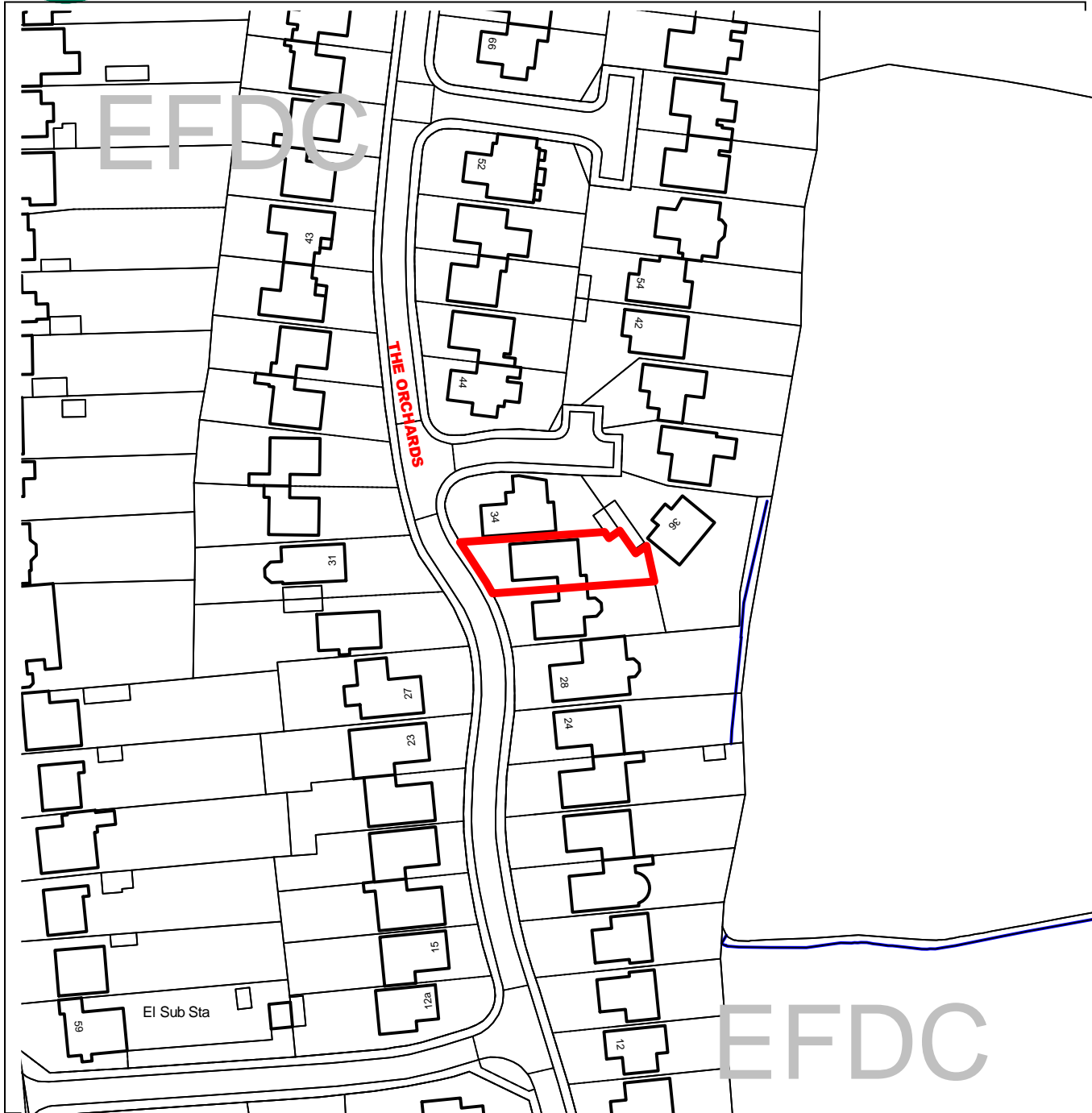




Epping Forest District Council



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| | |
|---------------------|-------------------------------------|
| Application Number: | EPF/2907/21 |
| Site Name: | 32 The Orchards Epping, CM16 7BB |
| Scale of Plot: | 1:1250 |

Report Item No: 12

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2907/21 |
| SITE ADDRESS: | 32 The Orchards Epping CM16 7BB |
| PARISH: | Epping |
| WARD: | Epping Hemnall |
| APPLICANT: | Mr A Simpson |
| DESCRIPTION OF PROPOSAL: | Proposed conversion of the existing loft space into habitable accommodation with two side facing dormer windows with pitched roofs to south facing elevation and one side facing dormer window with obscured glazing to north facing elevation. The rear gable facing the garden and open fields is to be fitted with glazing with doors and Juliet balcony. This proposal makes efficient use of the existing loft space and is similar to many other similar loft conversions in the locality. This particular loft can be converted under permitted development rights that the dwelling enjoys and can be fully functioning. However, the applicant is applying under the householder application procedure as the overall roof extension compared to the original is just in excess of the 50 cubic metres allowable. |
| 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=659502

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: 21050_001, 21050_002, 21050_101, and 21050_102.
- 3 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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.
- 4 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.

- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 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.

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a semi-detached house, located within a built-up area of Chigwell. It is not listed nor in a conservation area.

Proposal

The proposal is for conversion of the existing loft space into habitable accommodation with two side facing dormer windows with pitched roofs to south facing elevation and one side facing dormer window with obscured glazing to north facing elevation. The rear gable facing the garden and open fields is to be fitted with glazing with doors and Juliet balcony.

The application form further states: This proposal makes efficient use of the existing loft space and is similar to many other similar loft conversions in the locality. This particular loft can be converted under permitted development rights that the dwelling enjoys and can be fully functioning. However, the applicant is applying under the householder application procedure as the overall roof extension compared to the original is just in excess of the 50 cubic metres allowable.

Relevant Planning History

EPF/0289/79 - Details of rear extension (kitchen and lounge) – Approved

EPF/0417/22 - Application for a Lawful Development certificate for proposed construction of three side facing dormer windows with flat roofs to the existing roof - Lawful

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: 6. No response(s) received
Site notice posted: No, not required

EPPING TOWN COUNCIL – The Committee felt that this proposal is an overdevelopment of the site and would result in the loss of yet another bungalow and set an undesirable precedent in this long-established bungalow area. The proposed design with its large dormer windows does not complement the building and would have a negative effect on the street scene. There are no new bungalows being built but there is a demand for this type of housing from older or elderly people who wish to downsize and live independently but who are not able or do not wish to use stairs. There is a significant and demonstrable adverse impact on the local supply of housing by allowing these conversions. The Orchards is characterised by true bungalows and altering the style of this building would contribute to an undesirable precedent, which will adversely affect the character of this particular urban area. National policy recognises the importance of taking into consideration the character of different areas, which is crucial in this location. Allowing these conversions has an adverse effect on the local supply of this type of housing and is not sustainable as it reduces local choice, diversity and the mix of dwelling types available. The importance of this type of bungalow accommodation has been recognised in the emerging Local Plan and Neighbourhood Plan.

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

It is considered that the proposed development is considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building, will not appear incongruous to the street scene nor harm the wider area. It is unclear how the addition of 3 dormer windows within the existing roofscape would amount to harmful overdevelopment of the site, since in most cases they can be constructed without the need for planning permission, subject to, amongst other things, their overall size.

On another note, permitted development rights have not been removed for this property, so there is scope to do a loft conversion without the need for planning permission. EPF/0417/22 has been found Lawful, which has an alternative design than proposed i.e. Flat roof dormers, as opposed to dual pitched dormers. Officers consider that the proposal before members is of a better design.

Furthermore, concerns re the loss of the bungalow are noted, however, as part of the recent Main Modifications a proposal to include a definition of bungalows has been proposed which is as follows:

“Bungalow

A house having only one storey. A bungalow can have accommodation in the roof-space served by accompanying roof-lights and dormer windows. This means that converting the loft of the existing roof to form additional internal accommodation does not result in the loss of that bungalow.”

The proposed dwelling will result in a dormer bungalow and meet the above Policy definition. As such, it is considered that the proposal would not result in the loss of a bungalow.

Accordingly, the proposal is considered to comply with policies CP2, DBE10 & H4A of the LP, Policies H1 & DM9 of the LPSV, and Paragraphs 62, 126 and 130 of the Framework.

Living Conditions

Any harmful overlooking to both neighbouring properties, can be mitigated by a suitably worded condition. To this effect, a condition requiring the side dormer windows to be obscure glazed has been added.

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