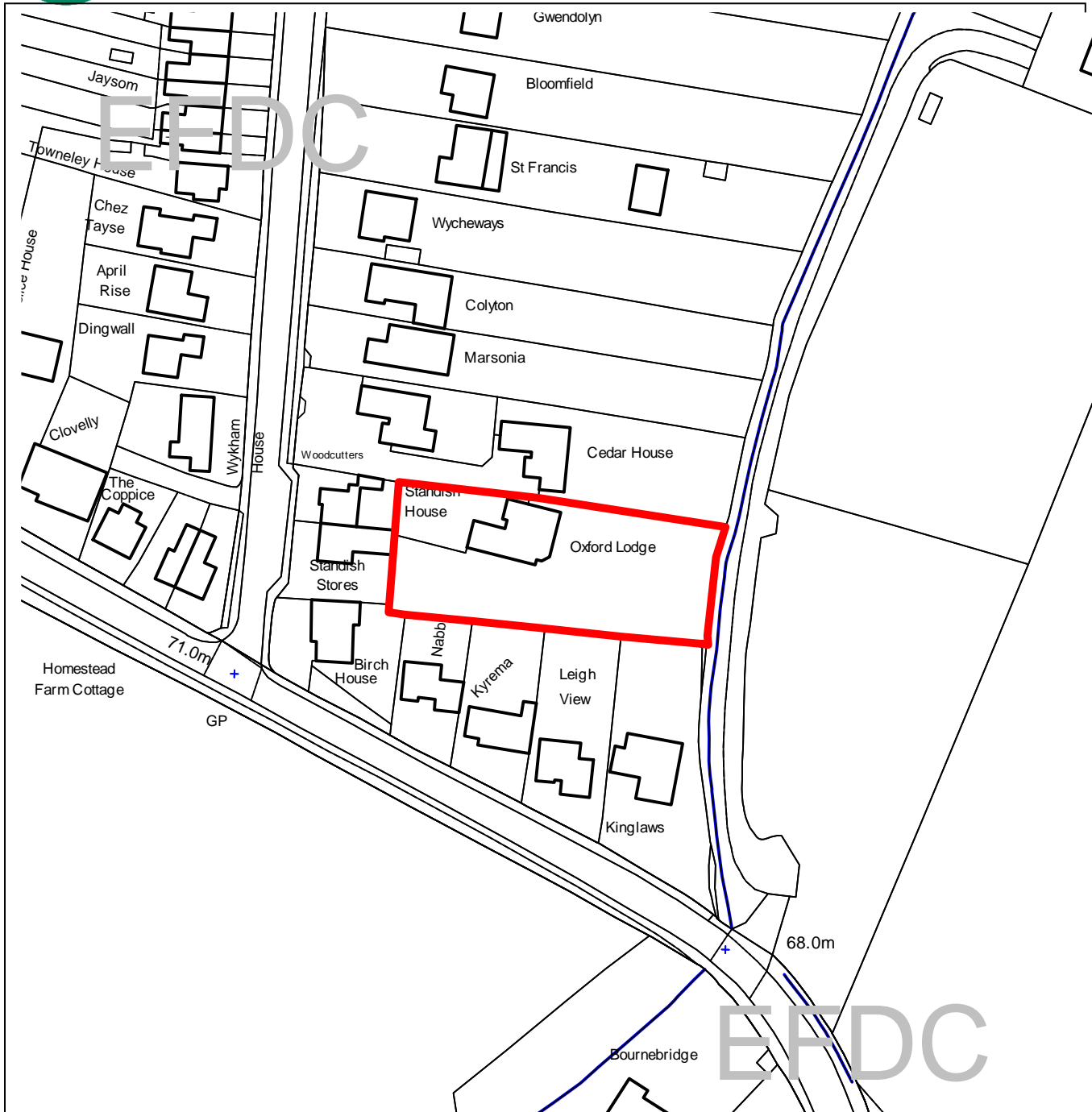




Epping Forest District Council



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/0212/22
Site Name:	Oxford Lodge Tysea Hill, Stapleford Abbots RM4 1JP
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/0212/22
SITE ADDRESS:	Oxford Lodge Tysea Hill Stapleford Abbots Romford RM4 1JP
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr Ben McCayna
DESCRIPTION OF PROPOSAL:	Detached single storey building.
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=662536

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: 2008/5 A; 2008/7 and Location Plan.
- 3 The tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be implemented as shown on Andrew Day Arboricultural Consultancy Ltd dated 24th January 2018 under planning application granted with conditions: EPF/3007/17.
- 4 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased 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.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 6 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
- 7 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 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 application site is on a large irregular shaped plot of land set back off the public footpath to the rear of residential dwellings on Tysea Hill, Stapleford Abbots. There are no listed buildings attributed to the site and it is not within a Conservation Area. The site is partly within the Metropolitan Green Belt. There are TPO trees present on the site.

Description of Proposal:

Detached single storey building.

Relevant Site History:

EPF/0824/09 – Conversion of existing garage to habitable room and construction of new detached garage block. Grant Permission Area Planning Committee East

EPF/2184/14 – TPO/EPF/15/03: 2 x Ash trees - Crown reduction as specified. Grant Permission with Conditions

EPF/3007/17 – Detached garage block and store. Grant Permission with Conditions Area Planning Committee East. Development commenced.

EPF/1479/20 – TPO/EPF/15/03

T1 & T2: Ash - Reduce height and laterals, as specified.

T3: Willow - Repollard, as specified.

T4: Willow - Reduce to previous pollard points. Granted Permission with Conditions

Policies Applied:

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).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties

DBE3	Design in Urban Areas
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention

National Planning Policy Framework (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	124
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	145

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. 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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant

Summary of Representation:

No. of neighbours consulted: 10, 1 objection received, 1 comment received.

Nabbit House: OBJECTION –

A summary of the concerns raised by the neighbour at Nabbit House are as follows:

- Overbearing due to size and scale
- Proximity to neighbouring house
- Inappropriateness
- Noise disturbance from new proposed use – games, swimming, sauna within 30m of neighbour
- Overlooking/loss of privacy

STAPLEFORD ABBOTTS PARISH COUNCIL: OBJECTION - *this is a garden room in the front garden, connected to the sewer, water, electric and gas. We are concerned about overdevelopment on the site, and neighbours are commenting too. We have reservations regarding the use of the building and if it would become a future dwelling – particularly as all the utilities are attached now. We also are concerned about vehicles coming out onto the highway, and car storage on site if it changes use from being a garage. We would also raise privacy concerns with this application.*

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Design
Impact on the Living Conditions of Neighbours

Design

The proposed outbuilding would have a dual pitched gable roof and would be externally clad in black weatherboard. The siting of the proposed development is enclosed within private amenity space and is not visible from the public footpath. The site is also well screened by trees and shrubs. It is considered the design of the proposal would be acceptable and would not be detrimental to the existing dwelling house or wider area.

The applicant has submitted this application with changes to the roof from a hipped to gable. The other changes include the addition of a roof window and a solid side elevation in lieu of two open car port areas. The footprint of the outbuilding remains the same as already granted permission which has been commenced to foundations level.

The proposal would not constitute overdevelopment as it is considered that there would be ample private amenity space remaining on the site.

The building, amongst other recreational facilities, will continue to be used as a garage to house vehicles. Additionally, there is sufficient hardstanding space on site for car parking and vehicle access arrangements remain unchanged.

Impact on Living Conditions

The Parish Council and neighbour at Nabbit House object to the proposal stating that the development would result in harm to the living conditions of neighbours in relation to being overbearing and overdevelopment, loss of privacy and disturbance from activities of proposed use. There was also concern that the outbuilding will be used for residential purposes in the future.

The applicant has already secured consent for an outbuilding of this scale and in this location in 2017. Therefore, the issue is whether the proposed changes i.e. roof from hipped to gable, addition of roof window, closed elevation instead of car port, will cause additional and significant harm to the living conditions of the neighbour. On balance, it is considered that the revised proposal safeguards the neighbour from harm to their living conditions. The proposed changes do not have a window to the side elevation nearest to the neighbours at Nabbit House therefore there are no overlooking or loss of privacy concerns.

It is considered that due to the distance between the proposed outbuilding and the neighbouring dwelling at Nabbit House (approximately 30 metres), the scheme would be a sufficient distance so as not to cause excessive harm to the living conditions of neighbours in relation to noise disturbance.

The perception that the building has the potential to be converted into a dwelling house is not a current material consideration. A condition stating that the outbuilding can only be used as ancillary to the enjoyment of the dwelling house will be included. Any future change of use will require planning permission.

Other considerations

The Council's trees and landscaping team were consulted on the original application and have conditioned the original consent with Tree protection and landscaping requirements.

It should be noted that there are 4 trees protected by way of a Tree Preservation Order on the application site and which cannot be removed at any time by the applicants without needing to notify the Local Planning Authority with an obligation to plant a replacement if trees die or are removed. These conditions will continue to apply to the current application.

Conclusion:

For the reasons outlined above, it is recommended that planning permission is granted 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: Mohinder Bagry

Direct Line Telephone Number: 01992 564135

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk