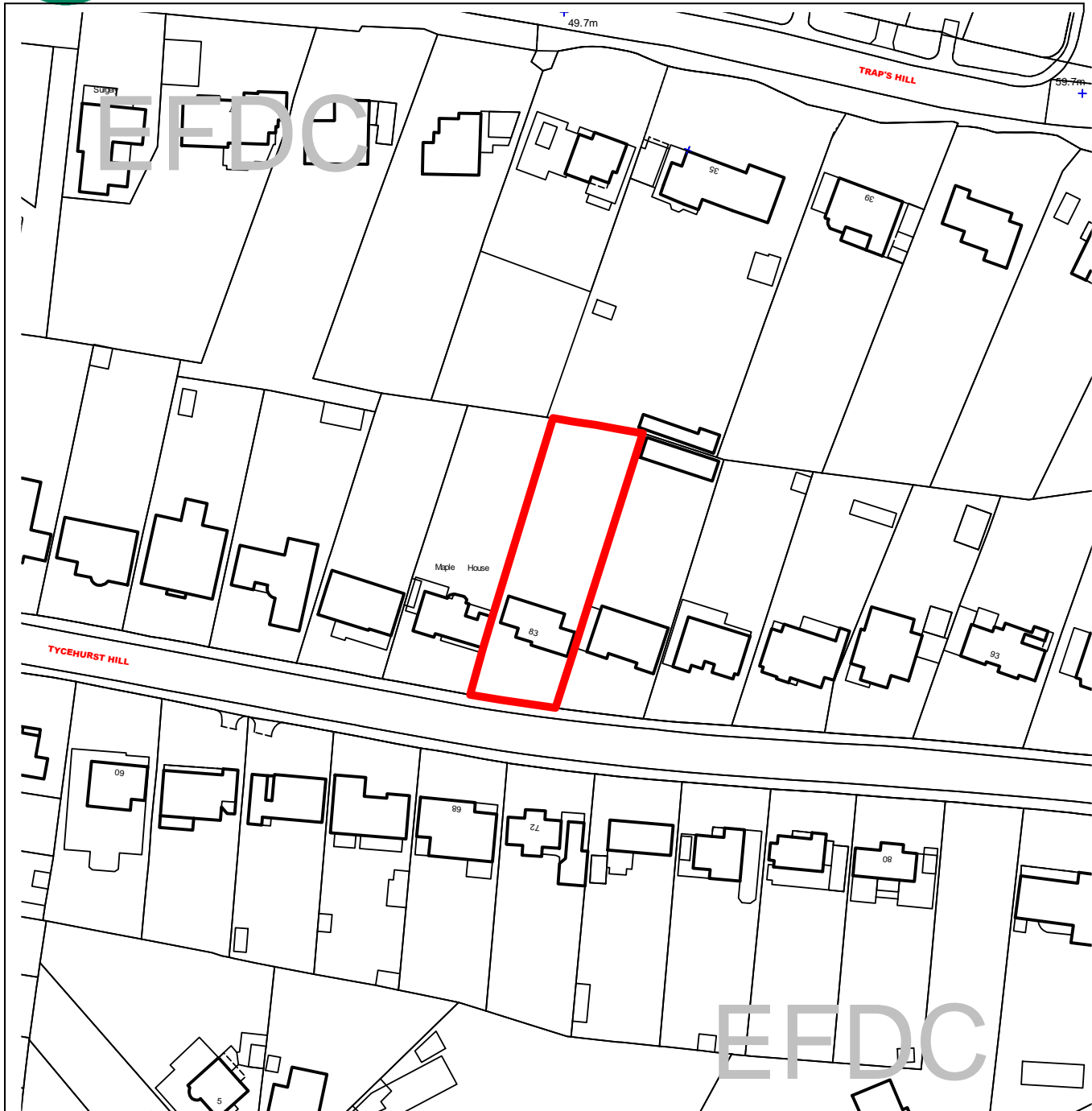




# Epping Forest District Council



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Application Number:	EPF/2777/21
Site Name:	83 Tycehurst Hill Loughton, IG10 1BZ
Scale of Plot:	1:1250

**Report Item No: 15**

<b>APPLICATION No:</b>	EPF/2777/21
<b>SITE ADDRESS:</b>	83 Tycehurst Hill Loughton IG10 1BZ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mr & Mrs Wedderburn
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey front extension, two storey & single-storey extension. First-floor side extension, new and raised roof, rear dormers, entrance wall & gates & external swimming pool. (Ref: EPF/1832/21).
<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=659014](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=659014)

**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:  
  
Drawing 2510/20 - Existing Plans, Elevations and Site Plan  
Drawing 2510/21 Rev G - Proposed Plans, Elevations and Site Plan.  
Cover Letter, MP Architects, 19th October 2021  
Arboricultural Report and Impact Assessment, Moore Partners Ltd, 20-09-2021  
Drawing MP/83TH/01 - 'Tree constraints and Protection Plan' drawing number (dated 26th October 2021)
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 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.
- 5 Prior to first occupation of the extensions hereby permitted the windows in the flank elevations at first floor level shall have 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 Prior to first occupation of the development hereby permitted a plan indicating the position, design, materials and type of boundary treatment to be erected, shall have been submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the development and thereafter permanently retained.
- 7 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 8 Tree protection shall be installed as shown on Moore Partners Ltd 'Tree constraints and Protection Plan' drawing number MP/83TH/01 (dated 26th October 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 9 The soft landscaping details shall include the planting of a 'liquidamber styraciflua' within a publicly prominent position within the front garden. It shall have a girth side of 12-14cm at time of planting and a minimum height of 3metres. The planting shall be undertaken in accordance with the planting implementation programme submitted as part of the overall site landscaping condition. If within a period of five years from the date of the planting or establishment the tree, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place
- 10 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.
- 11 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes

seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

*This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

### **Description of Site:**

The subject property is a detached dwelling located on the north side of Tycehurst Hill.

The surrounding area is residential and made up of houses of different designs and character.

The subject dwelling is modest compared to some others in the immediate surrounding area and has a distinct character including a catslide roof.

### **Description of Proposal:**

Description of development:

*Two storey front extension, two storey & single-storey extension. First-floor side extension, new and raised roof, rear dormers, entrance wall & gates & external swimming pool. (Ref: EPF/1832/21).*

The proposed development comprises the following elements:

Two storey front extension – 5.5m deep by 4.7m wide at ground floor. 5.0m deep by 4.7m wide at first floor.

First floor side extension – 3.1m wide, 7m deep.

Part two storey & part single storey rear extension:

Ground floor: 3.7m deep by 3.1m wide utility infill behind garage and 6m / 4.8m deep full width kitchen extension.

First floor 4.3m deep, 5.7m wide.

New loft to create two bedrooms – Hipped Crown roof addition to provide two second floor bedrooms with two rear dormer windows plus 3 no front rooflights. Increase of ridge height above that of existing house by approximately 1m.

Entrance gates, piers & walls – Maximum height 1.8m across full width of front boundary.

External swimming pool – 8m x 4m (within rear patio area).

The proposed development is a revised scheme following the refusal of application EPF/1832/21. The amendments compared to the refused scheme can be summarised as follows:

- Forward projection depth of two storey front extension reduced
- First floor rear balcony removed
- Tree documents submitted
- Proposed roof extension less bulky – changed to hipped crown roof form
- Patio widened across full width of garden.

### **Relevant History:**

EPF/1832/21 - Two storey front extension, first floor side extension, part two storey & part single storey rear extension, new loft to create two bedrooms, entrance gates, piers & walls & an external swimming pool. Refused 14.09.21.

Reasons for refusal:

1. The proposal by reason of its design, scale, bulk and siting would result in an over intensive level of development with the combined extensions appearing as disproportionate and unsympathetic additions which fail to complement or enhance the appearance of the existing dwelling and surrounding area contrary to policies CP2, CP7 & DBE10 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.
2. The proposed first floor rear balcony by reason of its design and siting would result in overlooking / a harmful loss of privacy to the rear garden of the neighbouring rear garden No. 85. As such the proposal fails to safeguard the living conditions of the occupiers of this neighbouring property, contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.
3. Since no tree survey, implications statement or tree impact assessment has been provided with the application insufficient information has been submitted to allow a proper assessment of the likely impact of the proposal on trees on the site that contribute to the visual amenities of the locality, contrary to policy LL10 of the adopted Local Plan 1998 & 2006, policy DM5 of the Local Plan Submission Version 2017, and paragraph 174 of the NPPF 2021.

### **87 Tycehurst Hill:**

EPF/0688/21 - Single storey rear extension and reposition retaining wall to support edge of raised lawn back to extend patio, gates and railings to front elevation. Approved 28/05/2021.

### **Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

*National Planning Policy Framework (NPPF) (July 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:
- c)
  - 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)*

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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 (ended 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:**

Loughton Town Council: Objection:

*“The Committee OBJECTED to this application, stating it was an overdevelopment which would result in a negative impact on the street scene.*

*The Committee would be willing to waive its objection if the roof was lower and the proposal maintained the open aspect of this part of Tycehurst Hill, by removing the railings, wall and gates.*

*Members commented on the deceptive nature of the plans, which failed to show the wall and gates in the proposed street scene. However, the hipped roof was an improvement on the previous application EPF/1832/21”*

6 neighbours consulted: 1 response received comprising 1 strong objection.

85 Tycehurst Hill:

*“I would like to object in the strongest possible terms to the proposed rear extension to 83 Tycehurst Hill, which would tower over my father's garden at number 85, blocking out light from the garden area near to the house and to the important rooms at the back of the house. It is also clear that the location of the extension has not been properly thought through. A look at the street plan shows that the houses on the street are carefully staggered, and it's clear that any extension to the back of 83 should be built on the side adjoining number 81, and not alongside 85. As number 87 extends alongside my father's garden on the other side, the proposed extension would mean that his garden would be hemmed in on both sides, breaking the pattern of the street. This would clearly be inappropriate.*

*The previous application was refused on similar issues, and the changes made do not substantially alter the impact the extension would have. It would be both intrusive and overbearing. I urge you to reject this proposal.”*

EFDC Tree Officer:

No objection, subject to tree protection and landscaping conditions.

EFDC Drainage:

No objection subject to surface water drainage condition.

Essex CC Highways: No objection.

### **Issues and Considerations:**

The main issues to consider relate to Design, Character and Appearance, Residential Amenity and Trees and Landscaping.

#### **Design, Character and Appearance**

The proposed development would significantly extend the host dwelling adding front, side, rear and roof extensions. However, a number of nearby dwellings have also been also been significantly extended or redeveloped and the surrounding area includes houses of different designs and character.

Application EPF/1832/21 was refused because it was considered that the combined extensions resulted in an over intensive level of development.

The current application seeks to address that concern and has done so by reducing the bulk and mass of the roof extension by proposing a hipped roof form. The forward projection depth of the

proposed front extension has also been reduced.

Whilst it is still proposed to increase the ridge height by approximately 1m compared to the existing dwelling, the maximum height would still be below that of the neighbouring property to the east (No. 85), ensuring that the maximum height of the houses step up consistent with the slope of Tycehurst Hill, and therefore the proposed roof extension would not appear incongruous in the street scene in terms of its maximum height.

There was no objection to the proposed two storey front extension in the refused application but this has nonetheless been reduced in terms of its forward projection depth. This element remains acceptable in character and appearance terms, particularly due to the amount of space that is available to accommodate it due to the large front drive area and position of the house which is well set back from the road. The front extension would not extend forward of the front building line of the neighbouring property No. 81.

There was no objection to the proposed two storey rear extension in the refused application other than the first floor rear balcony, which has now been removed.

In the refused application there were concerns about the proposed side extension in combination with the overly bulky roof extension, however as the roof extension has now been reduced to a hipped roof form the first floor side extension is considered to be an acceptable addition.

There is no objection to the swimming pool / rear patio area or front boundary treatment / gates.

Whilst the proposed front boundary treatment / gates would reduce the existing open nature of the frontage, it is noted that a similar front boundary treatment/gates were recently approved at 87 Tycehurst Hill under permission EPF/0688/21. The maximum height of the brick pier and gates would be 1.8m, however the majority of the brick wall is much lower at around a metre with railings above, which allow a degree of visual permeability.

Overall, it is considered that the revised scheme has overcome previous design, character and appearance concerns and the proposed extensions can now be supported.

The proposal therefore 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.

### Residential Amenity

The previously proposed first floor rear balcony has now been removed from the proposed development and replaced with a window, and as such previous concerns in terms of harmful overlooking / loss of privacy to the rear garden on No. 85 have been overcome.

It is not considered that the proposed development would have a harmful impact on the visual or residential amenity (including loss of light or outlook) of the occupiers of either immediate neighbour or any other neighbouring residential property.

The proposal therefore 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.

### Trees and Landscaping

The Tree Officer has no objection, subject to conditions, and offers the following comments:



### Tree Protection

*Tree protection shall be installed as shown on Moore Partners Ltd 'Tree constraints and Protection Plan' drawing number MP/83TH/01 (dated 26th October 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.*

*Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.*

### Replacement tree

*The soft landscaping details shall include the planting of a 'liquidamber styraciflua' within a publicly prominent position within the front garden. It shall have a girth side of 12-14cm at time of planting and a minimum height of 3metres. The planting shall be undertaken in accordance with the planting implementation programme submitted as part of the overall site landscaping condition. If within a period of five years from the date of the planting or establishment the tree, or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place*

*Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.*

### Comments

*The most prominent tree on the site is the purple plum within the front garden. It has been shown to be removed due it is very close proximity to the front wall and the damage that is currently being caused to the front wall and pavement. The proposal includes a new front boundary and the roots of the tree would be severely damaged during these works. We agree with the applicants Arb Consultant in that it would be more appropriate to take the opportunity to plant a suitable replacement tree. A Liquidamber has been proposed. We would therefore propose that in addition to our 'standard' hard and soft landscaping condition a 'non standard' condition for the specific planting of this tree is included."*

Previous tree protection concerns have now been overcome and the proposal is now acceptable in tree and landscaping terms, subject to the suggested tree protection and landscaping conditions.

### Conclusion:

The proposed development is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval 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: Kie Farrell Telephone Number: 01992 564248.**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**