



Epping Forest District Council



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Application Number:	EPF/2531/21
Site Name:	Hazel Cottage, 67 Smarts Lane Loughton, IG10 4BU
Scale of Plot:	1:500

Report Item No: 13

APPLICATION No:	EPF/2531/21
SITE ADDRESS:	Hazel Cottage 67 Smarts Lane Loughton IG10 4BU
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr & Mrs Elliott
DESCRIPTION OF PROPOSAL:	Proposed removal of existing kitchen outrigger, a full width ground floor extension and first floor rear extension.
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=657713

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: 1 AR-0-001; 1 AR-0-100; 1 AR-0-101; 1 AR-0-201; 1 AR-0-301 1 AR-0-401; 1 AR-100; 1 AR-101; 1 AR-201; 1AR 301; 1AR-401
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwellinghouse, 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.

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:

Hazel Cottage is a 2-storey mid terrace dwellinghouse located to the east of Smarts Lane which is residential in character. The property has an existing half width rear addition.

The property forms one of a row of 3 dwellings with similar characteristics. Both adjoining properties have been extended with 2 storey rear additions. The property is not located in a conservation area or Listed.

Description of Proposal:

The proposal seeks consent for the replacement of the existing ground floor addition with a full width single storey rear extension measuring a depth of 3.7m, equalling the depth of both adjoining properties ground floor rear extensions

The proposed first floor rear extension is to provide a family bathroom, measuring a depth of 2m, a width of 3m set in 0.7m and 1.5m from the shared boundary with No. 65 and 69 with a shallow gable roof.

Relevant History:

None

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 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.

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 23rd 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

LOUGHTON TOWN COUNCIL- OBJECTION

- No objection to the ground floor rear extension.
- First floor would result in a loss of daylight/sunlight and outlook to No. 69

5 neighbour consultations were undertaken, and 2 objections have been received:

- impact on the neighbouring amenity space, particularly with regards to the loss of daylight and sunlight. Loss of daylight and sunlight which would be lost to the bedroom of 69

Smarts Lane and also the implications of building on a party wall

- Comments from No., 65 Smarts Lane:- Request a sunlight and daylight assessment with possible loss of sunlight to ground floor sun lounge, off the kitchen as it has a clear roof and also require a party wall agreement before the work commences

Main issues and Consideration:

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

Design and Character

The proposed ground floor rear extension is of an equal depth as both adjoining properties rear extensions. The proposed first floor rear extension is considered of an acceptable proportional addition, appropriate in design, scale and siting.

It is not considered that the extension would result in any harmful impact on the character or appearance of the property or surrounding area and is acceptable in terms of policy DBE3, DBE9, DBE10 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. 65 and 69 have been extended with 2 storey rear extensions with their first-floor rear extensions projecting deeper than the proposed first floor rear extension to no. 67. The proposed first floor rear extension at a depth of 2m is to be set in between 0.7m and 1.4m from the side boundaries. Its limited scale and form, siting and separation distance from the adjoining properties would not result in any significantly harmful impact on their amenity in terms of loss of light or outlook.

Both neighbours suggest that a Daylight and Sunlight assessment should be undertaken, however this is not a validation requirement and goes above and beyond what would need to be assessed within this planning application. Nonetheless, with regards to the objection from No. 69, it appears that the neighbour may have misinterpreted the plans since the objection letter refers to the first floor extending by approximately 4m (which is the floor area, the depth of the proposal is just 2m), and also incorrectly interprets the first floor to be set against the shared boundary, whereby it would be stepped back 0.7m from the shared boundary. Therefore it seems that they may have overestimated the potential impact of the proposal.

The objections and comment from the Parish Council and neighbours are noted but the extension is not considered as resulting in any demonstrable harm to the living conditions of neighbouring properties. Any party wall agreement proposed does not fall within the remit of planning and the development is considered in accordance 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 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