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Application Number:	EPF/2343/22
Site Name:	1, Theydon Place, Epping, CM16 4NH

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OFFICER REPORT

Application Ref: EPF/2343/22
Application Type: Householder planning permission
Applicant: Mr and Mrs Paul and Lisa Saggars
Case Officer: Caroline Brown
Site Address: 1, Theydon Place, Epping, CM16 4NH
Proposal: Proposed alterations to garage, fenestration and construction detailing including enlarged and additional windows and rooflights within the first floor.- Amended application to planning permission reference EPF/3219/17.- Retrospective
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001ULDQ>
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:)

Description of Site:

No.1 Theydon Place is a detached bungalow with rooms in the roof space located to the northwest side of Theydon Place, a residential cul-de-sac of 11 detached dwellings many of the which have been extended and modernised over the years. The properties have deep frontages well set back from the highway and separated by a wide grass verge and pavement. There is a large mature tree located to the front of the site which partially screens the front of the building.

The Bell Common Conservation Area runs along the rear and side boundaries of the site. There is a Horse Chestnut with a Tree Preservation Order on it within the rear garden.

Description of Development:

Planning permission was granted in February 2018 for a loft conversion which included the raising of the height of the dwelling and single storey sides and rear extensions Ref: EPF/3219/17 which has been implemented.

This application seeks to regularise an existing development which involves a number of minor alterations to the approved scheme of 2018 which are summarised as follows:

- Conversion of garage located to the northwest into living accommodation
- Change to the ground floor windows and front porch
- Flat roof side extension built up to the northeast boundary replaced by a flat roof side garage which is a reduction in width by 0.9m from the northeast boundary
- Replace a window in the existing front roof apex to an enlarged window and a small window.
- An increase in the number of rooflights to the west roof slope from 2 high level rooflights to one high level and 4 lower small rooflights. The rooflights are solar powered and will provide additional natural ventilation and daylight to reduce the reliance on electricity.
- Change to the ground floor rear openings
- Replace narrow window to the rear roof apex to a larger opening.
- A parapet wall has been constructed around the dwelling

History:

EPF/3219/17- Loft conversion including raising the height of the dwelling and single storey extension to sides and rear.- Approved - 08/02/18
EPF/1333/76 - Car port – Approved
EPU/0090/71 - Conservatory with glass roof - Approved

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
DBE2 Impact on Neighbouring Properties
DBE3 Design in Urban Areas
DBE9 Loss of Amenity
DBE10 - Residential Extensions
LL10 - Adequacy of provision for landscape retention

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 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.

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 amendments 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 23rd 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:

DM9 - High Quality Design
DM10 - Housing Design and Quality

Summary of Representations

Epping Town Council – Object and confirm that they will attend and speak at Plans East to object to the proposal.

- Due to objectors comments the Council are unable to support the application without the technical assistance of officers. Accordingly, the Town Council object to the application on the basis that it would be appropriate that the issues raised by all the parties were properly considered by Plans East.
- Committee oppose retrospective applications such as this. All applications should be made prior to commencement of works and follow the correct procedures.

8 neighbours consulted – 6 objections have been received that raise the following concerns:

Epping Society:

- This application comes well over four years after the original was approved at Plans East
- This application shows a lack of respect for the planning process and our District Planning Department.
- This new structure is visible from at least five properties, with direct overlooking into three others, as well as over Bell Common. The sheer size of the windows to the front and rear is astonishing.
- The consequent overlooking into private amenity areas and Bell Common is unneighbourly.
- Theydon Place is a near uniform cul-de-sac. The low-rise designs were evidently designed to minimise the impact on the setting given the slightly higher ground levels across the site. Although, we understand that all applications are decided without reference to others approved nearby-an approval create an unwelcome precedent.

77 Hemnall Street, Epping.

- The new building is not appropriate in appearance to the area. In effect they have demolished the previous bungalow and built a two-story house.
- This cul-de-sac is predominantly a retirement community of bungalows a much-needed type of dwelling for Epping.
- The chimney stack (not in the original plans) is of industrial proportions, some 4m high into the skyline and can be seen from Neighbours in Theydon Place, Hemnall Street and Bell Common (conservation area).
- industrial sized chimney will cause pollution to the area.
- The new development includes a gable end window to the rear that is 10 times larger than the original plans. This overlooks our garden causing a loss of privacy.
- The building is bulky, overbearing and out of scale with neighbouring properties.

71 Hemnall Street:

- The new 2 storey build is not appropriate as it is in a cul de sac comprising exclusively of bungalows.
- Pollution due to the oversized chimney stack.
- The development has caused overlooking and a loss of privacy in our garden.
- There are now 7 Velux windows in the roof.
- The building is bulky, overbearing and out of scale with neighbouring properties. We are astonished that this development has been allowed to get this far and so big.
- It is so out of scale from the original plans.
- The advanced stage of the build was undertaken without submission of a new planning application which was only prompted by the neighbours raising of the issue.

6 Theydon Place:

- There is a chimney clearly shown on the rear elevation we would see from our house and from the road in front of the property.
- Object to the very large rear window overlooking Bell Common and the side wall which rises considerably higher than was foreshadowed in the original planning application.
- Impacts on the privacy of the neighbouring properties, particularly No 2 Theydon Place and to the rear of No.1, Hemnall Street.
- The change to the front window materially alters the impression of the property from the street. The arguments submitted in support of this change seem to be based on two storey properties elsewhere in the district, and not considered relevant.
- The bungalows on Theydon Place were originally built in a small number of distinct and uniform styles many of which have been extended or modernised but the front elevations particularly at upper level under the eaves have remained within certain clear design parameters and we think that the same criteria that

were applied between the 1960s and now should be retained when considering the front elevation plans for Number 1 Theydon Place.

- the height of the wall immediately adjacent to number 2 is quite considerably higher than was permitted in the original plans and aesthetically unpleasant and overbearing and must surely negatively impact the amount of light that the neighbours receive.

10 Theydon Place:

- our privacy would be impacted being overlooked by the additional large window.
- the examples of large window installations with feature glazing detailed in the planning statement are relevant to the cul-de-sac which consists solely of bungalows albeit with some of them having made utilisation of the original roof/loft space.
- The comparison in the planning statement to the front window addition at No.2 Theydon Place is not a like for like comparison due to the additional height of No1 Theydon Place whereas the height of No2 has not been altered.
- over-development to a bungalow that is now set to become a house in all, but name (not just a loft conversion) has set an unnecessary precedent.

12 Theydon Place:

- No objections to the original proposal that had a very small window facing my property. The new application (EPF/2343/22) has an additional window, which is significantly larger than the one approved on the original plan with an area some 700% larger than the one originally proposed.
- The statement states: "The proposed rooflights are at a high level to ensure that there would be no overlooking or loss of privacy to neighbours." it makes no mention of the huge windows front and rear which result in a loss of privacy.
- the Corporation of London have not been consulted regarding the revised application, as they were in the original plan. The large rear window, for which retrospective planning is requested, now overlooks the public amenity that is Bell Common, and is a significant change from the original proposal.
- In the revised application, a number of developments have been listed where installation of large windows is implied to set a precedent for the development at No 1 Theydon Place. However, all of these "precedents" are for areas which are almost exclusively large two storey houses. There are no precedents where a bungalow has been so developed in an area that is exclusively bungalows (as is the case for Nos. 1 through 11 Theydon Place).
- Additionally, the cul-de-sac is described as being " a mix of single storey and two storey bungalow /chalet bungalow with significant variation in design and appearance" which is misleading.

4 Letters in Support of the development have been submitted

8 Theydon Place:

- Alterations are in keeping with the character and appearance of the area; retained a side access way
- The chimney is well designed in matching brickwork to the house; the larger front and improves the appearance of the property.

11 Theydon Place:

- I Live directly opposite No 1 and consider the alterations to be an improvement

1 Boundary Court, Epping.

- I note that the window at first floor level to the rear has been made bigger and I think that it looks really attractive and looks like so many windows nowadays on the fronts and backs of properties. In fact, when I walk along Bell Common, which is a conservation area, there is a reasonably new white house with big windows front and rear and it looks fabulous.
- They have formed a side way to the left side of the property looking from Bell Common which will obviously be useful for the applicants for purposes of access (wheelie bins, lawnmower etc).
- They have built a very ornamental chimney, beautifully designed, and in the same brickwork as the property. This chimney fits well with the chimney on a neighbouring property at 77 Hemnall Street. If you

look around there are various houses within the vicinity which have ornamental chimneys and I am sure this is something which was considered by the applicants when designing the chimney.

- The bigger front window at first floor level looks very attractive and is a vast improvement on the original approved first floor window. There is a vast array of planting in the centre of the front garden including some very large trees which means that the first-floor window cannot be seen from the street by neighbours or passers-by and vice versa.
- The applicants have moved the garage to the right-hand side as you look at the property from the road and this looks much better; it is away from their neighbours at 2 Theydon Place so will not impact them.
- the small changes which have been made greatly enhance the design of the property and are not detrimental in any way.

Paul Rogers:

- The changes from the previously approved application in 2017 have no adverse impact and the design quality and appearance of the house in this road is improved

Issues and Considerations:

The main issues to be addressed are:

- Effect on character and appearance of the property and the surrounding area
- Effect on neighbour's amenity

Impact of the alterations to the property and 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.

The surrounding area is characterised by urban built form. Theydon Place is a small cul de sac comprising of predominantly detached residential bungalows although some of the properties have extended into the roof to provide habitable rooms involving additional apex roof windows and rooflights.

The development at No.1 Theydon Place involves a number of minor alterations to the approved scheme of 2018 which involves an increase in the scale and number of windows/rooflights which are mainly located at ground floor level to give light to non-habitable room involving no increase in floor area or height or the general overall design of the property. The low-level siting of the ground floor rooflights prevents any immediate visibility from any public viewpoints aided by the large mature tree located to the front of the site which partially screens the front of the property and where appropriate conditions would be secured to protect and retain the existing trees and landscaping within the site.

The enlargement of the approved front and rear roof apex windows to the property are not considered out of character within Theydon Place where a similar example of front roof glazing can be found at No. 2 Theydon Place that gained approval in 2007 for a loft conversion, which including raising the height of the dwelling and front and rear glazing to the roof apex. (Ref: EPF/3124/17).

Similarly, rooflights are also an existing feature in Theydon Place and the increase in the number of rooflights to the west roof slope, 4 of which are sited low down in the roof slope and give only light to the ground floor non habitable rooms, is acceptable.

In terms of its design and form, the alterations are modest improvements which maintain the established visual character and appearance of development in Theydon Place and the wider area and complies satisfactorily with policies CP2, DBE9, DBE10 of the adopted Local Plan and policies of the adopted 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.

Effect on neighbours Amenity

Policy DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

In terms of impact on the neighbours, the siting of the roof lights to the west roof slope are of a height sited above 1.7m from the internal floor areas of the ground floor non habitable rooms (kitchen, bathroom and WC) and also to the first-floor stairway rooflight which is again a non-habitable room where nothing other than sky can be viewed internally.

Given that the properties have deep frontages, are well set back from the highway, separated by wide grass verges and pavement, the enlargement of the roof apex window to No. 1 and the separation distance between the properties is greater than most other properties that face onto each other. Therefore, the alterations are not considered to result in any greater demonstrable harm in the form of overlooking or loss of privacy above the previously approved front roof apex window of 2018.

Similarly, the enlarged rear roof apex window is wider than what was originally approved but again results in no greater form of overlooking or loss of privacy above the approved roof apex window of 2018. The property backs onto open land and the residential properties located to the immediate northeast of no. 1 are 2 storey dwellings, which also have first floor rear windows looking over onto no. 1 and the cul de sac.

A BRE Daylight and Sunlight Assessment has been provided for the scheme. This concludes that *"the proposed development slightly reduces the Vertical Sky Component (VSC) available from 35.9 to 29.9 (total loss of 5 VSC) to windows at 2 Theydon Place Epping SM16 4NH but nonetheless remains in excess of the minimum of 27% required against BRE guidelines, as per the 3D modeling in the analysis. As such, the impact of the proposed development at 1 Theydon Place Epping CM16 4NH, in light terms would be within BRE Guidelines, therefore acceptable and satisfying Epping Council's adopted Planning criteria"*. the report also concludes that the development does not create any additional overlooking or loss of privacy above what previously existed.

In summary, the alterations would not result in any demonstrable harm to the living conditions of the adjoining occupiers, and meets BRE Sunlight and Daylight guideline objectives. Therefore, the neighbouring properties amenity is maintained to an acceptable level in accordance with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

The objections and comment from the Parish Council and neighbour are noted. The development does not result in an increase in floor area or height above what has been previously approved. Windows to the front and rear roof apex of the property have already been approved and the enlargement of them is not considered as resulting in any increased form of harm to the character and appearance of the area or neighbouring properties. Amended drawings show the chimney stack to both the front and rear elevations of the property. The alterations overall are modest and respect the overall scale, height and relationship of the dwelling to its plot boundaries and to the surrounding built form and accords with the requirements of the adopted Local Plan and Local Plan submission Version, 2017.

Impact on Trees

Trees and Landscape have not raised any objection subject to conditions to safeguard and enhance the visual amenities of the area 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.

Conclusion:

The alterations to the approved scheme of 2018 are considered appropriate in design and scale, in keeping with the character and appearance of the property and wider area and maintains an acceptable level of amenity to adjoining properties, which is supported by policies of the adopted Local Plan and Alterations (1998-2006), and of the Local Plan (Submission Version) 2017, and the guidance as set out in the National Planning Policy Framework, 2021. In the light of the above considerations, it is recommended that planning permission is approve 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

Conditions: (5)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 1 TPCM16/17/P/001; 1 TPCM16/17/P/002; 1 TPCM16/17/P/003; Site Plan; 1 Rev A ;2 Rev A;3

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

- 2 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building [or those specified on the approved plans, or 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.

- 3 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.

- 4 Tree protection shall be installed as shown on Moore Partners Ltd Tree Protection Plan, drawing Ref: PS/TPI/01 dated 30/11/2020, 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.

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.

- 5 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 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.