey and
Thornwood
Common

Cllr Hadley
Moreton and
Fyfield

Cllr Jones
Theydon Bois

**Cllr
McCredie**
Epping
Hemnal

Cllr McIvor
North Weald
Bassett



Cllr McEwen
High Ongar
Willingale and
the Rodings

Cllr Morgan
Hastingwood,
Matching and
Sheering
Village

Cllr Philip
Theydon Bois

Cllr Stalker
Lower Sheering

Cllr Vaz
Chipping Ongar,
Greensted and
Marden Ash



**Cllr C
Whitbread**
Epping
Lindsey and
Thornwood

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

**Cllr J H
Whitehouse**
Epping Hemnal

**Cllr J M
Whitehouse**
Epping
Hemnal

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 5 February 2020
East

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 8.01 pm
High Street, Epping

Members Present: P Keska (Chairman), N Bedford, P Bolton, H Brady, I Hadley, S Jones, C McCredie, R Morgan, B Vaz, C Whitbread, H Whitbread, J H Whitehouse and J M Whitehouse

Apologies: B Rolfe, L Burrows, M McEwen, J McIvor, J Philip and P Stalker

Officers Present: A Marx (Development Manager Service Manager (Planning)), G Courtney (Planning Applications and Appeals Manager (Development Management)), J Leither (Democratic Services Officer) and R Perrin (Democratic Services Officer)

65. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

66. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

67. MINUTES

RESOLVED:

That the minutes of the meeting held on 27 November 2019 be taken as read and signed by the Chairman as a correct record subject to page 3 of the minutes EPF/1928/19, paragraph 2 which stated:

'The café hereby permitted shall not be open for customers other than between 0730hr and 18230hrs'

This should read:

'The café hereby permitted shall not be open for customers other than between 0730hr and 1830hrs'.

68. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

69. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

70. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

71. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

72. PLANNING APPLICATION - EPF/1235/19 - 7 BEULAH ROAD, EPPING

APPLICATION NO:	EPF/1235/19
SITE ADDRESS:	7 Beulah Road Epping CM16 6RH
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Two storey and single storey side and rear extensions involving an increase in the height of the main roof, roof alterations, a rear dormer window and replacement and additional windows to the existing dwelling house to provide an annexe and additional living accommodation and an additional vehicle access.
DECISION:	Deferred

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=624018

Deferred for a site visit.

73. PLANNING APPLICATION - EPF/2449/19 - 4 CARTERS LANE, EPPING

This application would be going to the next meeting of the Area Plans West Sub-Committee.

74. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST APRIL 2019 TO 30TH SEPTEMBER 2019

The Sub-Committee received a report regarding Probity in Planning – Appeal Decisions, 1 April 2019 to 30 September 2019.

In compliance with the recommendation of the District Auditor, the report advised the Sub-Committee of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).

The purpose was to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal was found to be unsupportable on planning grounds, an award of costs might be made against the Council.

Over the six-month period between 1 April 2019 and 30 September 2019, the Council received 56 decisions on appeals (54 of which were planning related appeals, and the other 2 were enforcement related).

Out of a total of 54 planning related appeals, 7 were allowed (13%). Broken down further, Committee reversals performed very well with only 2 out of 14 allowed (14.3%) and there was also a good Officer delegated decisions performance of 5 out of 40 (12.5%) allowed.

Out of the planning appeals that arose from decisions of the Area Planning Sub-Committee East to refuse contrary to the recommendation put to them by officers during the 6-month period, 1 appeal was allowed against decisions made and 8 were dismissed.

Performance in defending planning application related appeals was reasonable at 22.6%, meaning of course the Council was successful in defending its decisions in 77.4% of cases. Whilst there was no national comparison of authority performance, Members and Officers were reminded that in refusing planning permission there needed to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This was more important now than ever given a Planning Inspector or the Secretary of State could award costs, even if neither side had made an application for them.

RESOLVED:

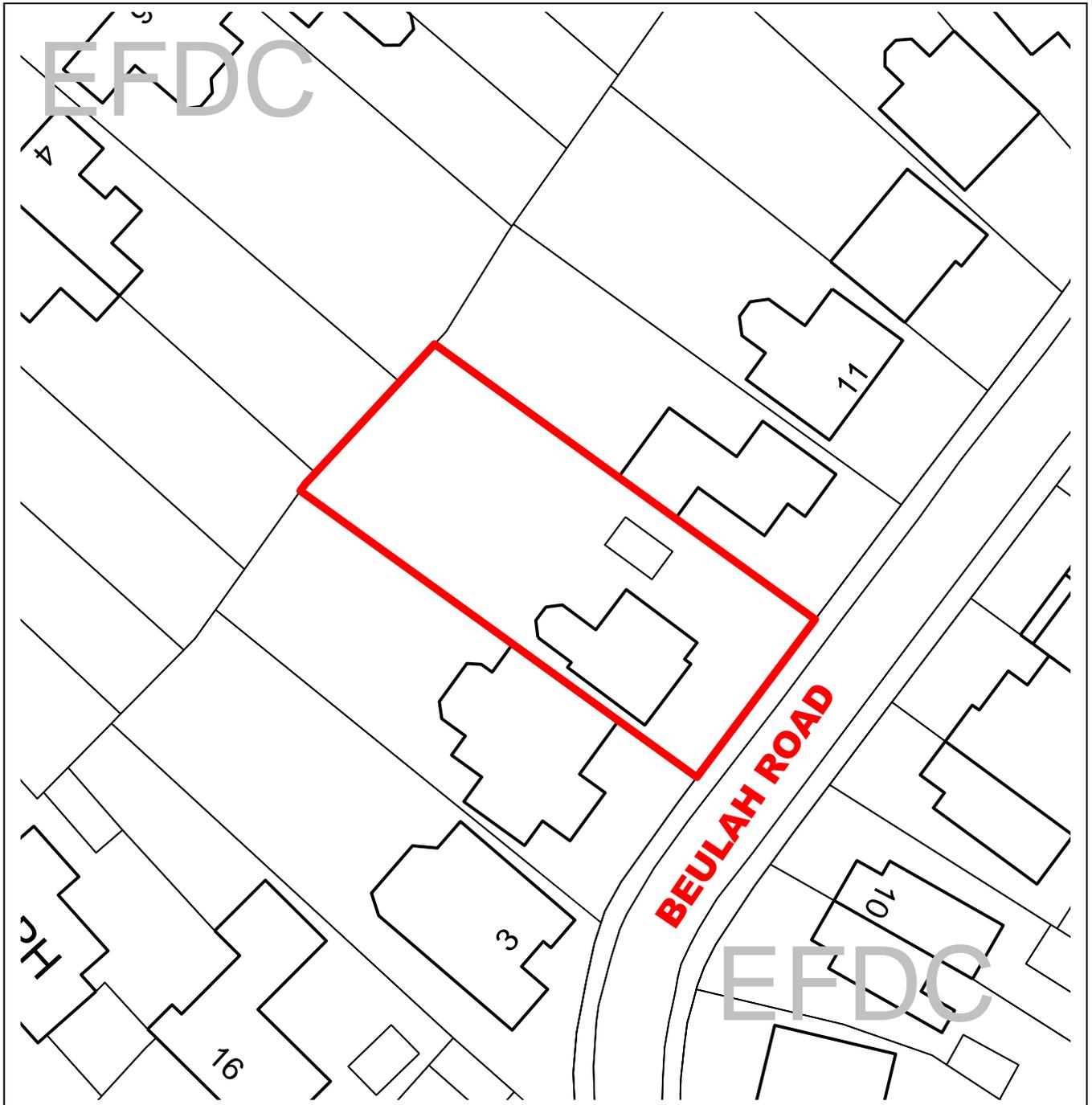
That the probity in Planning report covering the period 1 April 2019 to 30 September 2019 be noted.

CHAIRMAN

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Epping Forest District Council



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Application Number:	EPF/1235/19
Site Name:	7 Beulah Road Epping Essex CM16 6RH
Scale of Plot:	1:500

APPLICATION No:	EPF/1235/19
SITE ADDRESS:	7 Beulah Road Epping Essex CM16 6RH
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr & Mrs Anthony Smith
DESCRIPTION OF PROPOSAL:	Two storey and single storey side and rear extensions involving an increase in the height of the main roof, roof alterations, a rear dormer window and replacement and additional windows to the existing dwellinghouse to provide an annexe and additional living accommodation and an additional vehicle access.
RECOMMENDED DECISION:	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=624018

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 and retained strictly in accordance with the approved drawings numbers: 01A; 02A; 03A; 04C; 05B; 06B; 07B
- 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 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 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.
- 6 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 7 Beulah Road.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Classes A-C of Part 1, of Schedule 2 to the Order, shall be undertaken without the prior written permission of 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) and they confirm that they will attend and speak.

RECOMMENDATION

That planning permission be **GRANTED**

SITE AND SURROUNDINGS

No. 7 is a 2-storey, 3 -bed pitched roof detached dwellinghouse set in a large curtilage to the north of Beulah Road which is residential in character defined by predominantly detached and semidetached houses that vary in design, size and spacing with some benefiting from larger separation distances than others.

The dwellinghouse has an existing detached side garage with a rear conservatory and a 2 -storey side extension with one additional car space sited in front of the side garage.

The site is within an urban area which is outside of a conservation area and is not listed.

PROPOSED DEVELOPMENT

The proposal seeks planning permission for the:

- Replacement of the detached side garage with a 2-storey side extension with hip roof set in 2m from the east boundary and set back 1m from the front main building line of the house to accommodate a ground floor annexe for a relative and additional living accommodation.
- Raising the height of the main roofs and the eaves by 0.7m involving roof alterations and a gable rear dormer window.
- Reconfiguring the form of windows to the front and rear elevations and a new second floor front window
- Single storey flat roof rear extension with parapets projecting to a depth of 5m at a height of 2.9m with parapets at a height of 3.15m built up to the west boundary and set in 2m from the east boundary.

RELEVANT PLANNING HISTORY

EPF/0743/02 - Erection of a first-floor side extension – Approval- 20/05/2002

EPF/0320/02 - Erection of first floor extension - Approved

EPF/0202/00 - Erection of a conservatory - Approved

EPF/0633/93 - Renewal of Planning Permission - Approved 02/09/1993

EPF/1043/88 – Extensions and Alterations - Approved 08/08/1988

CONSULTATION AND REPRESENTATIONS

9 adjoining neighbours were notified on the 29/05/2018 and 4 objections have been received.
Site Notice: Not required.

Neighbours

6 Beulah Road, Epping

- The proposal more than doubles the existing building ground plan at the site and with the addition of any patio, decking, outbuildings and new front driveway, all omitted from the plans, will constitute a major urbanising development out of scale and character with existing properties in the road. Perpetuate the terrace effect on the north side of the road further diminishing the unique open aspect
- The addition of a 2nd floor window in the roof space facing Beulah Road is intrusive and out of character with all other properties in the road. A more sympathetic approach would be to use hanging tiles on the gable end similar to other properties.
- Loss of the front garden to parking, omitted from the plan, which would be detrimental to the amenity value of the road and potentially increase flooding due to runoff.

9 Beulah Road

Significant impact on the visual amenity and the density of building on the road as a result of the size of the proposed extension, as well as a loss of privacy for our property arising from the proposed side access.

Footprint which is twice the size of the existing house and garage, much wider and significantly taller than the current house, and much closer to the road. This will be a very large and dominant structure, which will affect the character of the road, and impact the visual amenity and density of building.

While the development has been reduced in size from the pre-planning application, it still reaches to 2 metres from our boundary, and includes a new side window and door overlooking our ground floor window. The conifer hedge along the boundary was taken down last year. As a result of the proposed development we would be losing sunlight on the side and rear of the house during the morning and early afternoon and in winter when the sun is lower in the sky. It will also impact the privacy of our ground floor. In order to reduce these impacts, and retain some of the current sense of space we request that the development extends no closer to the boundary than the existing garage wall on the plot of number 7.

14 Beulah Road -

The proposed development will hugely increase the bulk of the building. The frontage will be nearly twice as wide as currently. Viewed from opposite this increase is excessive.

They object to raising the height of the roof. Other than Beulah Lodge, which of course is of a different age, there are no other three storey houses in Beulah Road and so it would be out of keeping. There may well be loft conversions but

no other houses have windows at third storey level. Again, it is an over-development of the property.

We would like to know how the Council propose to enforce the use of the side extension as an 'annex'. We understand from conversations with the elderly relative concerned that he has no intention of returning to the property so use of this as an annex at any time would seem to be very unlikely.

The mature hedge and large tree at the side of the property visible in the photographs would have had a softening effect and might have provided some degree of screening but sadly these were removed soon after the new owners moved in.

A small extension which keeps the existing character of the property would not be unreasonable but we feel the proposed development would be disproportionate in terms of the plot itself and the road generally.

Epping Society -

Vast increase in size has a negative impact on the street scene and overshadow the neighbour at no. 9. Loss of Trees and a mature hedge lost to the front and a side of the site.

If approved, the integral annexe should be conditioned as not to become a separate dwelling.

Statutory consultees

Drainage and Water Team - No objection in principle. Further details of the disposal of surface water is required prior to preliminary groundworks commencing.

Epping Town Council - OBJECTION

- Overdevelopment of the site in terms of its scale, bulk and density. There is a vast increase in the size of the existing property which would result in a detrimental effect on the street scene. No support for the felling of any trees. Any approval would require a condition in the annexe preventing it being used a separate unit of accommodation.
- The addition of a 2nd floor window in the roof space is intrusive and out of character with all other properties in the road. Loss of front garden to parking detrimental to the amenity value of the road and potentially increase in flooding.

DEVELOPMENT PLAN

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) ("the Adopted Local Plan"). The following Adopted Local Plan policies are relevant to the determination of this application:

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP6 Achieving Sustainable Urban Development Patterns
- CP7 Urban Form and Quality
- U3B Sustainable Drainage Systems
- DBE1 Design of New Buildings
- DBE2 Effect on Neighbouring Properties
- DBE3 Design in Urban Areas
- DBE6 Car Parking in New Development
- DBE9 Loss of Amenity
- LL10 Adequacy of Provision for Landscape Retention
- LL11 Landscaping schemes
- ST4 Road Safety
- ST6 Vehicle Parking

The relevance of the identified saved Local Plan policies to the determination of this appeal and the weight to be accorded to each policy are addressed in further detail within Section 12 of this report.

NATIONAL PLANNING POLICY FRAMEWORK

The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

- "2. *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*"²

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

For **decision-taking** this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole."*

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

In summary, the effect of footnote 7 is that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the NPPF, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (that is less than 75% of) the housing requirement over the previous three years, "*the policies which are most important for determining the application*" are deemed to be "*out-of-date*", so that the presumption in favour of sustainable development applies and planning permission should be granted unless either sub-paragraph (i) or (ii) is satisfied.

For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).

In addition to paragraph 11, the following policies in the NPPF are relevant to this application:

- Paragraph 105 - 106
- Paragraph 117
- Paragraph 124 - 133

EMERGING LOCAL PLAN

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2nd August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- b) *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*
- c) *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).²²*

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant

DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
T1 Sustainable Transport Choices	Significant

PLANNING CONSIDERATIONS

The main issues for consideration in this case are:

- The impact of the development on the character and appearance of the locality;
- The impact to the living conditions of neighbours;
- Parking/Highway
- Drainage

Design and Visual Amenity:

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Chapter 12 of the NPPF attaches great importance to the design of the built environment. 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

Paragraph 130 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.

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design. Policy DBE1 of the Local Plan requires that new buildings will: -

- Respect their setting in terms of scale, proportion, siting, massing, height, orientation, roof-line and detailing
- Are of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function; and
- Only employ external materials which are sympathetic in colour and texture to the vernacular range of materials.

The properties in Beulah Road vary in scale and design with both adjoining properties and other properties in Beulah Road being quite substantial in size many of which have been extended. In this instance, the proposed alterations to the main dwellinghouse and proposed extensions are considered of an appropriate design, roof form and height that would be more in keeping with the surrounding properties. The side extension is to be set in 2m from the east boundary, with a roof set down from the main roof and recessed by 1m from the front main building line of the property and considered of a scale that is proportionate in width and subordinate in form and which would respect the spatial character and the pattern of development in Beulah Road. The increase in the height of the original roof is not significant in relation to the streetscape and the rear dormer window is of a scale and form which is not considered intrusive and would enable the roof space to be made habitable.

The proposed single storey rear extension at a depth of 5m, a maximum height of 3m, built up to the west boundary and set in 2m from the east boundary is considered of a scale and form which is in keeping with the character of the property and the surrounding area.

Overall the development in terms of its scale and detailing draws references from the design features of properties in Beulah Road and the surrounding area and is considered in keeping with the character and appearance of the area complying with policy DBE1 and DBE3 of the Local Plan and Alterations, (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and the National Planning Policy Framework, 2019 that seeks to ensure that development is of a high standard of design and layout.

Impact on Neighbouring Amenity:

The proposed side extension is to be set in 2m from the shared boundary with No. 9 which has a side garage and rear additions with the main west elevation of the dwellinghouse set in 2.9m from the shared boundary with the application site. The adjoining semi-detached dwellinghouse of no. 5 has a 2 -storey rear extension built up to the shared boundary with no. 7, which extends to a depth of over 5m from the rear main building line of No. 7. As such, the siting, separation distance and form of the development is not considered to result in any significant harmful amenity implications in terms of loss of light, outlook, overlooking or privacy to the adjoining properties. There is a proposed main habitable ground floor window to the east elevation, and No. 9 also has habitable main windows. Whilst there is no longer a substantial hedge along this boundary these windows are at ground floor level and appropriate fencing could be erected to protect against a loss of privacy.

For the reasons outlined above, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan.

The objections and comments from the Parish Council and neighbours in the surrounding area are noted. The extension is considered of a scale and form that would assimilate into the spatial pattern of the road and its design and spacing would be more in keeping with the character of Beulah Road that comprises of large dwellings that have been substantially extended. Appropriate conditions will be attached at approval to ensure that the annexe remains ancillary to the main dwellinghouse. In order to prevent the dwelling from being extended further to the detriment of the area or adjoining dwellings it would be reasonable to impose a condition on any planning permission removing permitted developments rights so that an assessment can be made on any further or future additions to the properties. None of the trees within the site are protected by Tree Preservation Orders and the site is not within a conservation area and as such there is nothing to prevent the applicant removing the hedgerow or trees from the property. Most of the properties in Beulah Road use the frontage for the accommodation of cars and the parking requirement meets the councils Local Plan standards.

Parking and Highway Considerations

The proposed extension would result in the loss of a garage space and an increase in the number of bedrooms from 3 to 5. The property is sited in a relatively sustainable location and two/three car spaces can be accommodated in the front forecourt of the property utilising the existing vehicle access onto Beulah Road with the creation of an additional access which meets the minimum standards required by the Essex Parking Standards and policies ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Land Drainage

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

Planning Balance & Conclusion

It is considered that the development would not result in any appreciable harm to the local context and spatial pattern of development. The extensions and alterations are considered of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse and would sufficiently maintain the established spatial pattern of development of Beulah Road and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and with the relevant parts of the National Planning Policy Framework. In the light of the above considerations it is recommended that planning permission is approved subject to conditions.

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

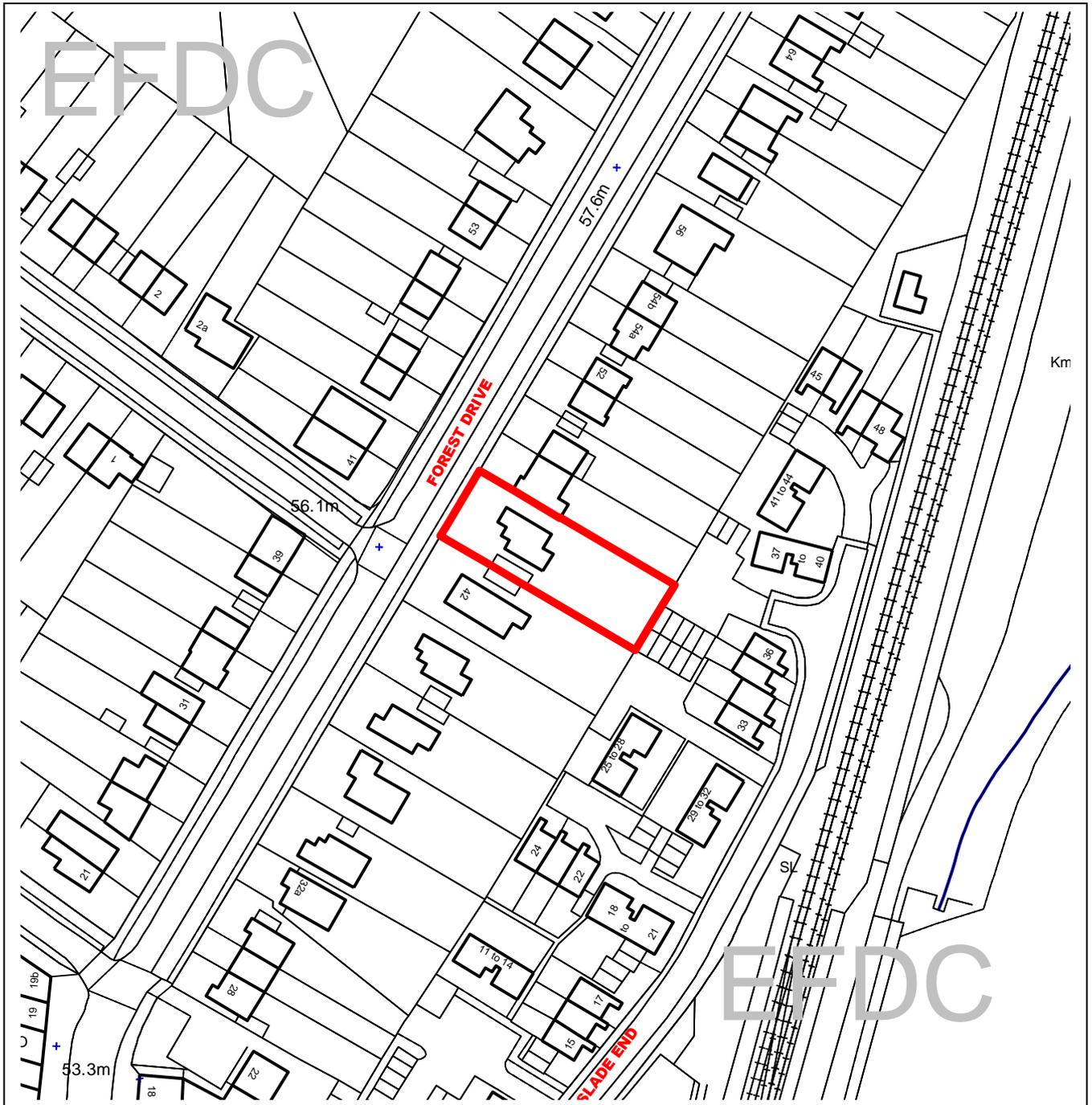
Planning Application Case Officer: Caroline Brown

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

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Epping Forest District Council



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Application Number:	EPF/2377/19
Site Name:	44 Forest Drive Theydon Bois Epping CM16 7EZ
Scale of Plot:	1:1250

APPLICATION No:	EPF/2377/19
SITE ADDRESS:	44 Forest Drive Theydon Bois Epping CM16 7EZ
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Daniel Hosford
DESCRIPTION OF PROPOSAL:	Proposed single storey outbuilding to rear.
RECOMMENDED DECISION:	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=628979

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 and retained strictly in accordance with the approved drawings numbers:

713:01, 713:20, 713:21 A and 713:22 A.
- 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 The proposed development shall only be used for purposes incidental to the dwelling house on the site. It shall not be used for primary accommodation, any business or commercial purposes at any time.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises of a detached bungalow on the south eastern side of Forest Drive in Theydon Bois. It has a detached garage on its south west elevation. The application dwelling is not a Listed Building and is not located within a Conservation Area or Metropolitan Green Belt.

Description of Proposal:

This proposal seeks permission for a single storey outbuilding to rear.

Relevant Planning History:

EPF/0390/89 - Single storey rear extension. Grant Permission (With Conditions)

Policies Applied:

Local Plan (1998) and Alterations (2006)

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

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

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

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following sections of the NPPF are considered to be of relevance to this application:

Section 12.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM9 - High Quality Design	Significant

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 2

Responses received: no objections have been received from the neighbouring properties.

Site notice posted: N/A

THEYDON BOIS PARISH COUNCIL: The Parish Council have raised objection to this proposal. Their comments are summarised below:

- The outbuilding would be constructed in close proximity to the boundaries of the plot, with no allowance for any significant planting to help screen the structure, or to soften the impact, when viewed from the perspective of the adjacent gardens, thereby making it visually intrusive;
- Given the proposed size of the outbuilding and the intention to fit double glazing and cavity wall insulation, concerns are raised as to its intended use. It was felt that the proposed building would be, in fact, more akin to a small bungalow, rather than to a storage facility or shed.
- If planning permission is granted a suitable condition should be put in place to ensure that the building will not be used for any primary residential, or commercial, purposes.

Planning Considerations:

The main issues for consideration in this case are:

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

Character and appearance:

The proposed outbuilding will be located at the rear curtilage of the subject dwelling on the north eastern side of the garden. The outbuilding will have a width of 7.0 metres and a maximum depth of 6.4 metres and minimum depth of 4.0 metres. It will have a pitched roof with a maximum height of 4.0 metres. The outbuilding will be set in from the boundary on both sides by 0.8 metre.

It is noted that no. 42 on the south west elevation has an outbuilding to a similar height and dimensions under approved planning reference: EPF/1391/16.

Taking into account the above example and the size, location and design of the proposed outbuilding, it is considered that it will not have a detrimental impact on the character or appearance of the subject dwelling or those within the surrounding area. The proposal therefore complies with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM 9 of Epping Forest District Local Plan Submission Version 2017.

Living conditions of neighbours:

The proposed outbuilding is adjacent to a parking block containing garages serving properties in Slade End. Taking into account the location, the size and the design of the proposed outbuilding, it is considered that it would not give rise to material adverse impact on the occupiers of the neighbouring properties in terms of loss of light, overshadowing, overlooking, or overbearing impact such that it would justify a refusal of this application. The proposal therefore complies with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Other matters raised by third party consultees

As mentioned above the Theydon Bois Parish Council have raised objection to the proposed outbuilding. Whilst their comments are acknowledged, having reviewed the related planning issues it is considered that the above stated reasons do not justify a reason for refusal of the application. However, a condition has been attached to the decision notice relating to this application which prohibits the use of the outbuilding for primary accommodation, business or commercial purposes.

Conclusions:

For the reasons above, it is recommended that planning permission be granted for the above proposal 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: Honey Kojouri

Direct Line Telephone Number: 01992 56 4124 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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