



Epping Forest District Council



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Application Number:	EPF/0339/21
Site Name:	46 Russell Road Buckhurst Hill IG9 5QE
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/0339/21
SITE ADDRESS:	46 Russell Road Buckhurst Hill IG9 5QE
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill
APPLICANT:	Mr Paul Halama
DESCRIPTION OF PROPOSAL:	Retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=648114

- 1 The building operations hereby permitted shall be demolished and all materials resulting from the demolition shall be removed within 2 months of the date of failure to meet any one of the requirements set out in i) & ii) below:

 i) Within 1 month of the date of this decision or such other period as the Local Planning Authority may agree in writing, the approved scheme shall have been carried out and completed in accordance with the following plan numbers: PH/01, PH/02, PH/03, PH/04, PH/05, PH/06, PH/07, PH/08, PH/09, PH/10, and PH/11, and so retained.

 ii) In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.

 Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.
- 3 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without

the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C & E of Part 1 to schedule 2 shall be undertaken.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policies CP2, CP7, DBE9 & DBE10 of the adopted Local Plan 1998 & 2006, Policies DM9 & DM10 of the Local Plan Submission Version 2017, and the NPPF 2019.

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

Site and Surroundings

The site comprises of a semi-detached house, located within a built-up area of Buckhurst Hill. It is not listed nor in a conservation area. Land levels drop to the North-east and South of the site.

Proposal

The proposal is for the retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge).

For clarity, the existing two storey rear extension is not part of this application and will not be discussed in this report.

Relevant Planning History

EPF/2016/15 - Hip to gable roof extension with 1no.rear dormer window, Juliet balcony and 2no. front facing roof lights to facilitate a loft conversion. Single storey rear extension. Relocation of existing external steps from the south east to the south west of the site – Approved

EPF/1974/18 - New rear extension to lower ground floor, ground floor and side extension to side first floor and second floor (loft) – Refused

ENF/0556/18 - Works started, not as approved – Enforcement notice served & upheld by the Planning Inspectorate. Court proceedings are in progress.

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

National Planning Policy Framework 2019 (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:

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 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Summary of Representations

Number of neighbours consulted: 15. 12 response(s) received

2a & 43 SCOTLAND ROAD, 42 RUSSELL ROAD, 6 WESTBURY ROAD & BUCKHURST HILL RESIDENTS SOCIETY – Comments on non-planning merits

44, 61 & 73 RUSSELL ROAD – No objections

20 & 36 RUSSELL ROAD, 8 WESTBURY ROAD & 98 QUEENS ROAD – Objections – Summarised as:

- Loss of privacy/overlooking;
- Out of character;
- Overbearing; and
- Over dominant.

BUCKHURST HILL PARISH COUNCIL – Objection – The width, bulk and mass of this development is overbearing and incongruous and has significant impact on neighbouring properties and adverse impact to neighbouring properties. Out of keeping with the street scene and would create a terracing effect.

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 proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building and the street scene, and it is similar to other developments present within the wider area. To add, the inspector in the recent appeal decision (APP/J1535/C/19/3226321) also found in isolation that the current proposal (excluding the rear box dormer) would be acceptable, as set out below, although it was upheld on other grounds.

The building-out of the 2-storey side extension to the boundary with No 48 would not in my view cause material adverse harm in that respect alone, due to the pre-existing position of the ground floor garage on the boundary and reasonable distance between the extension and the dwelling at No 48 (both the current bungalow and the approved flatted development were it to be built). Likewise, the very slight projection of the first floor beyond the main façade of the original dwelling would not in itself cause any degree of significant harm to character and appearance given varied design within the streetscene, and its alignment with the projection of the garage below. Taken together with the appeal development as a whole, however, the elements of the scheme in combination represent harmful overdevelopment.

As stated previously, the current two storey rear extension is not part of this application and cannot be considered by Members.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, policy DM9 (D) and DM10 of the LPSV, and paragraphs 124 and 127 of the Framework.

Living Conditions

The proposed development will have no material impact to the occupiers of both No's 44 and 48 Russell Road, in terms of loss of light, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

With regards to the impacts on numbers 6, 8 & 10 Westbury Road. The common boundary with No. 6 is sited some 20 metres away from the rear elevation of the host house, and some 30 metres away to the rear elevation of No. 6. No's 8 & 10 although they are not physically attached to the site boundary, their rear elevations are sited some 30metres away. So, there is no impact to No's 6, 8 & 10 Westbury Road, in terms of loss of privacy from harmful overlooking that would justify a reason for refusal.

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 127 (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