

## ***Report to District Development Management Committee***



**Epping Forest  
District Council**

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***Date of meeting: 26 January  
2022***

**Address: 8 Boleyn Row, Epping, CM16  
6FF**

**Subject: Part single/two storey rear/side extensions, replacement larger roof window on rear elevation, conversion of rear half of existing garage. (Revised application to EPF/0052/21).**

**Officer contact for further information:** Caroline Brown (01992 564182)

**Democratic Services Officer:** Gary Woodhall (01992 564470)

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### **RECOMMENDATION**

***That planning permission be GRANTED subject to the following conditions: -***

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan; 20-8BR-04 Rev A; 20-8BR-05; 20-8BR- 06
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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Class A-E of Part 1, to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
5. Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, 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. 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.

#### **Report:**

1. This application was reported to Area Planning Sub-Committee East on 13 October 2021 with a recommendation to grant permission, subject to conditions.
2. Following discussion on the merits of the proposal, Members voted to support the application. However, four Members stood in order to refer this item to District Development Management Committee for further consideration with a recommendation to approve the application.
3. Councillor Whitbread suggested that Members of District Development Management Committee may benefit from visiting the location prior to the meeting taking place.

### **ORIGINAL REPORT**

#### **EPF/0583/21**

*This application is before this Committee since it is for a type of development that cannot be determined by Officers as the majority of those consulted objected on planning grounds material to the application. The application is also 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**

No. 8 is a 2-storey gable roof double fronted detached dwellinghouse located to the north of Boleyn Row which is residential in character. The property has a detached side/rear garage and a 2-storey rear aspect that forms part of the original house sited to the east elevation of the property.

The property no's 2-10 front onto Boleyn Row and are uniform in character comprising of large detached dwellings of equal spacing and of a similar main front building line. No. 7 and 8 are sited on the corners of the access to King Henry's walkway and are the only 2 properties in this frontage that vary in design terms with a rear staggered building line

The property lies outside of a conservation area and is not listed.

#### **Proposed Development**

The proposal seeks planning consent for the:

- Demolition of the existing original single storey utility building
- Conversion of the rear half of the exiting double garage into a habitable room (playroom)

- Single storey rear extension extending to a depth of 6.8m and a width of 5m set in 0.5m from the west flank, (a reduction of 0.3m in depth and 3m in width from the previous application).
- the 2-storey rear extension has also been reduced in depth from 5.1m to 4.5m at a width of 4.6m
- Change of roof from a pitched roof to a shallow hip roof.
- Enlargement of the central rear roofslope skylight for the stairway
- Number of bedrooms has been reduced from 6 to 5

Materials are to match the existing property.

### **Relevant Planning History**

EPF/0052/21- Part single/two storey rear extensions, replacement larger roof window on rear elevation, conversion of rear half of existing garage. - Refused 25/02/21

*'The existing extensions and proposed development by reason of its design, excessive scale, bulk and siting would cumulatively subsume the character and appearance of the existing dwelling house. As such, the development would result in a disproportionate and obtrusive development that is unsympathetic and have a detrimental impact on the character of the property and the surrounding locality. The proposal is therefore contrary to policies CP3, DBE1, DBE3 and DBE10 of the adopted Local Plan and Alterations ((1998 -2006) and policy DM9 and DM10 of the Submission Version Local Plan, 2017 and, the National Planning Policy Framework, 2019',*

### **Policies Applied:**

#### **DEVELOPMENT PLAN CONTEXT**

##### Local Plan (1998) & 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  
 DBE1 Design of New Building  
 DBE2 Impact on Neighbouring Properties  
 DBE3 Design in Urban Areas  
 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.

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

Paragraph 126-7 - Achieving well designed Places

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 & SUMMARY OF REPRESENTATIONS RECEIVED:**

Epping Town Council - Objection

- Overdevelopment,
- Excessive scale and bulk, create a Terracing effect
- Loss of amenities to adjoining properties in the form of a loss of privacy, noise and visual impact
- Loss of garage

3 adjoining neighbours were notified, and 3 objections have been received that raise the following concerns:

Epping Society - Objection -

- The bulk, siting character and appearance of the extensions is still an issue
- Relatively new development architecturally designed to a high standard
- Over development, an unwelcome precedent

Other objections:

- visual impact, overbearing, overdevelopment, loss of privacy and light. parking congestion

### **Main Issues & Considerations:**

- Design and siting of the development in relation to the character and appearance of the property and surrounding area.
- Impact on neighbour's amenity
- Parking and highway

### **Impact on the character and appearance of the property and the surrounding area**

Epping Forest adopted Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

This application is a resubmission following a previous refusal which centred around the scale and bulk of the development that was considered out of proportion to the main dwellinghouse.

The extensions have been reduced in depth and width thereby reducing their overall scale and bulk and is considered to have addressed many of the concerns of the previous application.

The rear extensions are to be set in over 4m from the west and east boundary, well set in from No. 9 and significantly enclosed by their main flank elevation and buffered to the east of the main house by the 2-storey outrigger to the main host dwellinghouse, aligning with the rear main building line of other properties in this section of Boleyn Row. The 2-storey rear extension has a shallow low roof and is considered subservient to the main house, not visible from any public viewpoints and not detrimental to the visual appearance of the street scene.

There is no objection to the conversion of the garage to a habitable space. The property retains an existing garage space and car space in front of the garage.

In terms of its design and form the development is considered sympathetic and comparable in context with the spatial design and pattern of development in the surrounding area and complies satisfactorily with policies CP2, DBE3 and DBE10 of the adopted Local Plan and policies of the Local Plan (1998) and Alterations (2006) and policy, DM9 and DM10 of the Local Plan Submission Version, 2017 and does not conflict with the design objectives of the National Planning Policy Framework., 2021 that seeks to ensure, amongst other things, that new development is of a high quality design that respects its setting and the character and environment of the locality.

#### Impact on Neighbours' Amenities

In terms of amenity, the proposed rear extensions are to be set in some 4.5m from No.9 and 3.5m from the east flank elevation which is buffered by the 2 storey outrigger of the same size and would not be visible from the immediate adjoining neighbours.

The separation distance of the adjoining properties would ensure that the proposed development would not result in any undue harmful amenity implications subject to first floor side elevation windows being conditioned as obscure glazed to prevent overlooking and a loss of privacy to the adjoining neighbours. The proposed playroom is an ancillary aspect to the main dwellinghouse and not considered to generate any significant amount of noise or disturbance. It is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017

In response to the objections received, the proposal does not involve any alterations or extensions to the front elevation of the property. The extensions are to be sited to the rear of the property and would not result in any 'terracing' effect being created.

The proposed enlargement of the existing centrally located rooflight in the rear roof slope is to give light to a staircase and not considered to result in any loss of privacy to the living conditions of neighbouring properties.

The Environmental Protection and Drainage Team were consulted and have no comments to make on the proposal.

#### Parking & Highway Considerations

With regards to the parking arrangements for the proposed dwelling, 2 car parking spaces are required for a 2 bed + dwellings in line with the Councils adopted parking standards (Essex County Parking Standards 2009). The proposed extension would result in the loss of a garage

space and an increase in the number of bedrooms to 5. Two remaining car spaces remain as part of the property utilising the existing vehicle access onto Boleyn Row which meets the minimum standards required by the Essex Parking Standards and policies ST4 and ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

### **Conclusion**

The proposed development has satisfactorily addressed the previous reason for refusal and is considered appropriate in terms of its design and appearance, maintaining the established spatial pattern of development in Boleyn Row and not result in any appreciable harm to its architectural local context. The extensions are not deemed as resulting in any amenity implications to neighbouring properties and other aspects in relation to parking/highway safety are considered satisfactory. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and with the relevant parts of the National Planning Policy Framework. In the light of the above considerations it is recommended that planning permission is approved 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)***