



# Epping Forest District Council



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Application Number:	EPF/0033/21
Site Name:	23 Buckingham Road Epping CM16 5AF
Scale of Plot:	1:1250

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0033/21
<b>SITE ADDRESS:</b>	23 Buckingham Road Epping CM16 5AF
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr M Kellinger
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear and single storey rear extensions. Single storey side extension. (Revised application to EPF/2489/20).
<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=646781](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=646781)

**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: 01, 02, 03, 04 Rev D and 05 Rev D.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 5 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.
- 6 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports. Tree protection shall be installed as shown on Moore Partners Ltd drawing number MP/BUCK/01 dated 26th October 2020 unless the Local Planning Authority gives its prior written approval to any alterations.

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

**Description of Site:**

The application site is a two storey detached property with front and rear gardens, located on the Eastern side of Buckingham Road.

The site is not located within the Metropolitan Green Belt, it is not located within a Conservation Area and it is not a Listed Building.

**Description of Proposal:**

Two storey rear and single storey rear extensions. Single storey side extension. (Revised application to EPF/2489/20)

**Relevant History:**

EPF/2489/20 - Single storey rear, first floor rear and single storey side extension. – Refuse Permission (householder)

**Policies Applied:**

*Adopted Local Plan:*

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 – Loss of Amenity

DBE10 - Design of Residential Extensions

LL10 – Adequacy of Provision for Landscape Retention

LL11 – Landscaping Schemes

*NPPF:*

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

(a) approving development proposals that accord with an up-to-date development plan without delay; or

(b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

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

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

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

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

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

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

Policy	Weight afforded
SP7 – The Natural Environment, Landscape Character and Green Infrastructure	Significant
DM3 – Landscape Character and Ancient Landscapes	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 notice posted:** No, not required

**Epping Town Council:** OBJECTION: This revised proposal, while slightly improved still causes an impact on the neighbouring car parking spaces on the proposed side development of the dwelling. The committee acknowledge the neighbours’ objection which includes their concern about the closeness of proposed boundary wall would still impede the use of this and other neighbouring parking spaces. The Committee agreed that this would still mean a loss of amenity for the neighbours.

There was also new evidence from two other neighbours' objections regarding this revised proposal which the committee have considered. Committee consider this proposal as an overdevelopment of this dwelling which would also impact on the neighbours at the back of the property.

The neighbours are concerned that the rear extensions moving further backwards and very close to their fence line. Committee agree that there would be a loss of amenity in terms of overlooking and privacy into the neighbours' gardens that it backs onto.

The proposal would be reducing the size of garden and the neighbours are concerned about the potential loss of habitat for wildlife in their gardens by this proposed development. Committee request that the trees that are currently planted in the garden remain unaffected by the development as they provide a screen to neighbours' gardens.

The neighbours are also worried about how the drainage watercourse at the end of the gardens which would be affected by this development and any potential risk of flooding. Committee advise that a site visit could be necessary by EFDC's Building Regulations to check this proposal's impact on the drainage watercourse before any works are granted.

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

**Number of neighbours consulted:** 15

**Neighbour responses received:** 4

**EPPING SOCIETY: OBJECTION:** We acknowledge that the proposed extension will not impact directly on neighbouring properties. However, this is part of a relatively new, architect designed, development. This proposal is too big for what is already a high-density estate. Each property is carefully designed for their plots. This is overdevelopment of this particular site. Allowing the additional bulk on this site will create an unwelcome precedent. Changes to highly designed and high-density housing needs to be done very sensitively otherwise it breaks up the coherence of the estate.

**53 TOWER ROAD: OBJECTION:** Comments summarised:

- being overlooked
- loss of amenity
- negative consequences on biodiversity
- risk of flood risk

**55 TOWER ROAD: COMMENT:** Comments summarised:

- The house and gardens of 23 Buckingham Road appear to be a couple of feet higher than the gardens in Tower Road. This will lead to significant overlooking.

**17 BUCKINGHAM ROAD: STRONG OBJECTION:** Comments summarised:

Based on refusal of EPF/2489/20

- The revised plans for EPF/0033/21 continue to neglect to show the adjacent land with the car parking allocation for flats 17 and 21, plots 34 and 32 respectively.
- will still overlap on the boundary of the flat 17/plot 34 car parking space and access will still be needed.
- The revised plan also does not show how the services (water supply and drainage) will be installed for the downstairs toilet.

- Not only potential development work for the side extension will prevent access to the parking space, but construction work, access by workers and the requirement for fencing, scaffolding and access to the manhole cover could also prevent usage of the parking space whilst the work is undertaken.

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

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

### **Design**

The proposal is acceptable in terms of design. The revised roof design now proposes a crown roof in place of the previously proposed flat roof at first floor level, which has overcome the previous reason for refusal. Therefore the proposal complies with policies CP2 and DBE10 of the Adopted Local Plan 1998, policies SP7 and DM10 of the LPSV 2017 and the NPPF 2019.

### **Impact on Neighbouring Amenity**

The proposed side extension would not project any further forward than the existing boundary wall, therefore the proposal would not overlap the car parking spaces to the front of the property any more than the existing boundary wall. The properties to the rear of the application dwelling have gardens that are approx. 50m long. Due to the distance between the proposal and the neighbouring properties, the extension would not impact on the living conditions of neighbouring residents by reason of overbearingness, loss of light (daylight or sunlight), loss of outlook, or loss of privacy. The proposal therefore does comply with policies DBE9 of the Adopted Local Plan, DM9 of the LPSV 2017 and the NPPF 2019.

### **Drainage**

EFDC Land Drainage officer commented as follows:

In respect of the above application, in line with the comments provided for the original application, EPF/2489/20, as the revised proposals will not materially increase the surface water run-off from the site then we have no comments to make in this respect. The overall former St Johns School site housing development has a sustainable drainage system "Suds", and as such is designed with an allowance for property extensions and alterations, known as "urban creep".

### **Tree and landscaping**

The Councils Tree Officer raised no objection to this application, subject to tree retention and tree protection conditions

### **Conclusion:**

The proposal complies with relevant planning policy and it is recommended that planning permission be **granted**, 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: Zara Seelig  
Direct Line Telephone Number: 01992 564379***

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