

# Committee Agenda



## Epping Forest District Council

### **AREA PLANNING SUB-COMMITTEE SOUTH** **Wednesday, 5th January, 2022**

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

**Council Chamber, Civic Offices, High Street, Epping**  
on **Wednesday, 5th January, 2022**  
at **7.00 pm.**

**Georgina Blakemore**  
Chief Executive

**Democratic Services**  
**Officer:**

L Kirman, Democratic Services Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto: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, Caroline 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 Chamber and using the 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 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**

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 - 14)**

To confirm the minutes of the last meeting of the Sub-Committee held on 1 December 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 COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)**

This briefing note, dated October 2021, 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 ("LPSV"), which was published on 18 December 2017 and the Main Modifications to the LPSV published for consultation between 15 July and 23 September 2021. The primary purpose of this note is to inform the development management process and to assist Development Management officers, Councillors, applicants, and planning agents. Other Council officers involved in the development management process may also find the note helpful (e.g., Housing, Contaminated Land, Landscaping etc).

The Planning Policy Briefing Note (October 2021) is available at:

<https://www.eppingforestdc.gov.uk/wp-content/uploads/2021/10/Planning-Policy-Briefing-Note-06-October-2021-accessible.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/2701/19 13-22 BROOK PARADE, CHIGWELL IG7 6PF (Pages 15 - 24)**

To consider the attached report for the proposed construction of an additional storey comprising of x6 no. two bedroom flats. \*\*\* SAC Case now progressing \*\*\*

**10. PLANNING APPLICATION - EPF/0507/21 LAND AND GARAGES, WHITEHILLS ROAD, LOUGHTON IG10 1TS (Pages 25 - 36)**

To consider the attached report on demolishing existing garages, and erection of residential building, proposing 2 houses with associated parking spaces and landscaping.

**11. PLANNING APPLICATION - EPF/2033/21 17 STONY PATH, LOUGHTON IG10 1SJ (Pages 37 - 44)**

To consider the attached report on an extension to the roof and addition of small front, side and rear dormer.

**12. PLANNING APPLICATION - EPF/2442/21 44 BARRINGTON GREEN, LOUGHTON IG10 2BA (Pages 45 - 50)**

To consider the attached report for the erection of a shed to be used as a gymnasium and store.

**13. PLANNING APPLICATION - EPF/2531/21 HAZEL COTTAGE, 67 SMARTS LANE, LOUGHTON IG10 4BU (Pages 51 - 56)**

To consider the attached report on the proposed removal of existing kitchen outrigger, a full width ground floor extension and first floor rear extension.

**14. PLANNING APPLICATION - EPF/2556/21 14 VICTORIA ROAD, BUCKHURST HILL IG9 5ES (Pages 57 - 66)**

To consider the attached report for a proposed single storey rear extension, change main roof to gable end and add a dormer, widen crossover to road.

**15. PLANNING APPLICATION - EPF/2777/21 83 TYCEHURST HILL, LOUGHTON IG10 1BZ (Pages 67 - 76)**

To consider the attached report for a two storey front extension, two storey and single-storey extension. First-floor side extension, new and raised roof, rear dormers, entrance wall and gates and external swimming pool. (Ref: EPF/1832/21).

**16. EXCLUSION OF PUBLIC AND PRESS**

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

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

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

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

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

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

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

### **Are the meetings open to the public?**

Yes, all our meetings are open for you to attend. Only in special circumstances are the public excluded. If you wish to observe meetings live you can view the webcast on the Council's website at: <https://www.eppingforestdc.gov.uk/your-council/watch-a-meeting/> Alternatively, you can attend in person and will be seated in the public gallery of the Council Chamber.

### **When and where is the meeting?**

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

### **Can I speak?**

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

### **Who can speak?**

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

### **What can I say?**

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

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

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

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

				
<b>Chairman</b>	<b>Vice Chairman</b>			
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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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Sub-Committee **Date:** 1 December 2021  
South

**Place:** Council Chamber, Civic Offices, **Time:** 7.00 - 8.50 pm  
High Street, Epping

**Members Present:** K Williamson (Vice-Chairman, in the Chair), R Baldwin, P Bhanot, R Brookes, S Heap, R Jennings, J Jennings, J Jogia, H Kauffman, A Lion, L Mead, S Murray, C Nweke, M Owen, A Patel, Caroline Pond, C C Pond and D Wixley

**Other Councillors:**

**Apologies:** J Share-Bernia, D Barlow, S Neville, S Rackham, K Rizvi, C Roberts and D Sunger

**Officers Present:** G Courtney (Planning Applications and Appeals Manager (Development Management)), S Dhadwar (Senior Planning Officer), T Carne (Corporate Communications Team Manager), A Hendry (Democratic Services Officer) and V Messenger (Democratic Services Officer)

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### 61. 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.

### 62. MINUTES

#### RESOLVED:

That the minutes of the Sub-Committee held on 3 November 2021 be taken as read and signed by the Chairman as a correct record.

### 63. DECLARATIONS OF INTEREST

a) Pursuant to the Council's Code of Member Conduct, Councillor M Owen declared a non-pecuniary interest in the following item of the agenda by virtue of the applicant being a neighbour. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2137/21 – 14 Ashfields, Loughton.

(b) Pursuant to the Council's Code of Member Conduct, Councillor M Owen declared a non-pecuniary interest in the following item of the agenda by virtue of this

being his local pub. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2197/21 – The Gardeners Arms, 103 York Hill, Loughton.

c) Pursuant to the Council's Code of Member Conduct, Councillors R and J Jennings declared a non-pecuniary interest in the following item of the agenda by virtue of being a member of the Hills Amenity Society; as ordinary members they did not draft the response to the application. The Councillors had determined that they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2197/21 – The Gardeners Arms, 103 York Hill, Loughton.

#### 64. ANY OTHER BUSINESS

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

#### 65. EPPING FOREST DISTRICT COUNCIL PLANNING POLICY BRIEFING NOTE (OCTOBER 2021)

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

#### 66. SITE VISITS

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

#### 67. PLANNING APPLICATION - EPF/1972/21 4 ELY PLACE, CHIGWELL IG8 8AG

<b>APPLICATION No:</b>	EPF/1972/21
<b>SITE ADDRESS:</b>	4 Ely Place Chigwell IG8 8AG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).
<b>DECISION:</b>	Refused

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**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=655074](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655074)

**REASONS FOR REFUSAL**

- 1 The proposed development, due to the proximity to the shared boundary, would close the important gap between the existing properties to the detriment of the character and appearance of the street scene, contrary to policy DBE10 of the adopted Local Plan and Alterations, policy DM 9 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.
- 2 The proposed development, due to the bulk and proximity to the shared boundary, would have an overbearing impact on the neighbouring residents at number 3 Ely Place resulting in a loss of amenity, contrary to policy DBE9 of the adopted Local Plan and Alterations, policy DM 9 of the Submission Version Local Plan (2017), and the guidance contained within the National Planning Policy Framework.

**68. PLANNING APPLICATION - EPF/2032/21 3 SHELLEY GROVE, LOUGHTON IG10 1BY**

<b>APPLICATION No:</b>	EPF/2032/21
<b>SITE ADDRESS:</b>	3 Shelley Grove Loughton IG10 1BY
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed conversion of existing dwelling into 2 self-contained flats (1x GF flat and 1x FF flat), proposed side extension to replace garage, and proposed widening of crossover.
<b>DECISION:</b>	Refused

**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=655417](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655417)

**REASONS FOR REFUSAL**

- 1 By reason of introducing an uncharacteristically intense residential use within a locality characterised by large single-family dwelling houses, the proposal would appear as an incongruous form of development. As a consequence, the proposal would cause significant harm to the character and appearance of the locality. Moreover, the proposal would be likely to amount to a material consideration in favour of similarly harmful

development elsewhere in the locality that would exacerbate the harm caused to its character and appearance. The development is therefore contrary to policies CP2 (iv), CP3 (v), CP7 (iv) and DBE11 (i) of the Adopted Local Plan and Alterations 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and Paragraphs 126 & 130 of the NPPF 2021.

- 2 The Council cannot be certain beyond reasonable scientific doubt that the proposed development either alone or in combination with other developments within the district will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. Also, in the absence of an appropriate legal agreement to mitigate such adverse impacts, the proposed development is therefore contrary to Policies DM2 & DM22 of the Local Plan Submission Version 2017, Paragraph 180 of the NPPF 2021, and the requirements of the Habitats Regulations 2017.

#### 69. PLANNING APPLICATION - EPF/2137/21 14 ASHFIELDS, LOUGHTON IG10 1SB

<b>APPLICATION No:</b>	EPF/2137/21
<b>SITE ADDRESS:</b>	14 Ashfields Loughton IG10 1SB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	Internal alterations with new roof lights; rear single storey and side upper storey extensions plus modifications to existing front yard.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=655883](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntrypoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655883)

#### 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:

210615(PL)01 (Location Plan); 210615(PL)02 A; 210615(PL)03;  
210615(PL)04 B; 210615(PL)05 A.

- 3 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.
- 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.

**70. PLANNING APPLICATION - EPF/2197/21 THE GARDENERS ARMS, 103 YORK HILL, LOUGHTON IG10 7RX**

<b>APPLICATION No:</b>	EPF/2197/21
<b>SITE ADDRESS:</b>	The Gardeners Arms 103 York Hill Loughton IG10 7RX
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	Grade II Listed Building application for DJ booth (retrospective), proposed repairs and re-glazing of windows and doors to 14mm double glazed panes, repair and paint, proposed insulation of building including cladding repair and paint.
<b>DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=656194](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656194)

**CONDITIONS**

- 1 The works authorised by this consent shall begin no later than the expiration of three years from the date of this consent.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

001, 002, 003 rev 1, 004 rev 1, 005 rev 1, 006 rev 1, 007 rev 1, 008 rev

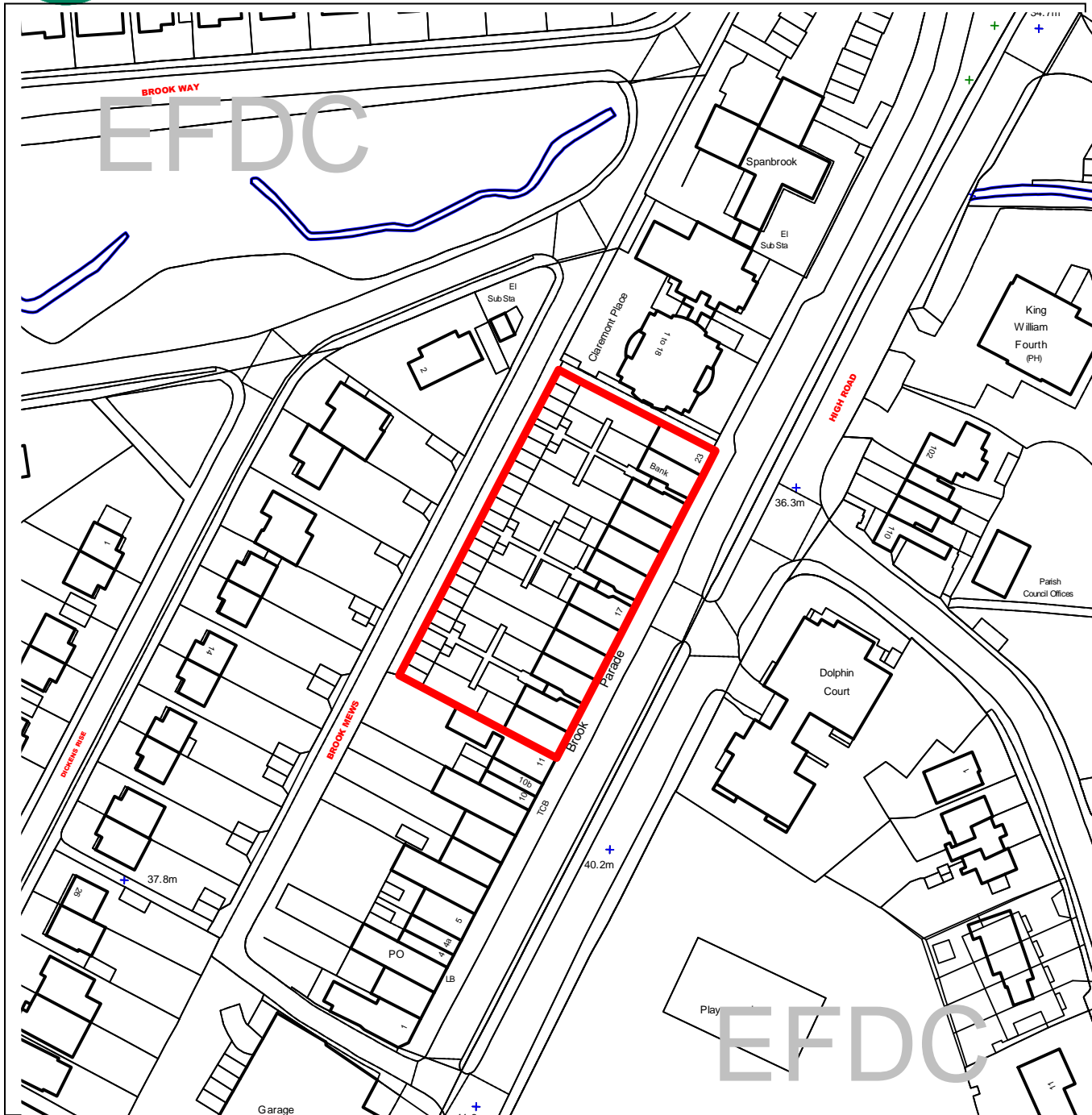
1, 009 rev 1, 010 rev 1, 011 rev 1, 012, 013 rev 1, Structural Site Inspection Report by KYA Structures dated 7 September 2020, Planning, Design and Heritage Statement.

- 3 The external timber cladding shall be repaired following a like-for-like approach, same materials and finishes. The cladding shall be featheredged and black stained.
- 4 Full details of the upgrading required to meet the building regulations, including thermal insulation, shall be agreed in writing with the LPA prior to the commencement of any works.
- 5 The use of the DJ booth as shown on drawing number 004 Rev. 1 shall cease immediately and the physical works shall be removed from the site within six weeks from the date of this decision.

**CHAIRMAN**



# Epping Forest District Council



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Application Number:	EPF/2701/19
Site Name:	13-22 Brook Parade Chigwell, IG7 6PF
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2701/19
<b>SITE ADDRESS:</b>	13-22 Brook Parade Chigwell Essex IG7 6PF
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Mr Geoffrey Gay
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed construction of an additional storey comprising of x6 no. two bedroom flats.  *** SAC Case now progressing ***
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=630274](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=630274)

**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: BP-1, LP-1, P-1, P-2, P-3, P-4, P-5, P-6, P-7, P-8, P-9, P-10, P-11, P-12 and P-13A
- 3 The developer shall be responsible for implementing a Traffic Regulation Order (TRO) for double yellow lines to prohibit parking along the north west side of Brook Mews (approx. 155m) - to include all costs associated with the TRO legal processes and the associated highway works; for implementing the relevant signing and lining and all other statutory processes.
- 4 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.
- 5 The cycle parking facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 6 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.



- 7 Prior to the first occupation of the dwellings hereby approved, details of a privacy screens between the dwellings on the balconies that adjoin no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.
- 8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
  2. Loading and unloading of plant and materials
  3. Storage of plant and materials used in constructing the development
  4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  5. Measures to control the emission of dust and dirt during construction, including wheel washing.
  6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
  7. Tree protection measures.
- 10 The refuse facilities, as shown on the approved plan, are to be provided prior to the first occupation of the development and are to be retained as such at all times.
- 11 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

*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 forms one half of Brook Parade, a three storey flat roof terrace of commercial units at ground floor with residential above. The residential upper section is offset with alternating protruding sections. The site is located on a hill which slopes up to the south. The parade is stepped in height to follow the natural slope of the road so increases in height to the south. Access to the residential units is from the rear within Brook Mews (which acts as a service road for

the commercial units and residential units above). The site is within the centre of Chigwell Village, within 150m of Chigwell Underground Station. The site is not located within the Green Belt or a Conservation Area.

### **Description of Proposal:**

The application seeks consent for the construction of an additional storey comprising of x 6 no. two bedroom flats. Each flat will have access to a private terrace area to the front of the building. The proposal also includes refuse and cycle storage.

### **Relevant History:**

EPF/2030/20 - Prior approval for the proposed construction of 2x additional stories comprising of x6 no. two bedroom flats – Not lawful

EPF/2967/20 - Prior approval for the proposed construction of 1 x additional stories comprising of x4 no. two bedroom flats (Revised application) – Prior approval required and granted

### **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  
DBE1 – Design of new buildings  
DBE2 - Effect on neighbouring properties  
DBE5 – Design and Layout of new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
ST01 – Location of Development  
ST06 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention  
TC6 – Local Centres

*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 2<sup>nd</sup> 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:

<b>Policy</b>		<b>Weight</b>
SP2	Spatial Development Strategy	Significant
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and quality	Significant
DM11	Waste recycling facilities on new development	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant
P7	Chigwell	Significant
D1	Delivery of Infrastructure	Significant

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

Number of neighbours consulted: 74

13 Objections received from the following addresses:

11, 14, 15A, 16, 18, 18A, 20 and 22 BROOK PARADE

CLAREMONT PLACE RESIDENTS (2 CLAREMONT PLACE) and 5 CLAREMONT PLACE

11, 14 and 15 DOLPHIN COURT

Objections can be summarised as follows

Issues during construction, loss of business to shop units, overlooking and loss of privacy, out of character, overdevelopment, car parking issues, loss of light, loss of view, existing refuse issues and overcrowding.

CHIGWELL PARISH COUNCIL: The Council Strongly Objects to this application, because the proposed development is an over-intensification of the existing structure and completely out of character to the streetscene. Further, this proposal would result in a lack of amenity space and is categorically an over- development of the site.

A re-consultation took place in early December 2021, given the length of time that this application has been held in abeyance due to the SAC issues. The following responses were received.

Objections from:

2 DICKENS RISE,

18A BROOK PARADE

1 to 15 DOLPHIN COURT, HIGH ROAD

The objections can be summarised as follows:

Out of Character with Chigwell, impact on parking, no refuse storage, no infrastructure to support, imposing, loss of view

4 DICKENS RISE – Comment – outstanding waste issues on Brook Mews

## **Main Issues and Considerations:**

The main issues are considered to be the principle of the development, design and amenity, highways and parking, affordable housing and impact on the EFSAC.

## **Principle of Development**

The application site is located on previously developed land within the village of Chigwell, this location is in compliance with the ethos of SVLP policy SP2 which encourages this form of development outside of the Green Belt. The site is located above a small parade of shops and very close to Chigwell Underground Station. Due to its location it is considered a fairly sustainable site, albeit the regularity of this part of the 'loop' is acknowledged.

It should be noted that prior approval has been given for the erection of four flats across half of the site, which is a viable 'fallback position' in this instance.

## **Design**

The proposal results in a flat roof addition to the existing building. The proposal will follow the roofline of the existing roof in the same descending pattern. The proposal will be contemporary in nature, clad with grey zinc panels which will effectively contrast, but not dominate, the main brick façade below.

The proposal has been set back from the front elevation which avoids it appearing overbearing or in competition with the existing building, whilst allowing for a small area of private amenity space for each flat.

This proposal would only provide an additional floor on the lower part of the parade, which is understood to be in separate ownership from the upper part. The increase in height is considered acceptable however, particularly as this is the 'lower' part of the parade and the adjacent building 'Claremont Place' is higher than this section of Brook Parade. The proposal is therefore considered to be an acceptable addition within the streetscene and the wider area.

## **Impact on Amenity**

### **Existing Neighbours**

The proposal will cause some disturbance to existing occupiers during construction, however any disturbance can be controlled to a degree by condition (for example by limiting working hours and ensuring a construction management plan is submitted). Nonetheless, construction nuisance in itself is not a material planning consideration.

Although the additional floor will allow for further views than existing, this is not considered to be excessively above that of the existing situation from current upper level. It is noted that the distances to the next nearest properties to the front/rear are 32m/50m, which is an acceptable level of separation.

### **Amenity of Future Occupiers**

All the flats meet the Nationally Described Space Standards and are dual aspect. In addition, each flat has access to two terrace areas amounting to approximately 11m<sup>2</sup> of private amenity space. A privacy screen will have to be provided between the terraces that adjoin but this can be reasonably conditioned as such.

## **Highways and Parking**

The proposal does not provide any additional parking spaces, but given the application site is within 150m of Chigwell Underground Station, the proposal is in line with the ethos of SVLP policy T1, which encourages car free development within 400m of a station.

A parking survey was submitted with the application and Essex County Council were consulted on the survey and this proposal. The Highways Officer found that the applicant submitted a robust Parking Survey which demonstrates to the satisfaction of the Highway Authority that there is parking capacity available on-street in the vicinity of the site. Furthermore, it has also been demonstrated that this would not cause any detriment to highway safety as a result.

The North Essex Parking Partnership (NEPP) were consulted on the application and their advice was to secure a double yellow line along the north west side of Brook Mews to prevent indiscriminate parking along this section to preserve access for existing properties and emergency vehicles.

Given that there is potential to increase parking along Brook Mews as a direct result of this development it this seems to be a reasonable request and will eliminate any potential safety issues with regards to the road being blocked. Consequently, the Highway Authority is satisfied that the development will not be detrimental to highway safety or efficiency at this location.

In addition to the above ample covered cycle parking is proposed.

## **SAC and Air Quality**

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV).

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.

## **Stage 1: Screening Assessment**

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

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

## **Stage 2: 'Appropriate Assessment'**

### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. Consequently, this application can be assessed within the context of the Interim Approach. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach. . Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

### Atmospheric Pollution

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

### **Conclusions:**

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

## **Other Matters**

### **REFUSE**

During the application, Officers requested details of the refuse store so that it was clear that this could be provided to an acceptable level without relying on a condition. The details show that an ample refuse area can be provided.

### **Conclusion:**

Given the above, approval subject to conditions and a legal agreement is recommended.

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

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

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

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# Epping Forest District Council



<p>Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.</p> <p>Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534</p> <p>Contains Royal Mail Data. © Royal Mail Copyright &amp; Database Right 2013</p>	Application Number:	EPF/0507/21
	Site Name:	Land and garages Whitehills Road, Loughton IG10 1TS
	Scale of Plot:	1:1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/0507/21
<b>SITE ADDRESS:</b>	Land and garages Whitehills Road Loughton Essex IG10 1TS
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mr John Hayes
<b>DESCRIPTION OF PROPOSAL:</b>	Demolishing existing garages, and erection of residential building, proposing 2 houses with associated parking spaces and landscaping.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=648778](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648778)

**CONDITIONS**

- 1 The development shall not be occupied until suitable mitigation measures are provided in relation to the Epping Forest Special Area of Conservation, as committed by the letter dated 25 November 2021 from Deborah Fenton, Housing and Property Director, regarding a commitment to pay a financial contribution.
- 2 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 190057-ECD-XX-00-DR-A- 05000 Rev P3, 05010 Rev P2, 05050 Rev P2, 05060 Rev P2. 05100 Rev P3, 05200 Rev P2 and 05300 Rev P3.
- 4 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;

adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

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

- 5 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.
- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active and/or passive Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details shall include:
  - Location of active and passive charging infrastructure;
  - Specification of charging equipment; and
  - Operation/management strategy. The council will expect that a management plan for the charging points is set out clearly. This will address:
    - a) Which parking bays will have active and/or passive charging provision, including disabled parking bays;
    - b) How charging point usage will be charged amongst users;
    - c) The process and the triggers for identifying when additional passive charging points will become activated; and
    - d) Electricity supply availability. The electricity supply should be already confirmed by the Network Provider so that the supply does not need to be upgraded at a later date.

- 8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy unless otherwise agreed in writing by the LPA.
- 9 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 11 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 12 No works other than ground works shall be commenced until a scheme of traffic calming measures on the vehicular accessway serving the site has been submitted to and approved in writing by the Local Planning Authority. The measures shall include a speed-table. The approved measures shall be implemented prior to the first occupation of the development.
- 13 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 14 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.
- 15 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.
- 16 Prior to the first occupation of the development the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.
- 17 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation, and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge
- 18 There shall be no discharge of surface water onto the Highway.
- 19 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 20 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 roof enlargement or generally permitted by virtue of Classes A, AA, B and C of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 21 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

*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 lies to the south east side of Whitehills Road, the site access being adjacent to no. 4 Whitehills Road. It comprises a Council owned garage site that contained 27 garages located

in three blocks, although the site is no longer in use. The site access road is a single vehicle width made surface of some 30m in length serving the rectangular plot of around 680 sq.m

Properties in Elmores and on Church Lane also abut the site. The surrounding properties are a mix of terraced, semi-detached and detached properties – all 2 storeys. The site abuts Oak View School on its south eastern boundary.

### **Description of Proposal:**

The application amounts to a resubmission of a development previously approved in 2016 for the construction of two x two bed, 4 person bungalows on the with 5 parking spaces. The plans indicate the same house form and site layout with only minor variations.

The dwellings comprise a semi-detached pair of primarily brick and tile finish, a rear projecting element is timber clad with a sedum flat roof. The predominantly hipped rooves include photo voltaic panels on the rear facing south west. Garden areas at the rear comprise around 90 sq.m for each dwelling.

Five parking spaces on the frontage include an 8m square turning area and new landscaping areas.

The properties are part of a Council programme to replace under-used garage blocks with affordable homes.

### **Relevant History:**

EPF/2621/15 - Demolition of garages and replacement with 3 x 3 bed two storey affordable homes with 7 parking spaces and associated landscaping – Refused

EPF/1759/16 – Demolition of garages and replacement with 2 affordable bungalows with 5 parking spaces and associated landscaping - Approved

### **Policies Applied:**

#### *Adopted Local Plan:*

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:

- CP1 Achieving sustainable development objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP3 New Development
- CP5 Sustainable Building
- CP6 Achieving sustainable urban development patterns
- CP7 Urban Form and Quality
- NC1 SPA's, SAC's and SSSI's
- RP4 Contaminated land
- H5A Provision for affordable housing
- U3B Sustainable drainage systems
- DBE1 Design of New Buildings

DBE2 Effect on Neighbouring Properties  
DBE3 Design in Urban Areas  
DBE8 Private Amenity Space  
DBE9 Loss of amenity  
LL10 Adequacy of provision for landscape retention  
LL11 Landscaping schemes  
ST1 Location of Development  
ST4 Road Safety  
ST6 Vehicle Parking

*NPPF (July 2021):*

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

- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169

*Epping Forest District Local Plan (Submission Version) 2017:*

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 2 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)."

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 policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
T2	Safeguarding of routes and facilities
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: 28 June 2021  
 Number of neighbours consulted: 31  
 Site notice posted: 25 June 2021



Responses received: Five responses have been received from 70 and 72 CHURCH LANE, 3 and 4 WHITEHILLS ROAD, and 1 ELMORES.

Residents in Whitehills Road comment primarily on the width of the site access and whether this is sufficient for a residential use, concerns relate to access for service vehicles and the blocking of the road by bins.

Resident from Elmores is concerned at the demolition of the garage wall abutting his property and seeking a replacement of the same height, and at the maintenance of a group of Cypress trees in the rear of the plot.

Residents from Church Lane raise specific matters relating to their rear access which has been closed off to facilitate development – concerns generally relate to matters outside the scope of the planning application in terms of reinstating the access, and issues with telephone connections which cross the application site.

Other general issues concern the application description (which states two houses), concerns at future extensions to the dwellings, removal of asbestos and other construction issues. Resident from 70 Church Lane is specifically concerned at the sense of enclosure created, and overlooking from a flank window (which is a bathroom).

Parish Council: Loughton Town Council have OBJECTED raising the following issues:

- Members objected to the loss of the garages, caused by this proposal.
- The narrow road at this site was unsuitable for use by large vehicles, refuse lorries/emergency vehicles (fire engines) etc. Members also believed that this road was a right of way owned by a resident in a neighbouring property and had concerns that access would not be maintained.
- The loss of amenity for residents in neighbouring properties.
- Any additional dwelling that leads to more traffic in the SAC is unacceptable. The two new dwellings would also result in more pressure for the overstressed recreational services and subsequent damage to the SAC. The current proposed solution to bring in a Clean Air Zone (CAZ) is not guaranteed to occur and would not stop additional cars associated with new dwellings from polluting the SAC before it was brought in.

A member of the Committee had spoken to neighbouring residents, who had only received their notification of this proposal on Saturday, 2 July. Therefore they would have had insufficient time to submit objections for the Committee to consider.

Members however, commended the low-rise element of the design and lack of windows to the side, which would overcome the overlooking of neighbouring properties; and the green aspects of this proposal including the sedum roof system and solar panels.

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

In considering the application, Members should have regard to the previous application for the almost identical application in 2016. While there has been further devolution and change in national and local policy, the core principles of re-using brownfield land within the urban area have not been diminished. The site lies within the built-up area of Loughton with good access to public transport and local services such that it can be considered a sustainable location.

The proposal is part of the wider EFDC House Building programme delivering affordable housing on smaller sites. The two affordable units will boost provision of such accommodation, and in the hands of a private developer would be below the threshold for such provision.

The proposal creates a pair of 2 bedroom bungalows with pitched roofs with gables to the front. The properties meet national space standards internally and have generous rear gardens. Bungalows are relatively unusual in the surrounding area, however this is a backland development site and therefore the proposal will be viewed in semi-isolation to the surrounding properties which abut it. The proposal is considered an acceptable scheme in terms of design and layout as it does not detract from the appearance of the locality.

The proposal will create a cul-de-sac style of development with the two bungalows situated at the head of the access road. A cul-de-sac development is not unusual in the locality and the neighbouring properties at Elmores are part of a cul-de-sac development.

The closest properties on Church Lane are Nos. 70 and 72 with a separation distance of approximately 15m from the main rear wall of these properties to the side wall of the proposed development. The dwellings with an eaves height of 2.1m, with the roof pitching away to a maximum height of 4.9m (some 4.4m away from the boundary), thereby providing sufficient separation to maintain daylight to northern neighbours. While one neighbour raises concerns at overlooking, it should be noted that the side window facing in this direction is at ground floor and would serve a bathroom only. Properties in Whitehills Road are around 32m from the building, with the parking area located between. As a result, no adverse impact is caused to neighbouring properties.

The garages on the site are no longer in use, having been vacated around January 2020. The permanent loss of the garages has previously been deemed acceptable. However, the lack of recent use impacts on consideration of the impact of development on the Epping Forest Special Area of Conservation (EFSAC) in that any development will result in an increase in vehicle movement above the current situation. The site also lies within 3km of the core EFSAC area requiring consideration of recreational pressure. The scheme is accompanied by a site based Habitat Regulations assessment, and a suitable undertaking to meet mitigations contributions has been supplied.

### **Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended)**

A significant proportion of the Epping Forest Special Area of Conservation (the EFSAC) lies within the Epping Forest District Council administrative area. The Council has a duty under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) to assess whether the development would have an adverse effect on the integrity of the EFSAC. In doing so the assessment is required to be undertaken having considered the development proposal both alone and in combination with other Plans and Projects, including with development proposed within the Epping Forest Local Plan Submission Version (LPSV)

The Council published a Habitats Regulations Assessment in January 2019 (the HRA 2019) to support the examination of the LPSV. The screening stage of the HRA 2019 concluded that there are two Pathways of Impact whereby development within Epping Forest District is likely to result in significant effects on the EFSAC. The Pathways of Impact are effects of urbanisation with a particular focus on disturbance from recreational activities arising from new residents (residential development only) and atmospheric pollution as a result of increased traffic using roads through the EFSAC (all development). Whilst it is noted that the independent Inspector appointed to examine the LPSV, in her letter dated 2 August 2019, raised some concerns regarding the robustness of elements of the methodology underpinning the appropriate assessment of the LPSV, no issues were identified in relating to the screening of the LPSV or the Pathways of Impact identified. Consequently, the Council, as Competent Authority under the Habitats Regulations, is satisfied that the Pathways of Impact to be assessed in relation to this application

pertinent to the likely significant effects of development on the EFSAC alone and in-combination with other plans and projects are:

1. Recreation activities arising from new residents (recreational pressures); and
2. Atmospheric pollution as a result of increased traffic using roads through the EFSAC.
- 3.

### **Stage 1: Screening Assessment**

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

1. The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. In addition the site lies within the parish of Loughton/Buckhurst Hill/Theydon Bois (delete as appropriate). Consequently the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.
2. The development has the potential to result in a net increase in traffic using roads through the EFSAC.

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

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

### **Stage 2: 'Appropriate Assessment'**

#### Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach and identification of Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the undertaking in relation to the relevant contribution to mitigation.

#### Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to

make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the undertaking in relation to the relevant contribution to mitigation.

### **Conclusions:**

The Council is satisfied that, subject to the satisfactory undertaking in relation to the relevant contribution to mitigation and the imposition of relevant planning conditions as above, the application proposal would not have an adverse effect on the integrity of the EFSAC.

The proposal provides 5 spaces for 2 new dwellings which complies with the Essex Parking standards. The access is of sufficient width to meet requirements for service and emergency vehicle access, and provides a turning area of a minimum 8m square. Thus, the proposal is considered acceptable and the Highway Authority have raised no objections.

The proposal includes areas for the storage of waste to the front of the proposed properties and a 'kerbside' location for collection days and the location and size is acceptable and the Waste Officer has no objection.

Due to the use as domestic garages and the presence of the made ground and nearby infilled ground there is the potential for contaminants to be present on site. Therefore, the Contaminated Land Officer has requested the standard contaminated land conditions.

### **Conclusion:**

The application amounts to a renewal of the previous permission with only minor changes to the overall form. While adjoining residents have raised specific issues, many of these have been considered previously and were found to be acceptable. Little has changed since in terms of the key national and local policies or the relationship of the site with the surrounding area.

The delivery of two affordable dwellings on a site with little direct amenity impact is recommended for approval, consistent with the previous decision.

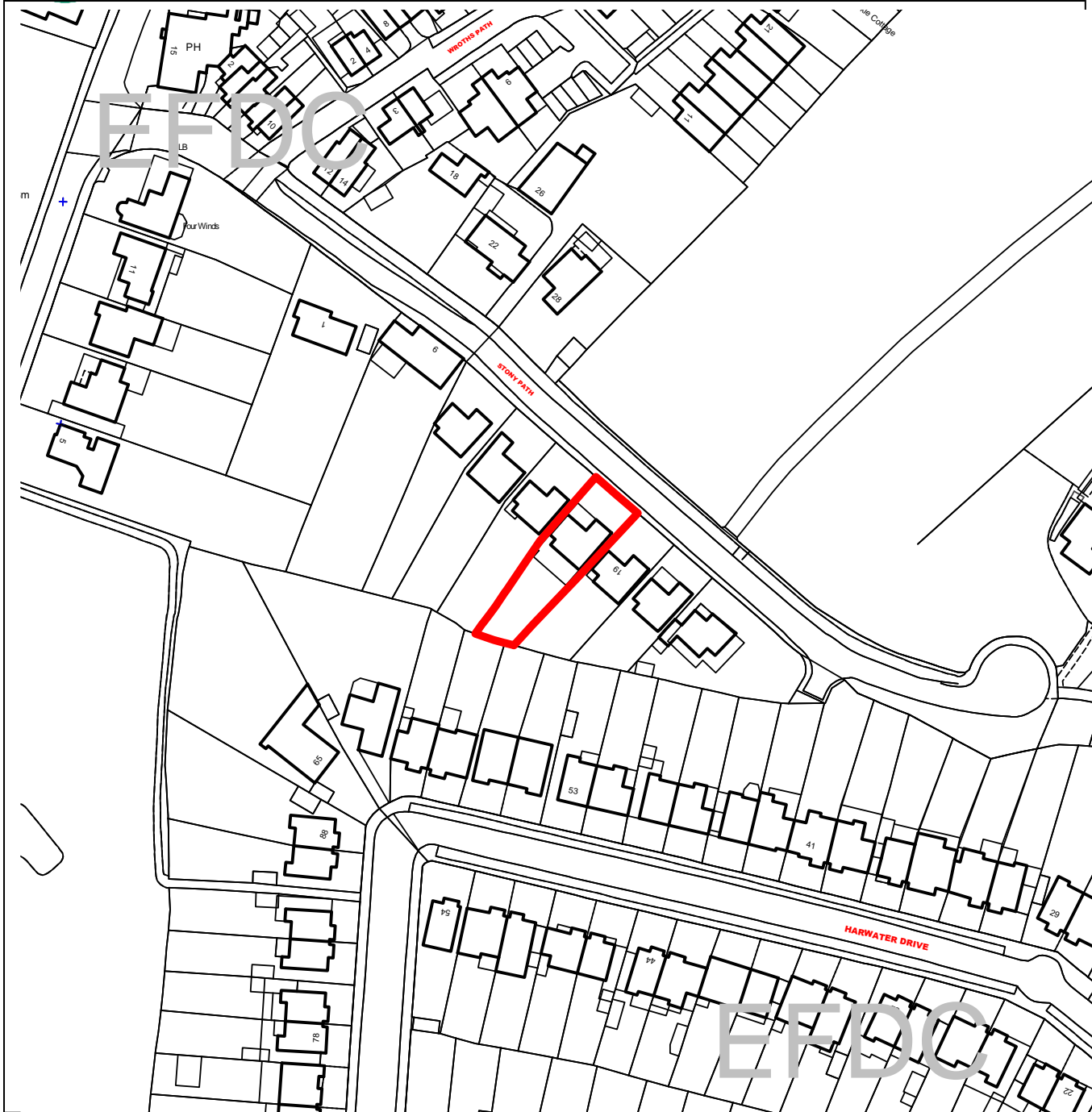
***Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:***

***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council



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Application Number:	EPF/2033/21
Site Name:	17 Stony Path Loughton IG10 1SJ
Scale of Plot:	1:1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2033/21
<b>SITE ADDRESS:</b>	17 Stony Path Loughton IG10 1SJ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>APPLICANT:</b>	Mr Lee Georgio
<b>DESCRIPTION OF PROPOSAL:</b>	Extension to the roof and addition of small front, side and rear dormer.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=655418](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655418)

**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:  
  
Drawing No. 01 A - Existing Plans, Elevations, Site Plan & Street Scene  
Drawing No. 02 J - Proposed Plans, Elevations, Site Plan & Street Scene  
Covering Letter, 20th July 2021.
- 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 specified on the approved plans.
- 4 Prior to first occupation of the extension hereby permitted the windows in the side dormer window facing No. 19 Stony Path shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of those windows that are 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.

*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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

### **Description of Site:**

The site comprises a two storey detached dwellinghouse, located on the west side of Stony Path within the built-up area of Loughton. It is not a listed building nor is it in a conservation area although it is located adjacent to the Baldwins Conservation Area. The land levels fall significantly from west to east and as such the property is on higher land than no. 19 Stony Path and lower than no. 15. Land levels also fall to the rear of the site.

### **Description of Proposal:**

*Extension to the roof and addition of small front, side and rear dormer.*

The proposed development is a revised scheme following the refusal of EPF/2989/20 and EPF/1714/19 both of which were refused on grounds of design and character in relation to the works to the roof and the rear dormer.

The current scheme differs from the refused EPF/2989/20 scheme in the following ways:

- Existing two storey front gable to remain unaltered (not extended upwards as previously proposed)
- Existing ridge height / maximum height to remain as existing (maximum height of building will not increase as previously proposed)
- Proposed rear dormer reduced in width
- Side dormer added
- Front dormer added

### **Relevant History:**

#### **17 Stony Path:**

EPF/2989/20

Removal of existing roof and construction of a higher roof, rear dormer and new pitched roof over rear first-floor projection.

Refused 11.02.2021

Reason for refusal:

The proposed alterations to the roof due its bulk, scale and form results in a poorly designed and incongruous form of development at odds with the established built form of its surroundings failing to complement or enhance the existing building or the character and appearance of the wider area contrary to 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.

EPF/1714/19

Removal of existing roof and construction of higher roof with feature front gable, rear dormer and new pitched roof over rear first floor projection.

Refused 27.05.2020.

Reason for refusal:

The proposed alterations to the roof due to its bulk and scale, results in a poor design, appearing as a top heavy feature, which fails to complement or relate positively to the existing building. The proposed development would therefore cause significant harm to the character and appearance of the locality, existing house and street scene, contrary to Policies CP2 and DBE10 of the adopted

Local Plan and to Epping Forest District Local Plan (submission version) 2017 Policy DM9 which are consistent with the National Planning Policy Framework.

15 Stony Path:

EPF/0619/07

Two storey side extension and loft conversion with front and rear dormer window.

Approved 10.05.2007.

Expired and unimplemented.

**Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

*National Planning Policy Framework (NPPF) (July 2021)*

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:
- c)
  - 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 (LPSV) (2017)*

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

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

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



the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

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

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

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

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

SP1 Presumption in Favour of Sustainable Development  
DM9 – High Quality Design  
DM10 – Housing Design and Quality.

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

Loughton Town Council: Objection:

*“The Committee OBJECTED to this application, stating it was overbearing, creating a negative impact on the street scene. The additional Velux windows to the main front dormer bedroom would be out of keeping with other dwellings in Stony Path.*

*The proposed new third storey left side dormer would cause overlooking, creating a loss of privacy for the neighbours at No. 19.”*

4 neighbours consulted: 1 responses received comprising 1 strong objection.

19 Stony Path:

*“Our main objection to this planning application is still the height and size of the proposed extension which amongst other things will adversely affect the street scene of Stony Path.*

*The proposed new third storey left side dormer which overlooks our house and garden is overpowering in size and will loom over us as the gradient of Stony Path is so steep.*

*Furthermore the addition of velux windows to the main front dormer bedroom is out of keeping with every other house in the road.*

*Stony Path is a narrow road opposite ancient allotments known as Loughton Potato Ground which is a conservation area. We feel that to preserve the character of this narrow quiet road and for the other reasons given that this planning application should therefore be refused.”*

The Hills Amenity Society, Loughton – Strong objection:

- Height in relation to No. 19 is the same as the original application but is set back and with a dormer window at the side of the roof overlooking No. 19 but with opaque glass, we feel that the owner of No 19 has the same concerns which we endorse.
- Property has previously been extended and this will increase its size further
- In close proximity to the Conservation Area
- May cause subsidence
- Proposed 3 storey extension is out of keeping with surrounding area and will overlook No. 19.

### **Issues and Considerations:**

The main issues to consider relate to Character and Appearance and Residential Amenity

#### **Character and Appearance**

Stony Path largely comprises of two storey detached dwellings with hip ended roofs.

The amended scheme now proposed would retain a hipped roof form and it is considered that the current proposal has overcome previous concerns in relation to character and appearance (bulk, scale and form).

The existing front gable element and maximum ridge height will remain as existing and the proposed rear dormer will be reduced in width.

The side and front dormers now proposed are relatively modest in size and are considered to be acceptable additions to the existing house and streetscene.

Overall the proposed development is now considered to be acceptable in design, character and appearance terms and in accordance 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)*.

#### **Residential Amenity**

An objection has been raised by the occupants of no. 19 Stony Path pertaining to loss of privacy / overlooking arising from the proposed side dormer.

The side facing windows in the side dormer are shown on the submitted drawing to be obscure glazed and will serve a staircase. A condition will be added to any planning permission granted requiring obscure glazed windows (non-opening below 1.7m) to be retained in perpetuity.

It is not considered that the proposed development would have a harmful impact on the visual or residential amenity of the occupiers of No. 19 or any other neighbouring residential property.

The proposal therefore 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:**

The proposed extension is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval subject to conditions.

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

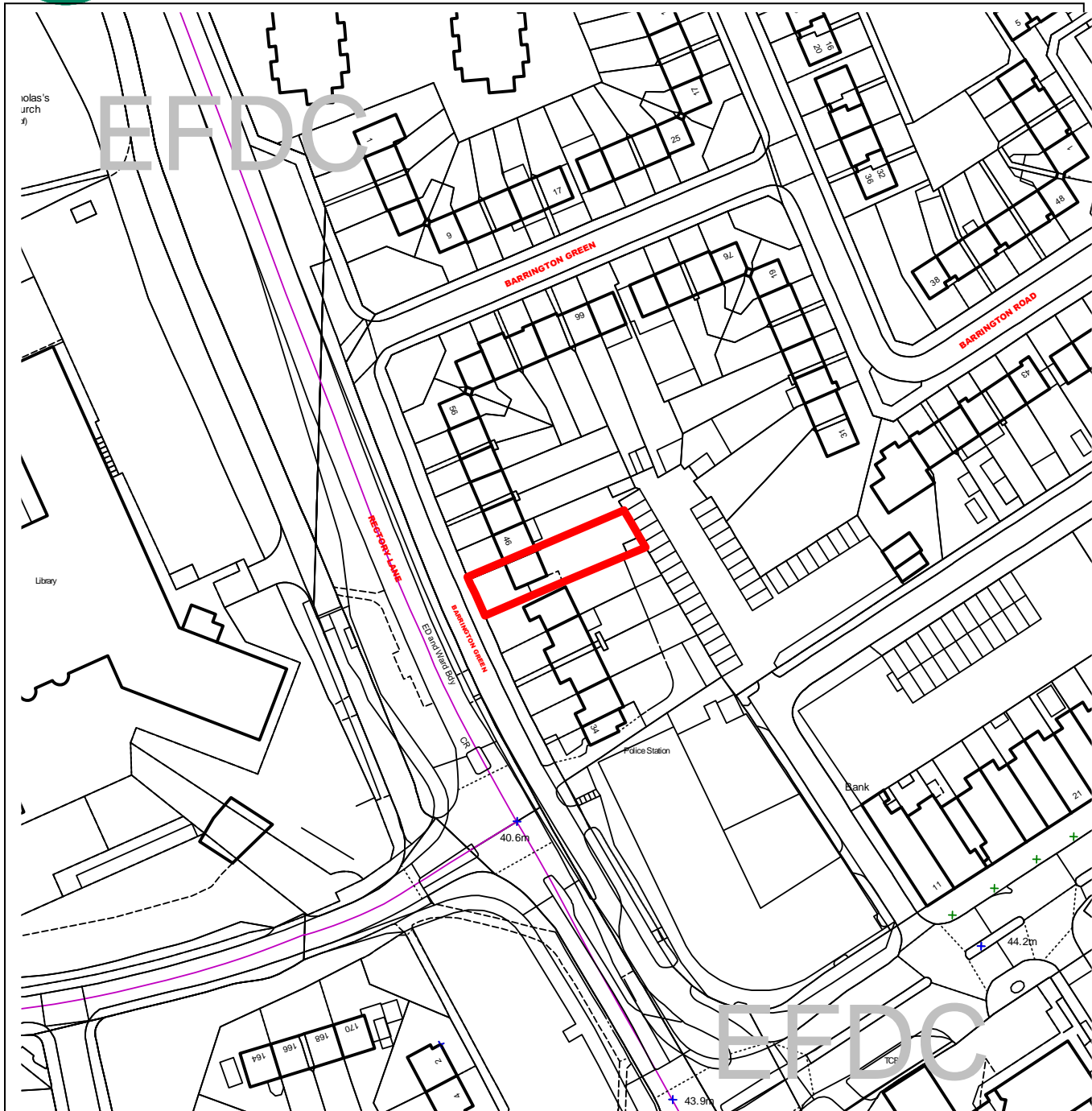
**Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564248.**

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

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# Epping Forest District Council



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Application Number:	EPF/2442/21
Site Name:	44 Barrington Green Loughton, IG10 2BA
Scale of Plot:	1:1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2442/21
<b>SITE ADDRESS:</b>	44 Barrington Green Loughton IG10 2BA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Broadway
<b>APPLICANT:</b>	Mr Ioan Misca
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a shed to be used as a gymnasium & store.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=657323](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=657323)

**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: Location Plan, LIVARCH/44BG/101 Rev A, LIVARCH/44BG/103 Rev A, and LIVARCH/44BG/104 Rev A.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The building hereby permitted shall only be used for purposes incidental to the residential use of the main dwelling, and shall not be used for any primary residential accommodation.

*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 an end of terrace, located within a built-up area of Loughton. It is not listed nor in a conservation area.

**Proposal**

The proposal is for the erection of a shed to be used as a gymnasium & store.

The outbuilding has an overall height of 3.5m, an eaves height of 2.5m, width of 4m, and length of 8.2m, and is set in from the sides by approx. 100mm from the shared boundary.

### **Relevant Planning History**

EPF/0928/21 - Single storey rear/side extension – Refused

EPF/2439/21 - Application for a Lawful Development certificate for a proposed loft conversion with a rear dormer & installation of x3 no. rooflight windows at front – Lawful

EPF/2440/21 - Erection of a single storey rear extension & front porch - Concurrent

### **Development Plan Context**

#### *Local Plan & Alterations 1998 & 2006 (LP)*

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
CP7	Urban Form & Quality
DBE9	Loss of Amenity
DBE10	Residential Extensions

#### *National Planning Policy Framework 2021 (Framework)*

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 126 & 130

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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 2<sup>nd</sup> 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as **Main Modifications**, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

DM9 High Quality Design

### **Summary of Representations**

Number of neighbours Consulted: 2. 1 response(s) received  
Site notice posted: No, not required

42 BARRINGTON GREEN – Objection - Summarised as;

- Out of character;
- Overdevelopment; and
- Unsympathetic design.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application, stating it would be an overdevelopment of the site. The proposed outbuilding was far too large in relation to the existing property and garden size and would greatly reduce the already limited garden amenity space.

If the local planning authority was minded to approve this application, members requested a condition be imposed that the outbuilding remain ancillary to the main dwelling.



## **Planning Considerations**

The main issues for consideration in this case are:

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

### *Character and Appearance*

The site has a sizeable rear garden, and officers are of the view that the proposed development does not amount to harmful overdevelopment of the site. A similar scale outbuilding can be built under permitted development (PD), so the main reason why this scheme is before members is due to the height exceeding the PD limits of 2.5m.

The proposed development is considered to be of a size, scale and design that is acceptable and complements the setting of the existing building, and wider area. There is ample garden space retained for the host house i.e. to hang their clothes, recreational use etc, so the loss of the limited garden space would not reduce the standard of accommodation for the occupiers of the host house to an unacceptable level.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, Policy DM9 of the LPSV, and Paragraphs 126 and 130 of the Framework.

### *Living Conditions*

The proposed development will have no material impact to the living conditions of both neighbouring properties, and a condition has been added to ensure the outbuilding remains as an incidental use to the main dwelling and not be used as any primary residential accommodation.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

## **Conclusion**

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

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

**Planning Application Case Officer: Muhammad Rahman  
Direct Line Telephone Number: 01992 564415**

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

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# Epping Forest District Council



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Application Number:	EPF/2531/21
Site Name:	Hazel Cottage, 67 Smarts Lane Loughton, IG10 4BU
Scale of Plot:	1:500

**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/2531/21
<b>SITE ADDRESS:</b>	Hazel Cottage 67 Smarts Lane Loughton IG10 4BU
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr & Mrs Elliott
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed removal of existing kitchen outrigger, a full width ground floor extension and first floor rear extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=657713](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=657713)

**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: 1 AR-0-001; 1 AR-0-100; 1 AR-0-101; 1 AR-0-201; 1 AR-0-301 1 AR-0-401; 1 AR-100; 1 AR-101; 1 AR-201; 1AR 301; 1AR-401
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwellinghouse, 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:*

**Description of Site:**

Hazel Cottage is a 2-storey mid terrace dwellinghouse located to the east of Smarts Lane which is residential in character. The property has an existing half width rear addition.

The property forms one of a row of 3 dwellings with similar characteristics. Both adjoining properties have been extended with 2 storey rear additions. The property is not located in a conservation area or Listed.

### **Description of Proposal:**

The proposal seeks consent for the replacement of the existing ground floor addition with a full width single storey rear extension measuring a depth of 3.7m, equalling the depth of both adjoining properties ground floor rear extensions

The proposed first floor rear extension is to provide a family bathroom, measuring a depth of 2m, a width of 3m set in 0.7m and 1.5m from the shared boundary with No. 65 and 69 with a shallow gable roof.

### **Relevant History:**

None

### **Policies Applied:**

#### **DEVELOPMENT PLAN CONTEXT**

##### *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).

CP1- Achieving sustainable development objectives

CP2 - Protecting the quality of the rural and built environment

CP3 - New Development

DBE2 Impact on Neighbouring Properties

DBE9 Loss of Amenity

DBE10 Residential Extensions

##### **NPPF, 2021**

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 (LPSV), (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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.

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

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan. The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

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

SP1 Presumption in Favour of Sustainable Development  
DM9 High Quality Design  
DM10 Housing Design and Quality.

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

#### LOUGHTON TOWN COUNCIL- OBJECTION

- No objection to the ground floor rear extension.
- First floor would result in a loss of daylight/sunlight and outlook to No. 69

5 neighbour consultations were undertaken, and 2 objections have been received:

- impact on the neighbouring amenity space, particularly with regards to the loss of daylight and sunlight. Loss of daylight and sunlight which would be lost to the bedroom of 69

Smarts Lane and also the implications of building on a party wall

- Comments from No., 65 Smarts Lane:- Request a sunlight and daylight assessment with possible loss of sunlight to ground floor sun lounge, off the kitchen as it has a clear roof and also require a party wall agreement before the work commences

### **Main issues and Consideration:**

The main issues to consider relate to: Character and Appearance and Residential Amenity.

#### **Design and Character**

The proposed ground floor rear extension is of an equal depth as both adjoining properties rear extensions. The proposed first floor rear extension is considered of an acceptable proportional addition, appropriate in design, scale and siting.

It is not considered that the extension would result in any harmful impact on the character or appearance of the property or surrounding area and is acceptable in terms of policy DBE3, DBE9, DBE10 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:**

No. 65 and 69 have been extended with 2 storey rear extensions with their first-floor rear extensions projecting deeper than the proposed first floor rear extension to no. 67. The proposed first floor rear extension at a depth of 2m is to be set in between 0.7m and 1.4m from the side boundaries. Its limited scale and form, siting and separation distance from the adjoining properties would not result in any significantly harmful impact on their amenity in terms of loss of light or outlook.

Both neighbours suggest that a Daylight and Sunlight assessment should be undertaken, however this is not a validation requirement and goes above and beyond what would need to be assessed within this planning application. Nonetheless, with regards to the objection from No. 69, it appears that the neighbour may have misinterpreted the plans since the objection letter refers to the first floor extending by approximately 4m (which is the floor area, the depth of the proposal is just 2m), and also incorrectly interprets the first floor to be set against the shared boundary, whereby it would be stepped back 0.7m from the shared boundary. Therefore it seems that they may have overestimated the potential impact of the proposal.

The objections and comment from the Parish Council and neighbours are noted but the extension is not considered as resulting in any demonstrable harm to the living conditions of neighbouring properties. Any party wall agreement proposed does not fall within the remit of planning and the development is considered in accordance with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

### **Conclusion**

The proposed extension is of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse and maintains an acceptable level of amenity to adjoining properties and is supported by the relevant policies of the adopted Local Plan and Alterations (1998 - 2006), and of the Local Plan (Submission Version), 2017 and, the guidance as set out in the National Planning Policy Framework, 2021. In the light of the above considerations it is recommended that planning permission is approve 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](mailto:contactplanning@eppingforestdc.gov.uk)**





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Application Number:	EPF/2556/21
Site Name:	14 Victoria Road Buckhurst Hill, IG9 5ES
Scale of Plot:	1:1250

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/2556/21
<b>SITE ADDRESS:</b>	14 Victoria Road Buckhurst Hill IG9 5ES
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	CWR Capital Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed single storey rear extension, change main roof to gable end & add a dormer, widen crossover to road.
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**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=657894](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=657894)

**REASON FOR REFUSAL**

- 1 The proposal would result in an overbearing and overly enclosed form of development which has a detrimental visual impact, and which materially impacts upon the outlook of the occupiers of the neighbouring property at 12 Victoria Road. Therefore, the proposal does not comply with policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), nor with policy DM 9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 130 of the National Planning Policy Framework (2021).
- 2 The development proposal does not relate positively to the locality and it does not achieve a high specification of design. It is unsympathetic and non-complementary to the distinctive style, detailing and appearance of the existing property. As a result, the proposal is contrary to policy DBE10 of the adopted Local Plan and Alterations (1998 & 2006) and contrary to policies DM 9 and DM 10 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 124 of the National Planning Policy Framework (2019).

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

**Description of Site:**

14 Victoria Road is a two-storey semi-detached property which faces the highway. It is attached to 12 Victoria Road. The pair of houses likely date from the Edwardian era and neither has been previously extended. Number 14 has a long rear garden, which slopes up away from the house, and which has recently been largely cleared. The property is neither listed nor locally listed. It does not lie in a conservation area and it would benefit from maintenance and renovation works. It is situated in a built-up area in the centre of Buckhurst Hill, near the Waitrose supermarket and the Central Line underground station. There are rear extensions and rear dormers on other properties on the street, including at 16 Victoria Road.

### **Description of Proposal:**

The proposal is a flat-roofed single storey rear extension with a hip-to-gable roof extension with the addition of a dormer, also a widening of the vehicle crossover to the road at the front. The precise dimensions of the extensions are not stated on the submitted plans, though officers measure the rear extension at circa 5.4 metres in depth and circa 3.8 metres in height from ground level to the top of a simulated-stone parapet. The proposed dormer would have a metallic finish, clad in lead / zinc. It would feature a row of five panes of glazing, with each pane circa 2 metres in height.

### **Planning History:**

EPF/1293/21 - Proposed single storey rear extension, change of main roof to gable end and add rear dormer – Refuse Permission.

### **Development Plan Context:**

#### *Local Plan and Alterations 1998 & 2006 (LP)*

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
CP7	Urban Form and Quality
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions
LL7	Planting, Protection and Care of Trees
LL10	Adequacy for the Provision of Landscape Retention

*National Planning Policy Framework 2021 (Framework)*

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 126, 130, 134

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14<sup>th</sup> 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 2<sup>nd</sup> 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.

<b>Policy</b>	<b>Weight afforded</b>
SP1 Presumption in Favour of Sustainable Development	Significant
DM1 Habitat Protection and Improving Biodiversity	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

Site visit: 02/12/21

BUCKHURST HILL PARISH COUNCIL have no objection to the application.

Essex County Council Highways division emailed the case officer stating that they would not be concerned with the proposed widening of the dropped kerb.

EFDC Tree and Landscape Officers raise no objection to this application.

Five neighbours were consulted.

12 VICTORIA ROAD have objected to the application expressing concern regarding loss of light to the living room at the back of their property, which has a window close to the boundary with number 14. They note that the applicants have submitted a 'Daylight and Sunlight' assessment. However, they argue that the report by 'Point 2', the applicant's Daylight and Sunlight surveyors, does not show the impact of the proposed development as experienced at 12 Victoria Road, as no internal survey was undertaken at 12 Victoria Road. They state '*The report has been based on number 14's property.*' They also state, '*We will have no light in our living room as we are already encroached by number 10's development. If a further extension were granted, we will be hemmed in on all sides. We do not have a rear extension, all of the other neighbours do, so they are not affected in the same way as us.*'

12 Victoria Road also object to the dormer and hip-to-gable extension to the roof on the grounds of overlooking and loss of privacy due to the proposed rear glazing. They state that '*The lead zinc cladding is also out of keeping with the design of the two houses and is not traditional.*' They are also unhappy that trees have been removed from the rear garden since the previously refused planning application and they have concerns regarding party wall matters and in relation to the structural impacts of works at number 14 on their property. They note the application to widen the crossover on the driveway and do not object to this, but '*would ask that our wall is not impacted by this*'.

### **Issues and 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 properties; and
- c) Trees, landscaping and biodiversity.

### **Character and appearance**

One of the reasons for the refusal of the previous application read as follows:

*The proposed installation of a window into the front of the gable in the existing primary elevation of this property would unbalance the symmetry of the pair of semi-detached houses. This would be detrimental to the appearance of the street scene and detrimental to the character and appearance of the existing dwellinghouse. Considered as a whole, the development proposal does not relate positively to the locality and it does not achieve a high specification of design. It is unsympathetic and non-complementary to the distinctive style, detailing and fenestration of the existing property. As a result, the proposal is contrary to policy DBE10 of the adopted Local Plan and Alterations (1998 & 2006) and contrary to policies DM 9 and DM 10 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 124 of the National Planning Policy Framework (2019).*

The window that was previously proposed for the front gable of the property has been removed from the plans submitted with this application. Whilst the awkward window in the front gable was specifically referred to as being detrimental to the appearance of the street scene, the reason for refusal does go on to highlight that "*considered as a whole, the development proposal does not relate positively to the locality and it does not achieve a high specification of design*". Officers are still not convinced that the design of the flat-roofed rear extension, which is both relatively deep and high, and also boxy, bulky and lacking in refinement, could be considered to be an extension of high-quality design. Similarly, it is not clear that the proposed dormer would improve the overall external appearance of the existing property, although it would also not be seen from the street. The proposed hip-to-gable extension would still unbalance the pair of semi-detached houses. Officers are of the view that the proposal is still unsympathetic and non-complementary to the

distinctive style of the existing property, although the property in question is not listed or locally listed. It may also be the case that the proposed metallic cladding is out of keeping with the style of the existing property. Very little information has been provided regarding the specification of the materials that will be used on this development.

On the other hand, hip-to-gable roof extensions are relatively common in the vicinity of this property and it is expected that a hip-to-gable extension and dormer could be achieved through permitted development anyway. This is not to say that such roof level extensions should be approved by planning permission if they are not of an acceptable standard of design, simply that any 'fall-back position' should be given due consideration. Number 16 has a rear extension of a similar depth and height that was achieved through an application for Prior Approval for a larger home extension, rather than through planning permission. Officers consider that the above stated reason for refusal has been partially overcome as the revised scheme is not thought to be detrimental to the appearance of the street scene, however the other concerns regarding the appearance of the extensions as a whole remain.

#### Living conditions of neighbours and existing occupiers

Two of the reasons for refusal of application EPF/1293/21 related to the impact of the proposal on the amenity and living conditions of neighbours.

The second reason for refusal was as follows:

*Due to the significant amount of glazing proposed, the rear dormer would result in overlooking to the rear gardens of neighbours at 12 and 16 Victoria Road. This would be detrimental to the privacy of these neighbours, contrary to policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), and contrary to policy DM 9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 127 of the National Planning Policy Framework (2019).*

The officer visited the site on 02/12/21 and looked out over the gardens of the neighbouring properties from a first floor window. The overlooking of the garden at number 16 was felt to be slightly more problematic than the overlooking of the garden at number 12. This is because, from above, the trees and hedges in the garden at number 12 obscure more of their garden from view from number 14, providing some cover and privacy, whereas the garden at number 16 is more open. However, were neighbours or future neighbours at number 12 to decide to cut back some of the foliage in their garden their space may be more harmfully overlooked from the dormer windows. There is a question as to whether the view from the second floor would result in more harmful overlooking and the windows proposed are particularly large at circa 2 metres in height and circa 4 metres in width of glazing. The windows would overlook the gardens of neighbours to a degree, however having seen the view from the first floor, officers now consider that the harm to neighbours living conditions as a result of the dormer would be lesser than first thought. Again, it is felt pertinent to consider that the dormer and hip-to-gable roof extension could likely be achieved through permitted development.

The first reason for refusal of EPF/1293/21 was as follows:

*Application of the 45-degree rule demonstrates that the proposed rear extension would result in loss of daylight / sunlight to ground floor rear windows at 12 Victoria Road, which would be detrimental to the amenity of these neighbours. It would also produce an enclosed form of development impacting upon the outlook of these neighbours. Therefore, the proposal does not comply with policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), nor with policy DM 9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 127 of the National Planning Policy Framework (2019).*

Applying the 45-degree rule once again to the currently proposed rear extension it is clearly demonstrated (see for example, the submitted block plan) that the extension could result in loss of daylight / sunlight to the ground floor rear living room window(s) at 12 Victoria Road which is closest to the boundary with number 14. The height of the proposed extension is circa 3.8 metres and the extension would run right up to the boundary with number 12, building to a point that is higher than the top of the window in question.

With the intention of countering this reason for refusal, the applicants have submitted a Daylight and Sunlight Assessment report produced by surveyors at the 'Point 2' consultancy. The report references the BRE document entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011.' The report states, 'the BRE guidelines are not mandatory, though local planning authorities and planning inspectors will consider the suitability of a proposed scheme for a site within the context of BRE guidance.' The conclusion of this report states, 'Our assessment indicates that none of the windows and associated rooms will experience any noticeable alterations of either sunlight or daylight and that the light levels within this property will remain fully compliant with the BRE guidelines.'

However, the daylight analysis also shows a 12.71% loss of daylight to the living room window at the rear of 12 Victoria Road (see report page 15). Officers are also not convinced that the key window in question at number 12 has been accurately represented on the model of that property in the submitted report. For example, there is a window in a rear door shown as W2 (see drawing number P2834/WM/01 01 in the Daylight/Sunlight Assessment) which is to the right of the key window W1 (that is the side closest to number 10). However, looking at the back of 12 Victoria Road, it is clear that the door at the back is in fact positioned on the side closest to the boundary with number 14. As the drawing of this window is an inaccurate representation, it is fair to question why this is the case.

Furthermore, paragraph 2.2.14 of 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011' (page 8) states *'For domestic extensions which adjoin the front or rear of a house, a quick method can be used to assess the diffuse skylight impact on the house next door. It only applies where the nearest side of the extension is perpendicular to the window (Figure 16).'* Therefore, this quick method can be applied to the proposed rear extension at 14 Victoria Road, in accordance with the BRE Guide to Good Practice. Paragraph 2.2.15 states, *'Figure 17 illustrates the application of the '45 degree approach'. Take the elevation of the window wall and draw diagonally down at an angle of 45 degrees away from the near top corner of the extension...Then take the plan and draw diagonally back at an angle of 45 degrees towards the window wall from the end of the extension. If the centre of a main window on the next door property lies on the extension side of both of these 45 degree lines then the extension may well cause a significant reduction in the skylight received by the window.'* This is the test that the Local Planning Authority commonly applies in such cases, yet it is not felt that this test has been directly addressed in the methodology produced in the report produced by 'Point 2'. Rather, the consultants have applied alternative tests and they conclude that in terms of daylight 'All 8 windows maintain Vertical Sky Component (VSC) of greater than 27% post redevelopment of 14 Victoria Road (the lowest value being to window W1/10 at 28.5%), thus in accordance with the BRE Guidelines enough skylight will continue to reach the neighbouring windows and any alterations of skylight will be unnoticeable.' Simply put, their argument is that the remaining daylight / sunlight will be adequate or even good. However, given that the 45-degree approach has not been directly addressed the officer is not wholly convinced by these findings. On the other hand, the applicants have commissioned a professional report to argue their case with regard to daylight / sunlight, which is to their credit.

Looking again at the previous reason for refusal, it is considered to be clear that the currently proposed rear extension (circa 5.4 metres in depth and circa 3.8 metres in height, building up to the boundary with number 12) would still produce an enclosed form of development for the neighbours

at number 12, especially considering that they are already partly enclosed by a large rear extension at number 10.

Local Plan Submission Version (2017) policy DM9 H (iii) states:

*'Development proposals must take account of the privacy and amenity of the development's users and neighbours. The Council will expect proposals to: not result in an overbearing or overly enclosed form of development which materially impacts on either the outlook of the occupiers of neighbouring properties or the residents of the proposed development.'*

Having visited the site, officers consider that the proposed rear extension would produce an overbearing and an overly enclosed form of development, particularly given the existing rear extension at number 10, which would materially impact on the outlook of the neighbours at number 12. Officers consider that number 12 are right to feel like they would be 'hemmed in' by development. It is acknowledged that some of the planting in the garden at number 12 somewhat limits their own outlook, but there is no reason that this planting could not be removed at any time. Policy DBE9 of the adopted Local Plan requires that development should not have a visual impact that would result in an excessive loss of amenity for neighbouring properties. Officers conclude that the proposal would have a visual impact that would result in an excessive loss of amenity for the neighbours at number 12.

#### Trees, landscaping and biodiversity

The fourth reason that application EPF/1293/21 was refused is as follows:

*The development proposal makes inadequate provision for the retention of trees on site and would therefore be harmful to biodiversity contrary to policy LL1 of the Epping Forest District Council Local Plan and Alterations (1998 & 2006), contrary to policy DM5 of the Local Plan Submission Version (2017) and contrary to paragraph 175 of the National Planning Policy Framework (2019).*

Since the previous refusal, rather than submitting information in relation to the retention of trees, the applicants have cleared trees and shrubs from their garden. Although it looked like some of these trees and shrubs were well established, they were not legally protected. Therefore, this is considered to be a valid response to the above reason for refusal. However, it is noted that the re-submitted application does nothing to demonstrate that biodiversity net gain will be delivered on site. At the same time, the Tree and Landscape officer has not objected to this application and therefore it is considered that the above reason for refusal has been sufficiently overcome.

#### Conclusion

This is a finely balanced case. On the one hand, the proposed development is very similar to a dormer and rear extension that exists at 16 Victoria Road. On the other hand, that development was not achieved by planning permission but through permitted development via lawful development certificate and Prior Approval applications. As well as the different planning approach, there is a different context on this site. The neighbour at number 12 has not extended to the rear, is already enclosed by development at the back of 10 Victoria Road, and will be further enclosed at their boundary by this proposed development.

Overall, because the development proposal does not relate positively to the locality and it does not achieve a high specification of design and since the proposed rear extension would produce an overbearing and overly enclosed form of development that would have a visual and material impact upon the amenity of these neighbours, it is recommended that planning permission is refused.



Officers consider that there is a way forward for the applicants in using their permitted development rights. It is suggested that they could instead apply for a lawful development certificate for a similar rear extension of three metres in depth, as well as a hip-to-gable and dormer roof extension. Thereby, there is an opportunity to further develop and renovate the property.

***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:***

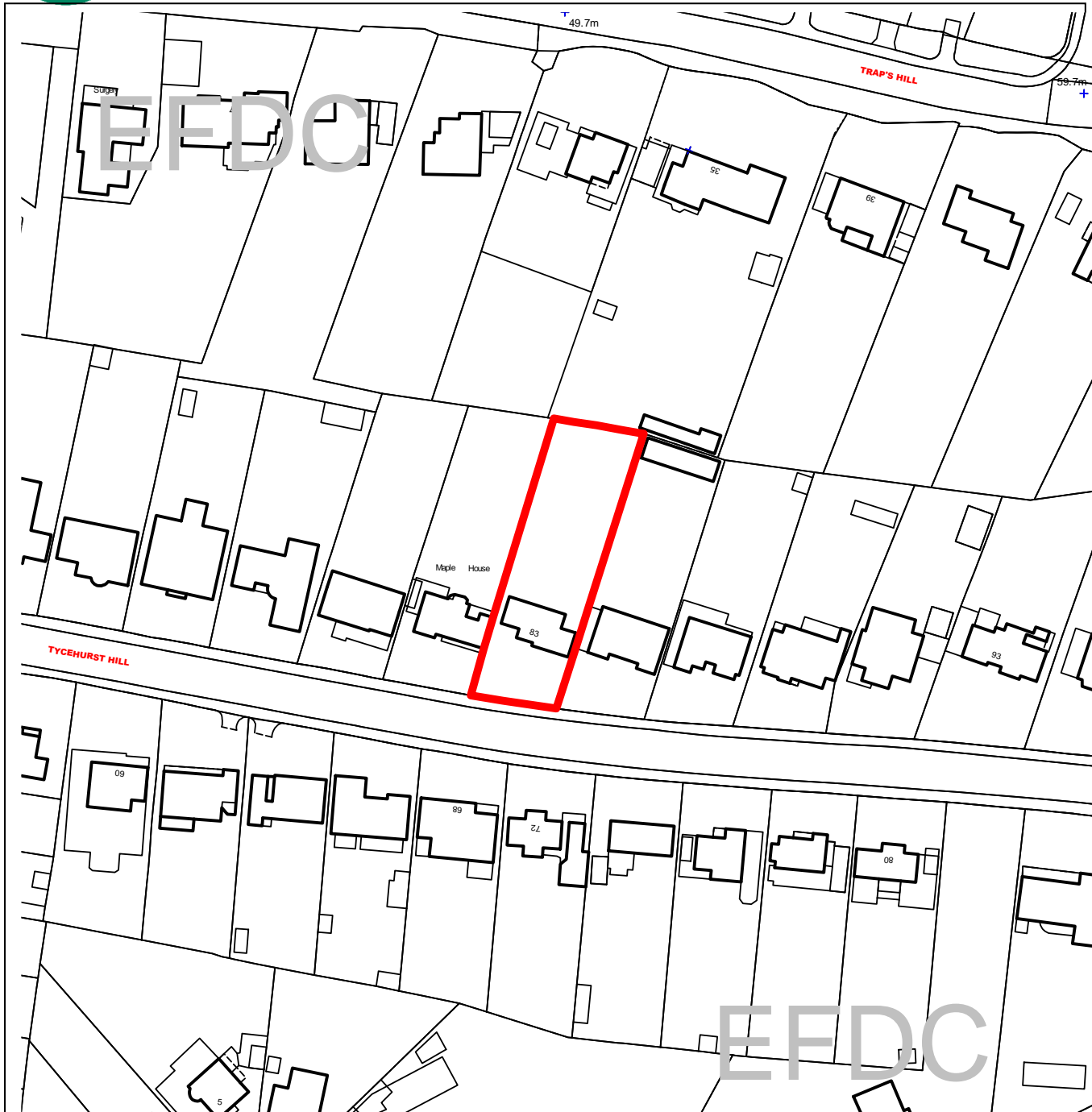
***Planning Application Case Officer: David Maguire***

***Direct Line Telephone Number: 01992 564000 or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

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# Epping Forest District Council



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Application Number:	EPF/2777/21
Site Name:	83 Tycehurst Hill Loughton, IG10 1BZ
Scale of Plot:	1:1250

**Report Item No: 15**

<b>APPLICATION No:</b>	EPF/2777/21
<b>SITE ADDRESS:</b>	83 Tycehurst Hill Loughton IG10 1BZ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mr & Mrs Wedderburn
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey front extension, two storey & single-storey extension. First-floor side extension, new and raised roof, rear dormers, entrance wall & gates & external swimming pool. (Ref: EPF/1832/21).
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=659014](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=659014)

**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:  
  
Drawing 2510/20 - Existing Plans, Elevations and Site Plan  
Drawing 2510/21 Rev G - Proposed Plans, Elevations and Site Plan.  
Cover Letter, MP Architects, 19th October 2021  
Arboricultural Report and Impact Assessment, Moore Partners Ltd, 20-09-2021  
Drawing MP/83TH/01 - 'Tree constraints and Protection Plan' drawing number (dated 26th October 2021)
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 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.
- 5 Prior to first occupation of the extensions hereby permitted the windows in the flank elevations at first floor level shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

- 6 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 7 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.
- 8 Tree protection shall be installed as shown on Moore Partners Ltd 'Tree constraints and Protection Plan' drawing number MP/83TH/01 (dated 26th October 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 9 The soft landscaping details shall include the planting of a 'liquidamber styraciflua' within a publicly prominent position within the front garden. It shall have a girth side of 12-14cm at time of planting and a minimum height of 3metres. The planting shall be undertaken in accordance with the planting implementation programme submitted as part of the overall site landscaping condition. If within a period of five years from the date of the planting or establishment the tree, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place
- 10 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.
- 11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes

seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

### **Description of Site:**

The subject property is a detached dwelling located on the north side of Tycehurst Hill.

The surrounding area is residential and made up of houses of different designs and character.

The subject dwelling is modest compared to some others in the immediate surrounding area and has a distinct character including a catslide roof.

### **Description of Proposal:**

Description of development:

*Two storey front extension, two storey & single-storey extension. First-floor side extension, new and raised roof, rear dormers, entrance wall & gates & external swimming pool. (Ref: EPF/1832/21).*

The proposed development comprises the following elements:

Two storey front extension – 5.5m deep by 4.7m wide at ground floor. 5.0m deep by 4.7m wide at first floor.

First floor side extension – 3.1m wide, 7m deep.

Part two storey & part single storey rear extension:

Ground floor: 3.7m deep by 3.1m wide utility infill behind garage and 6m / 4.8m deep full width kitchen extension.

First floor 4.3m deep, 5.7m wide.

New loft to create two bedrooms – Hipped Crown roof addition to provide two second floor bedrooms with two rear dormer windows plus 3 no front rooflights. Increase of ridge height above that of existing house by approximately 1m.

Entrance gates, piers & walls – Maximum height 1.8m across full width of front boundary.

External swimming pool – 8m x 4m (within rear patio area).

The proposed development is a revised scheme following the refusal of application EPF/1832/21. The amendments compared to the refused scheme can be summarised as follows:

- Forward projection depth of two storey front extension reduced
- First floor rear balcony removed
- Tree documents submitted
- Proposed roof extension less bulky – changed to hipped crown roof form
- Patio widened across full width of garden.

### **Relevant History:**

EPF/1832/21 - Two storey front extension, first floor side extension, part two storey & part single storey rear extension, new loft to create two bedrooms, entrance gates, piers & walls & an external swimming pool. Refused 14.09.21.

Reasons for refusal:

1. The proposal by reason of its design, scale, bulk and siting would result in an over intensive level of development with the combined extensions appearing as disproportionate and unsympathetic additions which fail to complement or enhance the appearance of the existing dwelling and surrounding area contrary to policies CP2, CP7 & DBE10 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
2. The proposed first floor rear balcony by reason of its design and siting would result in overlooking / a harmful loss of privacy to the rear garden of the neighbouring rear garden No. 85. As such the proposal fails to safeguard the living conditions of the occupiers of this neighbouring property, contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
3. Since no tree survey, implications statement or tree impact assessment has been provided with the application insufficient information has been submitted to allow a proper assessment of the likely impact of the proposal on trees on the site that contribute to the visual amenities of the locality, contrary to policy LL10 of the adopted Local Plan 1998 & 2006, policy DM5 of the Local Plan Submission Version 2017, and paragraph 174 of the NPPF 2021.

### **87 Tycehurst Hill:**

EPF/0688/21 - Single storey rear extension and reposition retaining wall to support edge of raised lawn back to extend patio, gates and railings to front elevation. Approved 28/05/2021.

### **Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

*National Planning Policy Framework (NPPF) (July 2021)*

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:
- c)
  - 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 (LPSV) (2017)*

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

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

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

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

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

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

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

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

SP1 Presumption in Favour of Sustainable Development  
DM9 – High Quality Design  
DM10 – Housing Design and Quality.

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

Loughton Town Council: Objection:



*“The Committee OBJECTED to this application, stating it was an overdevelopment which would result in a negative impact on the street scene.*

*The Committee would be willing to waive its objection if the roof was lower and the proposal maintained the open aspect of this part of Tycehurst Hill, by removing the railings, wall and gates.*

*Members commented on the deceptive nature of the plans, which failed to show the wall and gates in the proposed street scene. However, the hipped roof was an improvement on the previous application EPF/1832/21”*

6 neighbours consulted: 1 response received comprising 1 strong objection.

85 Tycehurst Hill:

*“I would like to object in the strongest possible terms to the proposed rear extension to 83 Tycehurst Hill, which would tower over my father's garden at number 85, blocking out light from the garden area near to the house and to the important rooms at the back of the house. It is also clear that the location of the extension has not been properly thought through. A look at the street plan shows that the houses on the street are carefully staggered, and it's clear that any extension to the back of 83 should be built on the side adjoining number 81, and not alongside 85. As number 87 extends alongside my father's garden on the other side, the proposed extension would mean that his garden would be hemmed in on both sides, breaking the pattern of the street. This would clearly be inappropriate.*

*The previous application was refused on similar issues, and the changes made do not substantially alter the impact the extension would have. It would be both intrusive and overbearing. I urge you to reject this proposal.”*

EFDC Tree Officer:

No objection, subject to tree protection and landscaping conditions.

EFDC Drainage:

No objection subject to surface water drainage condition.

Essex CC Highways: No objection.

### **Issues and Considerations:**

The main issues to consider relate to Design, Character and Appearance, Residential Amenity and Trees and Landscaping.

#### **Design, Character and Appearance**

The proposed development would significantly extend the host dwelling adding front, side, rear and roof extensions. However, a number of nearby dwellings have also been significantly extended or redeveloped and the surrounding area includes houses of different designs and character.

Application EPF/1832/21 was refused because it was considered that the combined extensions resulted in an over intensive level of development.

The current application seeks to address that concern and has done so by reducing the bulk and mass of the roof extension by proposing a hipped roof form. The forward projection depth of the

proposed front extension has also been reduced.

Whilst it is still proposed to increase the ridge height by approximately 1m compared to the existing dwelling, the maximum height would still be below that of the neighbouring property to the east (No. 85), ensuring that the maximum height of the houses step up consistent with the slope of Tycehurst Hill, and therefore the proposed roof extension would not appear incongruous in the street scene in terms of its maximum height.

There was no objection to the proposed two storey front extension in the refused application but this has nonetheless been reduced in terms of its forward projection depth. This element remains acceptable in character and appearance terms, particularly due to the amount of space that is available to accommodate it due to the large front drive area and position of the house which is well set back from the road. The front extension would not extend forward of the front building line of the neighbouring property No. 81.

There was no objection to the proposed two storey rear extension in the refused application other than the first floor rear balcony, which has now been removed.

In the refused application there were concerns about the proposed side extension in combination with the overly bulky roof extension, however as the roof extension has now been reduced to a hipped roof form the first floor side extension is considered to be an acceptable addition.

There is no objection to the swimming pool / rear patio area or front boundary treatment / gates.

Whilst the proposed front boundary treatment / gates would reduce the existing open nature of the frontage, it is noted that a similar front boundary treatment/gates were recently approved at 87 Tycehurst Hill under permission EPF/0688/21. The maximum height of the brick pier and gates would be 1.8m, however the majority of the brick wall is much lower at around a metre with railings above, which allow a degree of visual permeability.

Overall, it is considered that the revised scheme has overcome previous design, character and appearance concerns and the proposed extensions can now be supported.

The proposal therefore 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.

#### Residential Amenity

The previously proposed first floor rear balcony has now been removed from the proposed development and replaced with a window, and as such previous concerns in terms of harmful overlooking / loss of privacy to the rear garden on No. 85 have been overcome.

It is not considered that the proposed development would have a harmful impact on the visual or residential amenity (including loss of light or outlook) of the occupiers of either immediate neighbour or any other neighbouring residential property.

The proposal therefore 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.

#### Trees and Landscaping

The Tree Officer has no objection, subject to conditions, and offers the following comments:

### Tree Protection

*Tree protection shall be installed as shown on Moore Partners Ltd 'Tree constraints and Protection Plan' drawing number MP/83TH/01 (dated 26th October 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.*

*Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.*

### Replacement tree

*The soft landscaping details shall include the planting of a 'liquidamber styraciflua' within a publicly prominent position within the front garden. It shall have a girth side of 12-14cm at time of planting and a minimum height of 3metres. The planting shall be undertaken in accordance with the planting implementation programme submitted as part of the overall site landscaping condition. If within a period of five years from the date of the planting or establishment the tree, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place*

*Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.*

### Comments

*The most prominent tree on the site is the purple plum within the front garden. It has been shown to be removed due it is very close proximity to the front wall and the damage that is currently being caused to the front wall and pavement. The proposal includes a new front boundary and the roots of the tree would be severely damaged during these works. We agree with the applicants Arb Consultant in that it would be more appropriate to take the opportunity to plant a suitable replacement tree. A Liquidamber has been proposed. We would therefore propose that in addition to our 'standard' hard and soft landscaping condition a 'non standard' condition for the specific planting of this tree is included."*

Previous tree protection concerns have now been overcome and the proposal is now acceptable in tree and landscaping terms, subject to the suggested tree protection and landscaping conditions.

### Conclusion:

The proposed development is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval subject to conditions.

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

**Planning Application Case Officer: Kie Farrell Telephone Number: 01992 564248.**

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

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