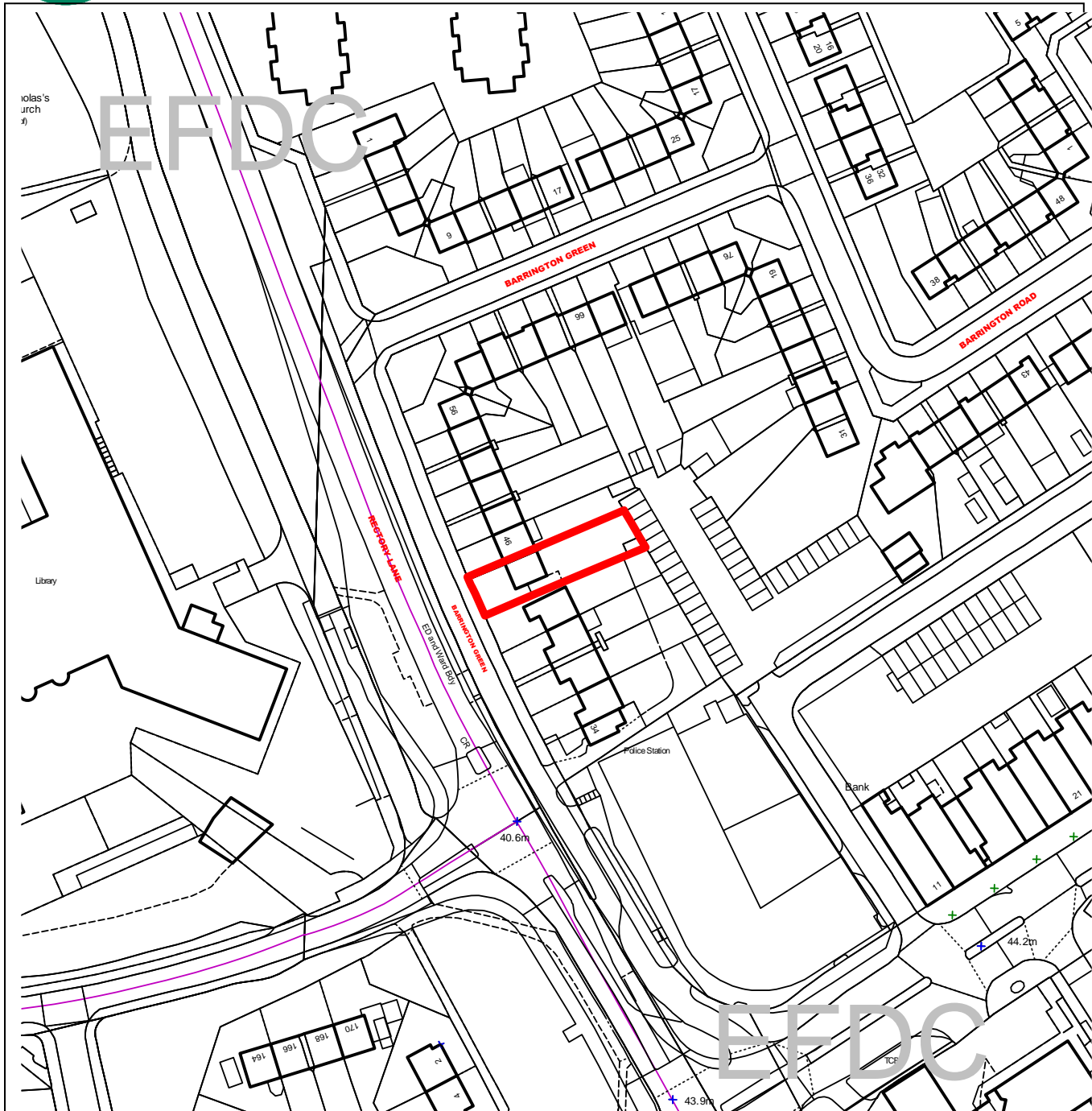




Epping Forest District Council



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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

APPLICATION No:	EPF/2442/21
SITE ADDRESS:	44 Barrington Green Loughton IG10 2BA
PARISH:	Loughton
WARD:	Loughton Broadway
APPLICANT:	Mr Ioan Misca
DESCRIPTION OF PROPOSAL:	Erection of a shed to be used as a gymnasium & store.
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=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 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.

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