

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 16th June, 2021**

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

Conference Suite - Civic Offices
on **Wednesday, 16th June, 2021**
at **7.00 pm.**

Georgina Blakemore
Chief Executive

Democratic Services
Officer

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

Members:

Councillors J Share-Bernia (Chairman), K Williamson (Vice-Chairman), R Baldwin, D Barlow, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, S Neville, C Nweke, M Owen, A Patel, C P Pond, C C Pond, S Rackham, K Rizvi, C Roberts, D Sunger and D Wixley

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 Conference Suite and using the seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should speak to the webcasting officer 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

“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).

Therefore, by entering the Conference Suite and using the seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.”

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 21 April 2021.

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

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

9. PLANNING APPLICATION - EFP/0166/21 40 WESTBURY LANE, BUCKHURST HILL IG9 5PL (Pages 13 - 20)

To consider the attached report for a two storey side and rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room. (Revised application to EPF/2773/20).

10. PLANNING APPLICATION - EPF/0320/21 20 ALGERS CLOSE, LOUGHTON IG10 4NH (Pages 21 - 26)

To consider the attached report for a ground floor rear extension.

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.

Advice to Public and Speakers at virtual meetings of 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 virtually if you are a speaker, or to view on the Council's website at <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Only in special circumstances are the public excluded.

When is the meeting?

Details of the 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 Services. 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 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 virtually.

Only registered speakers will be admitted to the virtual meeting. This will be via the Zoom meeting invite you have been emailed by Democratic Services. Speakers must NOT forward this invite to anyone else under any circumstances. Alternatively, speakers may be contacted by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

A transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to: democraticservices@eppingforestdc.gov.uk

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

Yes you can, but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://rds.eppingforestdc.gov.uk/mgMemberIndex.aspx?bcr=1> 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.

Area Planning Sub-Committee South 2021-22
Members of the Committee and Wards Represented:

				
Chairman	Vice Chairman			
Cllr Share-Bernia Buckhurst Hill West	Cllr Williamson Buckhurst Hill West	Cllr Heap Buckhurst East	Cllr Neville Buckhurst Hill East	Cllr Patel Buckhurst Hill West
				
Cllr Bhanot Chigwell Row	Cllr Rizvi Chigwell Village	Cllr Sunger Chigwell Village	Cllr Barlow Grange Hill	Cllr Lion Grange Hill
				
Cllr Rackham Grange Hill	Cllr Nweke Loughton Alderton	Cllr Roberts Loughton Alderton	Cllr Owen Loughton Broadway	Cllr C C Pond Loughton Broadway
				
Cllr Mead Loughton Fairmead	Cllr Wixley Loughton Fairmead	Cllr Baldwin Loughton Forest	Cllr Jogia Loughton Forest	Cllr Brookes Loughton Roding
				
Cllr Murray Loughton Roding	Cllr B Jennings Loughton St John's	Cllr C P Pond Loughton St John's	Cllr J Jennings Loughton St Mary's	Cllr Kauffman Loughton St Mary's

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 21 April 2021
South

Place: Virtual Meeting on Zoom **Time:** 7.00 - 8.25 pm

Members Present: J Share-Bernia (Chairman), S Rackham (Vice-Chairman), R Baldwin, A Beales, R Brookes, S Heap, R Jennings, J Jennings, H Kauffman, A Lion, L Mead, S Murray, S Neville, A Patel, C P Pond, C C Pond, C Roberts, D Roberts, B Sandler and D Wixley

Other Councillors: None.

Apologies: M Owen and D Sunger

Officers Present: J Godden (Heritage, Enforcement & Landscaping Team Manager), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer), A Hendry (Democratic Services Officer) and A Buckley (Communications Officer)

94. WEBCASTING INTRODUCTION

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

95. MINUTES

RESOLVED:

That the minutes of the last meeting of the Sub-Committee held on 24 March 2021 be taken as read and signed by the Chairman as a correct record.

96. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Members' Code of Conduct, Councillor S Heap declared a non-pecuniary interest in the following item by virtue of sharing email correspondence with the applicant and an objector, and had called a meeting with the Planning and Enforcement officers about this application. The Councillor had determined that he would remain in the meeting for the consideration of the application but would not take part in the vote to determine the application:

- EPF/0339/21 – 46 Russell Road, Buckhurst Hill IG9 5QE

(b) Pursuant to the Council's Members' Code of Conduct, Councillor H Kauffman declared a non-pecuniary interest in the following item by virtue of being in email correspondence with the applicant. The Councillor had determined that

he would remain in the meeting for the consideration of the item but would not take part in the vote to determine the application:

- EPF/0339/21 – 46 Russell Road, Buckhurst Hill IG9 5QE

(c) Pursuant to the Council's Members' Code of Conduct, Councillor S Neville declared a non-pecuniary interest in the following item. The Councillor had determined that he would remain in the meeting for the consideration of the application:

- EPF/0339/21 – 46 Russell Road, Buckhurst Hill IG9 5QE

97. ANY OTHER BUSINESS

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

98. 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

99. SITE VISITS

The Sub-Committee Members noted that for the duration of the coronavirus pandemic, any planning applications deferred for a site visit at an Area Planning Sub-Committee would be automatically referred to the District Development Management Committee (or Council) for determination.

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

100. PLANNING APPLICATION - EFP/2442/20 179 QUEENS ROAD, BUCKHURST HILL IG9 5AZ

APPLICATION NO:	EPF/2442/20
SITE ADDRESS:	179 Queens Road, Buckhurst Hill, IG9 5AZ
PARISH	Buckhurst Parish Council
WARD	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Proposed office extension to existing ground floor commercial building (Revised application to EPF/0842/20) - As Amended
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=643693

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
P102G; P104H; P101G; S001; S003; S004; S005: Location Plan
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building 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 the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 5 The extension hereby permitted shall only be used for purposes incidental to the existing commercial building known as 179 Queens Road and shall not be used for any primary residential accommodation.
- 6 The use hereby permitted shall not be open to customers / members outside the hours of 7.30am to 6.30pm on Monday to Friday and 7.30am to 1.00pm on Saturday, Sundays and Bank Holidays.
- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 8 The door on the west elevation of the extension hereby approved, as shown on plan P101G shall only be used as a means of fire escape and not for other purposes and be permanently kept in this state.
- 9 No deliveries or collections (other than refuse collections) shall be carried out from Westbury Lane.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A, C, E, F, & G of Part 7 to schedule 2 shall be undertaken.

101. PLANNING APPLICATION - EPF/0339/21 46 RUSSELL ROAD, BUCKHURST HILL IG9 5QE

APPLICATION No:	EPF/0339/21
SITE ADDRESS:	46 Russell Road Buckhurst Hill IG9 5QE
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West

DESCRIPTION OF PROPOSAL:	Retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge).
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=648114

CONDITIONS

- 1 The building operations hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 2 months of the date of failure to meet any one of the requirements set out in i) & ii) below:
 - i) Within 1 month of the date of this decision or such other period as the Local Planning Authority may agree in writing, the approved scheme shall have been carried out and completed in accordance with the following plan numbers: PH/01, PH/02, PH/03, PH/04, PH/05, PH/06, PH/07, PH/08, PH/09, PH/10, and PH/11, and so retained.
 - ii) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C & E of Part 1 to schedule 2 shall be undertaken.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/0166/21
Site Name:	40 Westbury Lane Buckhurst Hill IG9 5PL
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/0166/21
SITE ADDRESS:	40 Westbury Lane Buckhurst Hill IG9 5PL
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Roger and Breda Fry
DESCRIPTION OF PROPOSAL:	Two storey side and rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room. (Revised application to EPF/2773/20).
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=647278

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 shall be carried out and retained strictly in accordance with the following approved plans: MDP.WL/01-A, MDP.WL/02-C, MDP.WL/03-B
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, or those shown on plan numbers: MDP.WL/01-A, MDP.WL/02-C, MDP.WL/03-B, unless otherwise agreed in writing by the Local Planning Authority.
- 4 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.
- 5 The extension hereby permitted shall not be occupied until the rooflight in the east facing flank elevation has been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.
- 6 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.

- 7 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 8 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd dated 8th April 2021 unless the Local Planning Authority gives its prior written approval to any alterations.

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

Site and Surroundings

The site comprises of a two-storey detached dwelling house, located within the built-up area of Buckhurst Hill on the south side of Westbury Lane. It is not within a conservation area nor is it a listed building.

Westbury Lane slopes upwards from east to west and as such the application sits on higher land than no.38 and lower land than no.42. The houses on this side of Westbury Lane are angled slightly towards the road and the front building line is staggered. The houses are of a varied style with a mixture of detached and semi-detached properties. The host site has already been altered and enlarged at two storeys to the side and at single storey to the rear with a 6.8m deep rear conservatory.

The conservatory is currently set away from the boundary with no.38 by 5.4m. No.42 is a long and narrow two-storey dwelling house which currently protrudes slightly beyond the rear building line shared with the application property at two storeys. The application site at first floor level protrudes 2m beyond that of the first floor of no.38. A small side conservatory abuts the boundary of no.38. To the front of the site lies a driveway with room for two cars. The rear garden is surrounded by thick foliage and trees.

Proposal

The proposal is revised application from refused EPF/2773/20 which itself was a revision of refused application EPF/1523/20, both applications were refused on ground of its impact on the living conditions of no. 38 Westbury Lane.

The proposal seeks a 3m wide double storey side extension, this will be some 1m from the boundary with no. 42 Westbury Lane and recessed 4.1m from the front façade. This will replace an existing double storey side extension which is further set back and narrower than what is proposed. The double storey extension will wrap around the original dwelling to a depth of 4m and

a width of 6m. This element of the proposal will use a crown roof and will be set down from the highest point of the roof by 0.5m. This will be sited over a garage which is due to be converted.

A further 1m ground floor extension surrounds the proposal right up to the side boundary and to 5m in total from the original rear wall at its deepest, this element will have a pitched roof and include four roof lights. The property already extends hard on the boundary and to this depth at ground floor level, a rear conservatory is due to be demolished to make way for the proposal. A loft conversion is proposed with two rear dormers and one front dormer.

A 4m in depth single storey extension is proposed and will come off the flank wall of the proposed double storey rear extension towards the boundary with no. 38 with a width of 3.1m across the remainder of the rear façade, flush with the original flank wall. This will be 2m to the eaves pitching to an overall height of 3m. A flat roof will be used with a roof lantern and roof light included. The side conservatory hard along the boundary of no. 28 is due to be demolished. Materials to match the existing are proposed throughout.

Relevant Planning History

EPF/1754/01 - Part one, part two storey side extension, single storey rear extension and conservatory at rear – Granted

EPF/1523/20 - Two storey side and rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room – Refused

EPF/2773/20 - Two storey side and reduced rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room. (Revised application to EPF/1523/20) - Refused

Development Plan Context

Local Plan and Alterations (LP) (1998 & 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 (Framework) (2019)

The Framework 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 paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 124 & 127

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.

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

Summary of Representations

Number of neighbours consulted: Nine neighbours consulted; four representations received.
Site notice posted: Not required

Buckhurst Hill Parish Council – Objection – Overdevelopment, overbearing of adjacent properties

34 Westbury Lane – Objection – Overlooking, loss of light

36 Westbury Lane – Objection – Too large, loss of privacy derived from overlooking from the roof window in the side elevation, overbearing, loss of light

38 Westbury Lane – Objection – Extension would loom over the property, overbearing of rear garden and habitable rooms, double storey rear extension would lead to loss of late afternoon and evening sunlight, single storey rear extension would lead to a loss of light and outlook, loss of privacy derived from overlooking from the roof window in the side elevation

42 Westbury Lane – OBJECTION – Loss of light for living room

Land drainage – No objection

Trees and Landscaping – No objection subject to conditions

Planning Considerations

The main issues for consideration in this case are:

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

Character and appearance

The double storey side extension would be visible from the streetscene and is sufficiently set down from the highest part of the roof and is significantly set back from the front façade, which itself is set back from Westbury Lane. Therefore, the proposal appears as a subservient addition to the main dwelling and is not overly dominant in the streetscene. A 1m gap is retained between the flank wall of the proposed side extension at first floor level and the side boundary with no. 42 Westbury Lane thus a terracing effect is avoided. It should be noted that the existing property already extends at ground floor to the boundary of no. 42 and a double storey side extension is already present. Although the proposed first floor side extension is sited forward of this existing protrusion and is wider it is of an increase in scale that is considered to have a neutral impact upon the streetscene and the front elevation of the host site.

There is no raising of the roof proposed and the property would still sit comfortably between both adjacent properties. The side extension will increase the height of the built form closest to the boundary with no.42 however this property is on higher land, therefore the proposal would not disrupt the upward rhythm of the streetscene nor would it appear as out of scale with its surroundings. Westbury Lane is a street of varied architectural styles and sizes, particularly in this part of the street. The front dormer is of a modest scale and sound design which would not visually dominate the front façade, similar front dormers can be found in the vicinity. Overall the changes to the front façade are of scale, form and design which would make a positive contribution to the streetscene.

The double storey rear extension is of a good design and acceptable scale. The double storey rear extension is set down from the ridge of the main roof and is proportionate to the dimensions of the

original house. The 1m extension surrounding the property utilises a pitched roof. Both the rear dormers are modest in scale and of a standard design and do not lead to a top-heavy rear elevation. The single storey rear extension is stepped in by 1m compared to the double storey element to 4m and again uses a heavily pitched roof which does much to soften the impact of the flat roof. The conservatories to the rear and side are due to be demolished to make way for the proposal, which would not be resisted.

The parish council and several neighbours have objected on the grounds that the proposal represents an overdevelopment of the site. The additions are considered proportionate, particularly given the set down and set back from the streetscene. The property already extends right up to the boundary with no. 42 and to a depth of 5m in parts at ground floor level. The conservatory due to be demolished extends further into the garden space than what is proposed. Moreover, the first-floor side extension is only marginally wider than the existing first floor side extension. The first-floor rear extension would be well within the rear ground and first floor building line of no. 42, whose boundary it lies closest to. This property is long and narrow and would still be sited some 2.9m beyond the host site. The double storey element is sited some 6.8m from the boundary with no. 36. The single storey rear extension is 4m in depth, matching what can be done under permitted development for detached dwellings. It should also be noted that the side conservatory is to be demolished and the rear conservatory that is to be removed is deeper than what is proposed, thus some of the built form on the site is being removed. The proposal would not decimate the rear garden and adequate amenity space is retained. Given the above it is considered that the proposal not constitute an overdevelopment of the site.

Overall the proposal complements and enhances the existing building as well as the character and appearance of the wider area. Therefore, this complies with policies CP2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

Living conditions of neighbours

The application has been the subject of four neighbour objections, including both adjacent properties, on grounds of overbearingness, loss of privacy, loss of light and loss of outlook. Both previous submissions on the site have been refused on its unacceptable impact upon the living conditions of no. 38 Westbury Lane, the property to the east situated on lower land. The first application was refused on grounds of its overbearingness, loss of outlook, loss of light and loss of privacy. The first revised scheme removed the side dormer and moved the rear first floor element of the proposal 6.8m away from the boundary however it was found that the single storey rear extension adjacent to the boundary with no. 38 by reason of its depth, siting and the differing land levels would appear as unacceptably overbearing, cause an increase in sense of enclosure and loss of outlook when viewed from the rear garden and habitable room areas of no. 38.

The scheme has been revised to amend the single storey rear extension adjacent to no. 38. This has been reduced in depth from 5m to 4m and the roof along the boundary has been reduced. It is considered that this change goes a significant way to mitigating the impact of the single storey rear extension upon the occupants of this property. It is accepted that no. 38 sits on lower land and that the host site is already set slightly beyond that of the rear building line of no. 38, however the extension will be sited some 2m from the shared boundary which is lined with a fence and thick foliage. This, coupled with the reduction in depth of 1m, is considered to overcome the previous reason for refusal and the proposal no longer appears as significantly overbearing or lead to an unacceptable loss of light or increase in sense of enclosure.

The proposal would lead to some loss of outlook when viewed from no. 38 however this is considered to be minimal given the separation distance of 2m from the proposal and the boundary plus the nature of the boundary treatment. It should also be noted that the depth has been reduced

to 4m and falls under what could be achieved under permitted development under Class A of the General Permitted Development Order for rear extensions on detached dwelling houses.

As the proposal has been reduced in depth the impacts highlighted in the reason for refusal under EPF/2773/20 would be less keenly felt by the occupant of no. 38 and the council is satisfied that the single storey rear extension would not be significantly detrimental to the living conditions of the occupants of this property, overcoming the previous reason for refusal.

The first-floor rear extension is sited some 6.8m away from the boundary of no. 38, given this separation distance, height and depth this would not have any significant impact on the light received by no. 38 nor would it appear as overbearing when viewed from the rear garden of this property. No. 36 and no. 34 have objected on grounds of loss of light and overbearingness, these impacts further diminish as you head down Westbury Lane and the loss of amenity for the occupiers of these properties is minimal. No. 42 have objected on the grounds that the proposal will block their natural light to the downstairs living areas. As stated above, the first floor at no.42 extends significantly beyond that of the application site as well as sitting on higher land. There are no first-floor windows in the flank wall facing the application site. The primary source of light for the downstairs room of no.42 appears to come from the large doors to the rear of the property. As such it is considered there is no significant harm to the living conditions of the occupiers of this property.

A rooflight is proposed in the east facing side of the proposal and concerns have been raised by no. 38, 36 and 34 regarding overlooking and loss of privacy derived from this. This window is proposed to be obscured glazed and will be conditioned as such to further protect the future amenity of the occupants of these properties. A condition has also been attached to ensure that the flat roof of the single store rear extension is not used as a terrace or similar amenity area. There will be no significant overlooking derived from the dormers given the separation distances between the property and the rear gardens of Queens Road.

Overall the proposal is not considered to have a significant impact upon the living conditions of the occupants of the surrounding properties. Therefore, this complies with policies DBE2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017 and the NPPF)*.

Conclusion

For the reasons set out above, it is recommended that planning permission be GRANTED.

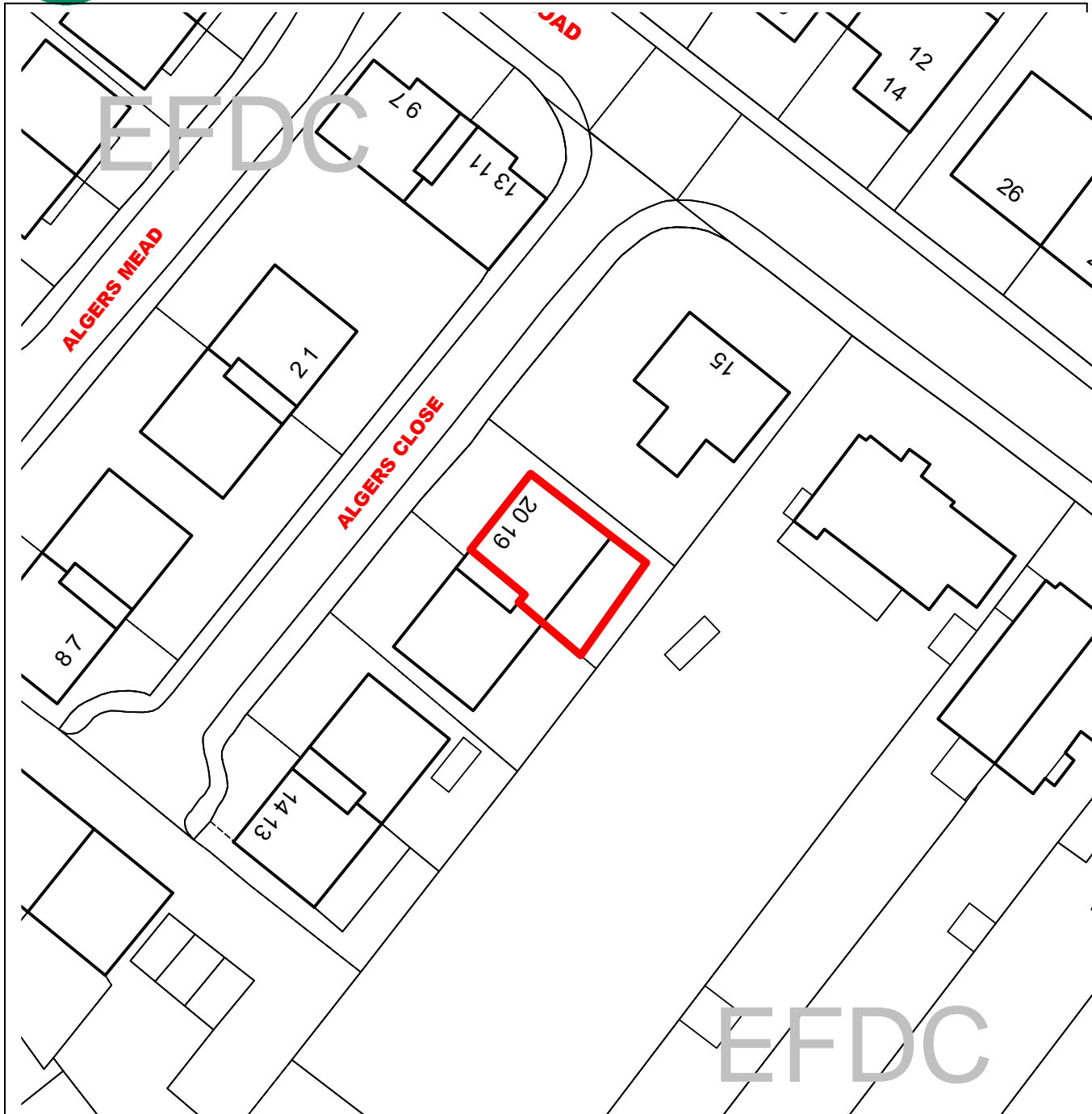
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Brendan Meade
Direct Line Telephone Number: 01992 56 4078***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council



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Application Number:	EPF/0320/21
Site Name:	20 Algers Close Loughton IG10 4NH
Scale of Plot:	1:500

Report Item No: 10

APPLICATION No:	EPF/0320/21
SITE ADDRESS:	20 Algiers Close Loughton IG10 4NH
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr P Guthrie
DESCRIPTION OF PROPOSAL:	Ground floor rear extension.
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=648033

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 shall be carried out and retained strictly in accordance with the following approved plans: Existing Ground Floor Plan, Existing and Proposed Elevations, Proposed Ground Floor Plan, Location Plan and Site Plan & Section Plan
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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.

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

Description of Site:

The application site is a ground floor flat located on the Southern side of Algiers Close. The site is not located within the Metropolitan Green Belt, it is not located within a Conservation Area and it is not a Listed Building.

Description of Proposal:

Ground floor rear extension.

Relevant History:

None

Policies Applied:

Adopted Local Plan:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of Amenity

DBE10 - Design of Residential Extensions

NPPF:

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.

Epping Forest District Local Plan (Submission Version) 2017

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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
SP7 – The Natural Environment, Landscape Character and Green Infrastructure	Significant
DM9 – High quality design	Significant
DM10 – Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

Site notice posted: No, not required

Loughton Town Council: OBJECTION: The committee OBJECTED to this application stating that it would be unacceptable for the neighbours, both above and adjacent, as it would reduce their amenity and make their properties less secure. The proposal would remove the symmetry and styling of the whole block; and be detrimental to the authenticity of these period apartments.

Number of neighbours consulted: 5

Neighbour responses received: 1

15 Algiers Road: OBJECTION: As long-standing (30 years) owners of the property whose south facing elevation with two ground floor windows which will be behind the proposed extension, we have concerns that it will infringe the Common Law of Right to Light, i.e., a right to maintain the current level of illumination to our own and neighbouring properties. Thus, we are concerned that it would have an adverse effect on the visual amenity of our property. Due to the proximity of the proposed extension to our rear boundary and the gardens of the other flats, we are also concerned that it has not been designed to minimize over shadowing of neighbouring properties. The application does not detail the usage of the building so we do not know if increased noise and disturbance would result from its use. We are concerned that the proposed development is out of character with the other ground floor flats in the block and will set a precedent for similar developments in the other flats, especially as any such developments would result in considerable loss of garden land for the flats.

Main Issues and Considerations:

The main issues to consider are the design and the impact on neighbouring amenity.

Design

The proposal is acceptable, its simple design is in keeping with the main building. The site is not situated within a conservation area nor is it a heritage asset (designated or non-designated). Given the modest scale and location of the extension it is not considered that this would be unduly harmful to the character or appearance of the block or the wider streetscene. Therefore the proposal complies with policies CP2 and DBE10 of the Adopted Local Plan 1998, policies SP7 and DM10 of the LPSV 2017 and the NPPF 2019.

Impact on Neighbouring Amenity

The application dwelling is a ground floor flat in a two storey building. The proposal is set in from the boundary with attached neighbouring property of 17 & 18 Algiers Close, there will be no impact on these neighbours. The depth of the extension is approx. 2.3m, this would not adversely impact the amenities of the property of no. 19 (first floor flat in the same building) of No. 15 (which backs on to the site) by way of overbearingness, loss of light (daylight and sunlight), loss of outlook and loss of privacy. The proposal therefore does comply with policies DBE9 of the Adopted Local Plan, DM9 of the LPSV 2017 and the NPPF 2019.

Conclusion:

The proposal complies with relevant planning policy and it is recommended that planning permission be **granted**.

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

***Planning Application Case Officer: Zara Seelig
Direct Line Telephone Number: 01992 564379***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

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