



# Epping Forest District Council



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1304/21
Site Name:	2 Chapel View, 90 A Hemnall Street Epping CM16 4LY
Scale of Plot:	1:1250

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/1304/21
<b>SITE ADDRESS:</b>	2 Chapel View 90 A Hemnall Street Epping CM16 4LY
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Dr & Dr Hicks & Ying-Li
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of existing conservatory and erection of single storey rear extension in an orangery style.
<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=652276](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=652276)

**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: 7230-01 Rev A
- 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, or those specified in the submitted application form], 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.

*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:**

No.2 is a 2-storey detached dwellinghouse with integral garage and front and rear gables located to the north of Hemnall Street which is residential in character with properties of varying design and sizes.

The property forms one of a row of 3 dwellings built at the same time with similar characteristics with a slight staggered building line where No. 3 is slightly forward than No. 2 and No. 1 is set further back than No. 2.

The east flank of the properties are built on the shared boundary, leaving no gap and the west flank elevations maintain a gap of some 1.7m from the side boundary.

The 3 properties are built with half width rear conservatories.

### **Description of Proposal:**

The proposal seeks consent for the removal of the existing rear conservatory which projects to a depth of 2.97m and its replacement by a full width, flat roof single storey rear extension with roof lantern in an orangery style built within 0.2m of the east boundary with no. 3 and 1.7m from the shared boundary with no. 1 measuring a depth of 3.5m and a height of 3.15m.

### **Relevant History:**

EPF/1466/21- Conversion of a garage & erection of a single storey front porch. approved - 16/07/2021 - Not Implemented

EPF/1469/08 - Demolition of two dwellings and erection of three detached dwellings-Approved 02/10/08

### **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**

### **EPPING TOWN COUNCIL- OBJECTION**

- Overdevelopment, on the edge of the conservation area
- The properties in the street scene are close together and have small gardens
- Loss of natural light; visual impact to neighbour
- Increase in the height.

Epping Town Council confirm that they will attend and speak at the Plans East Committee to object to the proposal

6 neighbour consultations were undertaken, and 1 objection has been received:

- Object to the proposal extending onto the shared boundary thus necessitating the removal of the existing boundary fence and the construction of a brick wall over 1 metre higher than the existing fence.
- Out of scale, visually intrusive and detract from the small scale of the existing development of the immediate area. The additional height will result in loss of light into our property. Our gardens are very small.
- The 3 houses were approved some years and were designed to give all owners privacy and light into their property.

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

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

#### **Design and Character**

The proposed extension is to replace an existing rear conservatory which is to be 0.5m deeper at a limited height of 3.15m, set in 0.2m from the east boundary and 1.7m from the west boundary and considered of an acceptable proportional addition, appropriate in design, scale and siting.

It is considered that the extension would not result in any harmful impact on the character or appearance of the property or surrounding area and is therefore acceptable in this respect complying with policy DBE3 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.1-3 Chapel View are dwellings built at the same time and where the east flanks are built on the shared boundaries leaving a gap of some 1.7m between the west flank of the properties and the west boundary. No. 1 extends beyond the rear flank of no. 2 and the west flank of No. 3 is set in from the shared boundary with No. 2.

It is considered that the siting and separation distance of the adjoining properties is such that the proposed extension would not result in any significantly harmful impact on their amenity in terms of loss of light or outlook.

The objection and comments from the Parish Council and neighbour are noted. No. 3 has a rear conservatory and the proposed extension would only extend an additional 0.5m in depth than the existing conservatory taking it up to the existing hardstanding area of the garden. The property could be extended further into the rear garden under the 'Permitted Development' criteria. The

east flank is to be set in 0.2m from the shared boundary (as amended) at a height of 3.15m and the existing boundary fence is to be retained. The development is not considered as resulting in any demonstrable harm to the living conditions of neighbouring properties and accords 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 considered 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)***