



Epping Forest District Council



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

Report Item No: 9

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

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=647278

CONDITIONS

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

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

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

Site and Surroundings

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

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

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

Proposal

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

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

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

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

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

Relevant Planning History

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

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

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

Development Plan Context

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

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

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

CP2	Protecting the Quality of The Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework (Framework) (2019)

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

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most

important for determining the application are out-of-date, granting permission unless:

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

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

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

Paragraphs 124 & 127

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

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

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

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

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

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

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

Summary of Representations

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

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

34 Westbury Lane – Objection – Overlooking, loss of light

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

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

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

Land drainage – No objection

Trees and Landscaping – No objection subject to conditions

Planning Considerations

The main issues for consideration in this case are:

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

Character and appearance

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

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

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

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

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

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

Living conditions of neighbours

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

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

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

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

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

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

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

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

Conclusion

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

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

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

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