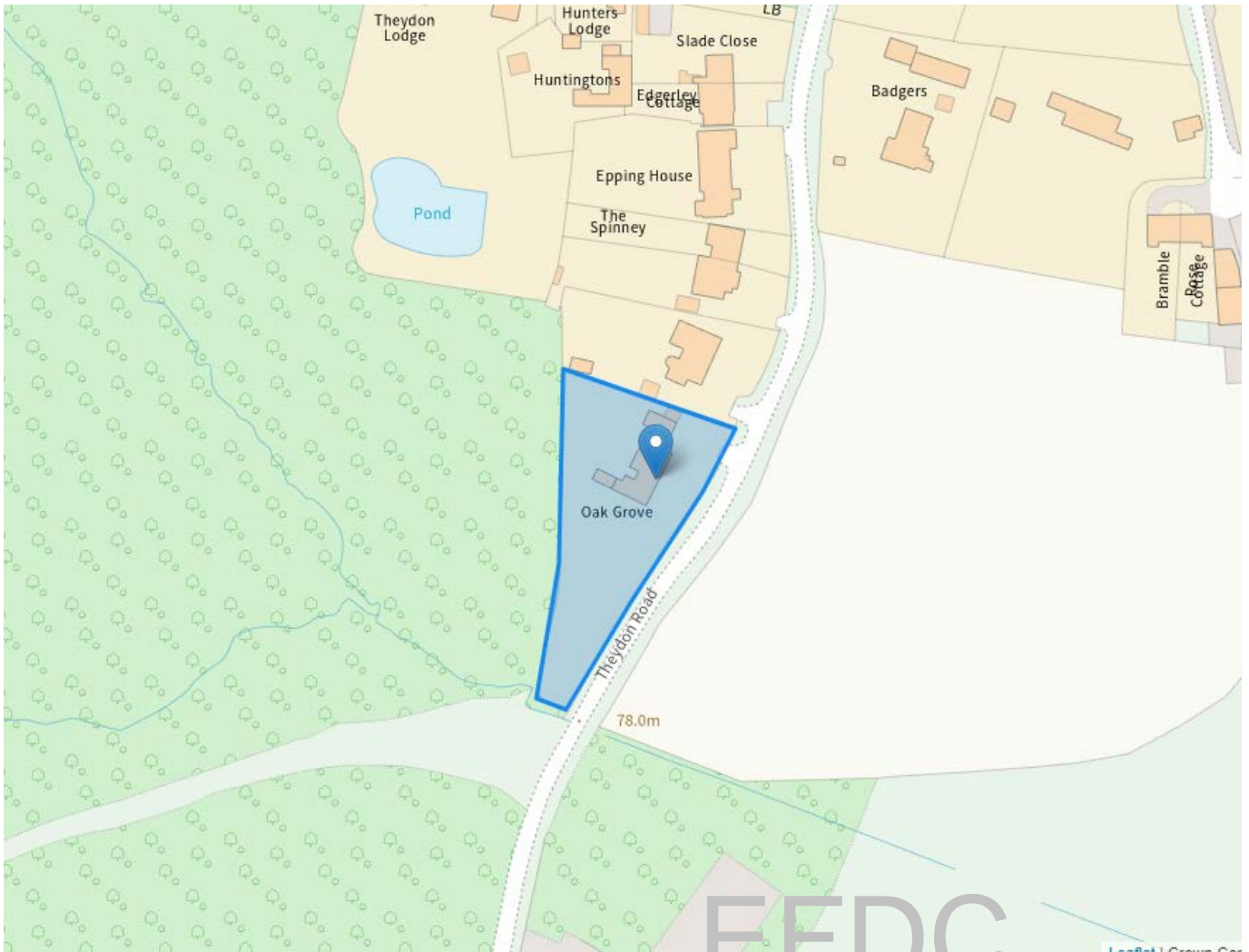




# Epping Forest District Council

# EFDC



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Application Number:	EPF/1298/22
Site Name:	Amesbury House ,Theydon Road, Theydon Bois, Epping, CM16 4EF

# OFFICER REPORT

**Application Ref:** EPF/1298/22  
**Application Type:** Householder planning permission  
**Applicant:** Mr Matthew Thompson

**Case Officer:** Marie-Claire Tovey  
**Site Address:** Amesbury House ,Theydon Road, Theydon Bois, Epping, CM16 4EF  
**Proposal:** Side extension providing new first floor Master Bedroom over existing garage and rear extension providing Family Room and extension to first floor.

**Ward:** Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d00000001lc>  
**Recommendation:** Approve with Conditions

*This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council, supported by at least one non-councillor resident, with material planning reasons, 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)).*

## **Description of Site:**

The application site is a roughly triangular plot containing a large detached dwelling to the north of the site with the triangle site area tapering to the south.

The house is at the end of a ribbon of development and is opposite open land. The site is within the Metropolitan Green Belt but not a Conservation Area. There are preserved trees close to the boundary with the neighbour to the north.

## **Description of Proposal:**

The application seeks consent for a first floor side extension and single storey rear extension. The side extension measures a maximum of 8.4 wide and depth of 9.7m. The side extension will have a crown roof, behind a parapet wall to a maximum height of 7.9 (current height 4.3m). To the rear the ground floor element extends a maximum of 5.2m, 10.1m wide with a height of 3.3 with a lantern above.

## **Relevant History:**

Various applications for extensions and works within the grounds, the most relevant of which:  
EPF/1029/22 - Replacement of the existing timber garden fence with new brickwork garden fence - Concurrent Application  
EPF/0343/22 - First floor side extension and single storey rear extension – Refused  
EPF/0534/16 - Rebuilding of garage with linkage to house and with accommodation over garage within sloping roof, erection of ground floor rear extension, provision of terraces at first and second floor rear and erection of 6 dormer windows at second floor with 4 at the front and 2 at the rear – Part implemented (dormers and link)

## **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:

CP2 – Protecting the quality of the Rural and Built Environment  
DBE2 - Effect on neighbouring properties  
DBE5 – Design and Layout of new development  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
GB2A – Development in the Green Belt  
GB7A – Conspicuous development in the Green Belt  
ST01 – Location of Development  
ST06 – Vehicle Parking  
LL10 – Adequacy of provision for landscape retention

### *Epping Forest District Local Plan (Submission Version) 2017*

<b>Policy</b>		<b>Weight</b>
DM3	Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4	Green Belt	Significant
DM9	High Quality Design	Significant

## **Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted: 2  
One response received

### THEYDON CROFT, THEYDON ROAD: Objection

Concern around the impact on the TPO tree and around loss of privacy and loss of light. Also consider this to be overdevelopment in the Green Belt and raised concerns of drainage.

### THEYDON BOIS PARISH COUNCIL: OBJECTION

Ambresbury House (formerly known as Oak Grove), is a handsome period property in a small enclave of built development within the Metropolitan Green Belt, directly abutting the Epping Forest Special Area of Conservation. The site is located on Theydon Road, to the south of Epping and to the north of Theydon Bois. In its current form, it is believed that the property dates from 1925, with a dwelling having occupied the site since c 1860 when it was built as part of five Georgian 'Villas' to the West of Gregories Farm.

The existing house comprises the original two storey dwelling, with a side extension providing gym facilities (being originally detached garaging) and two rear extensions providing a breakfast room and an orangery. The current proposal – for a ground floor rear extension and a first floor side extension (over the former garage) – is a revised scheme of planning application EPF/0343/22 that was refused by EFDC earlier this year.

Reasons for refusal of EPF/0343/22 included:

- (1) "... the proposed extensions and those to be retained result in disproportionate additions above that of the 'original' dwelling and are therefore inappropriate development by definition harmful."
- (2) "The proposed first floor addition by reason of its width and height is an unacceptable addition to the host property and within the streetscene."
- (3) "Due to the height of the proposed side extension, the proposal is likely to result in the need for ongoing works to the neighbouring preserved tree to the detriment of the appearance of the tree in the streetscene."

While the Committee notes that reason (3) for refusal quoted above may have been overcome, it is not convinced that reasons for refusal (1) and (2) have been sufficiently addressed and that the proposed side extension could still be considered to not be a subservient addition to the main house.

The Committee therefore remains of the view that the proposed extensions under consideration, when counted together with previous extensions to the property, may constitute additions disproportionate to the original building, and therefore inappropriate development by definition harmful – contrary to the provisions of Paragraph 149 of the NPPF, 2021, Policies GB2A and GB7A of the Epping District Local Plan 1998 (with Alterations 2006) ('the Epping Forest District Current Local Plan'), and Policy DM 4 of the Epping Forest District New Local Plan (Submission Version, 2017).

However, notwithstanding this Objection, should the Planning Officer recommend that Planning Permission be granted, the Parish Council would wish to ensure that Permitted Development rights - as now covered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (with amendments, including those of 2020) - including Schedule 2, Part 1, Classes A, AA, B, C and E, are removed from Ambresbury House, to allow the Local Authority to manage any future proposals for further extensions to the property, or within its residential curtilage, given the sensitive location of this Green Belt site.

### **Main Issues and Considerations:**

#### **Green Belt**

The site is wholly within the Metropolitan Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and substantial weight should be given to that harm. Exceptions to inappropriate development include extensions to buildings within the Green Belt, provided that it does not result in disproportionate additions over and above the size of the original building.

The property has been extended in the past with two rear elements and the linking of the garage to the previous garage (now a gym) to the main house. This resulted in a 33% increase in floor area over and above the original dwelling. Further extensions were permitted in 2016 that further increased the size of the dwelling, however this consent was only partially implemented.

This current proposal includes two elements - a single storey rear and a first floor side extension. The first floor side extension has been reduced in width and height for this submission from the previously refused application. Taken with the previous additions, the proposal will increase the floor area of the original dwelling by approximately 70%, which includes the incorporation of the previously detached garage. This is a reduction over the previously refused scheme. Furthermore, this figure is based on floor area rather than volume, the latter of which is a more accurate means of calculating impact in terms of openness.

Figures have been provided by the agent that suggest the proposed extension would have a volumetric increase of circa 31% over and above the original dwelling, however this excludes the garage since this

was on site prior to 1948 and, despite now being incorporated into the dwelling, the argument is that this is 'original' in terms of its impact on openness.

The level of extension is considered to be high, however there are a number of factors that should be considered. Firstly, the site is situated within a built-up enclave and as such it is considered that the property can accommodate a larger level of extension without causing significant harm to the openness of the Green Belt. Secondly, whilst still a significant increase, the height and width of the extensions have been reduced from the previously refused scheme. Finally, the original dwelling is significant in size and appears to benefit from permitted development rights. Whilst it has previously been extended, there is still potential scope for a sizeable side extension and additional rear extensions, along with the erection of outbuildings and extensions to the roof. Since the proposal is larger than would usually be accepted in Green Belt, it is considered justified to restrict permitted development as part of this approval which, combined with the other factors stated above, would be sufficient to outweigh any harm from this development.

### **Design**

To the rear the design of the proposal is broadly in keeping with the host property and therefore not considered unacceptable.

With regards to the first floor side extension, this has been reduced in width by 2.8m and height by 0.4m and it is considered that these reductions are a move towards a more proportionate addition. The reduction in height and width and set back from the main front wall adds to this overall subservience. The reduction in width also creates a clearer distinction between this and the neighbouring property ensuring a degree of openness is retained between the two.

It is also considered that the previously approved 2016 application (part implemented) goes some way to justify this first floor proposal which allowed for a crown roof above the garage. Although taller than that approval it is less wide and it is considered, on balance, given the overall reduction in size of the first floor element and the fall back of the 2016 application that the proposals can be considered acceptable.

The proposed materials are the same as existing so it will appear as a cohesive part of the main property.

### **Impact on Amenity**

The rear element is not considered to raise any amenity concerns. The side element is forward of Theydon Croft to the north, however, as there will be some 10m plus between the two it is not considered that there will be any excessive loss of light. There are no flank windows proposed and as such no overlooking to the neighbouring property.

### **Impact on Trees**

A revised Arboricultural Report and Tree Protection Plan was submitted as part of this application and the Council's Tree Officer has no objection subject to conditions ensuring tree protection and the retention of trees and shrubs. The reduction in width and height of the proposed first floor extension has removed concerns relating to the proximity to the neighbouring preserved tree.

### **Conclusion:**

Given the above discussion, it is recommended that planning permission is, on balance, approved.

***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: Marie-Claire Tovey***

**Direct Line Telephone Number: 01992 564414**

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

**Conditions: (6)**

1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 500, 501, 1000, 1001, 1002, 1003, 1100, 1101, 1102, 1103, 1200, 601a, 2000a, 2001a, 2002a, 2003a, 2100a, 2101a, 2102a, 2103a and 2200a Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

2 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).

3 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.

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 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. 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.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

5 Tree protection shall be installed as shown on MWA Arboriculture Ltd Tree Protection Plan, Project Ref: DEV220218-911 Drawing No: MWA TPP 03, dated 31st July 2022, 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, Ref: DEV220218-911 Rev02 dated 31st July 2022.

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.

- 6 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 extensions or outbuildings permitted by virtue of Class A, AA, B or E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the openness of the Green Belt, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM 4 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (1)**

- 7 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.