



Epping Forest District Council



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Application Number:	EPF/0885/22
Site Name:	51 Algers Road Loughton Essex IG10 4NF

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OFFICER REPORT

Application Ref: EPF/0885/22
Application Type: Householder planning permission
Applicant: Mr James Hart
Case Officer: Muhammad Rahman
Site Address: 51 Algiers Road
Loughton
Essex
IG10 4NF
Proposal: Demolition of existing pre-fab house and replacement of a new dwelling house extension.
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzAk>
Recommendation: Approve with Conditions

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: 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 Loughton. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The proposal is for alterations to the roof (including a rear dormer), front garage door and first floor side extension.

Relevant Planning History

EF\2021\ENQ\00415 - Ground and first floor side extensions, ground floor rear extension and rear dormer extension - Advice Given

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

49 ALGERS ROAD & LOUGHTON RESIDENTS ASSOCIATION – Objections – Summarised as;

- Terracing effect;
- Loss of light;
- Loss of symmetry/visual amenity; and
- Greater sense of enclosure.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection. A member of the public with an interest in this application addressed the meeting.

The Committee OBJECTED to this application on the grounds that the property forms part of a matching pair of semi-detached houses with their neighbours at number 53. The side extension and rear roof addition, by reason of its bulk, would cause an imbalance and loss of symmetry and be detrimental to the visual amenity of this part of Algiers Road.

The side extension would close the gap with no. 49, blocking the open aspect between the properties to the rear thereby causing a negative impact on the street scene and creating a terracing effect. The building would be dominant and overpowering to the neighbours at no. 49, such that no.49 would no longer look like a detached property.

The Committee also considered that the attractive vintage character of the property would be negatively impacted by the inclusion of new oddly shaped roof lights and windows and removal of the existing original leaded light windows. It was also preferred that to maintain their character the window frames should be kept in their original colour of white.

Natural England and Loughton Town Council have both advised in their main modifications responses to the Inspector (autumn 2021) that the LPSV cannot yet be considered justified, effective or consistent with national policy in relation to detriment to the SAC. Therefore, we object to this application because of the extra burden on recreational pressure, and damage to air quality in the SAC that the application, alone or with other projects, will engender.

Members expressed concern at the poor quality of plans that had been provided in respect of this application

Planning Considerations

The main issues for consideration in this case are:

1. The impact on the character and appearance of the locality; and
2. The impact on the living conditions of neighbouring properties.

Character and Appearance

This application follows on from a recent pre-application exercise and officer recommendations are present within the proposal.

The proposed first floor side extension is recessed from the front wall some 2.4m and set in from the common boundary with No. 49 by 1m. As such, the proposal would not result in a terracing effect and is of a subservient design that complements the appearance of the existing building and that of the street scene. There are no design issues regarding the garage extension and the replacement door, nor the proposed rear dormer and front rooflight both of which can be built under permitted development.

On that basis, the proposal would not have a harmful effect to the character and appearance of the area.

Living Conditions

The proposed first floor side extension is contained within the flank wall of No. 49, so there would be no impacts to No. 49 in any regard i.e. loss of light overlooking, overbearing, and visual impact. No further impacts are envisaged from the proposed extension to the rear of the garage. Too add, as mentioned above the proposed rear dormer can be built under permitted development, and the level of overlooking from a rear dormer is not uncommon within urban areas where there already exists a high level of mutual overlooking across properties.

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.

Other Considerations

It is unclear as to how extensions to a single dwelling would have an impact on the Epping Forest Special Area of Conservation, so the Parish comments in this regard are unfounded. Regarding the submitted plans, they are of a good standard, so it is unclear as to how they are of poor quality. The adjoining neighbour has commented on maintenance concerns to their flank wall; however, this is not a planning matter, but one to be resolved between both the neighbour and the applicant, outside the planning regime.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest.

Case Officer: Muhammad Rahman | mrahman@eppignforestdc.gov.uk. If no direct contact can be made please email:

contactplanning@eppignforestdc.gov.uk

Conditions: (5)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 0-01, 0-02, 0-03, 0-10, 0-11, 0-12, 1-02, 1-03, 1-10, 1-11, and 1-12.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 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.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

Informatives: (1)

- 6 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

