



Epping Forest District Council

EFDC



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Application Number:	EPF/0034/23
Site Name:	Braeside, 28 Piercing Hill Theydon Bois CM16 7JW

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OFFICER REPORT

Application Ref: EPF/0034/23
Application Type: Full planning permission
Applicant: Mr and Mrs Faud
Case Officer: Kie Farrell
Site Address: 28, Braeside, Piercing Hill, Theydon Bois, Epping, CM16 7JW
Proposal: Proposed Replacement Dwelling & Associated Works
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001V571>
Recommendation: Approve with Conditions

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).

EPF/0034/23 - Committee Report

Address:

Braeside, 28 Piercing Hill, Theydon Bois, Epping, CM16 7JW



Description of Site:

The application site on the west side of Piercing Hill comprises a detached dwelling - 28 Piercing Hill (Braeside) and its residential curtilage / large rear garden.

There is a detached garage (with games room above) alongside the main house which was approved in March 2000.

The application site is not within a Conservation Area and the existing dwelling is not listed or locally listed.

The two properties to the north of the site are both locally listed (29 Piercing Hill and Coopers Court).

The entire site is within the Metropolitan Green Belt.

There are TPO protected trees on the site.

Description of Proposal:

Description of development:

Proposed Replacement Dwelling & Associated Works

The proposed development comprises:

- 2.5 storey detached dwelling
- 5 bedrooms and playroom
- Double garage with first floor guest suite

The application originally proposed an enlargement of the existing residential curtilage / rear garden area, however this land has now been removed from the application site and is shown within a blue line to denote land owned by the applicant which does not form part of the application site.

The application also originally proposed a first floor balcony extending within close proximity to the boundary with the immediate neighbour No. 29 Piercing Hill. This balcony has now been amended to be set away from the shared boundary in order to overcome overlooking / loss of privacy concerns.

Additional Information:

The following addition information was received from the applicant's agent during the course of the application:

- Amended and additional (308) drawings received by emails dated 27th April, 11th May and 23rd May 2023 (amendments comprise floorspace/volume annotations, amendment to first floor balcony and removal of extension to residential curtilage):
- SPD177.001.02 (20.04.23) – Existing Site Location Plan
- SPD177.002.02 (20.04.23) – Existing Block and Roof Plan
- SPD177.003.01 (15.03.23) – Existing Ground Floor Plan
- SPD177.004.01 (15.03.23) – Existing First Floor Plan
- SPD177.005.01 (15.03.23) – Existing Second Floor Plan
- SPD177.006.01 (15.03.23) – Existing Elevations
- SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan
- SPD177.301.03 (11.05.23) – Proposed Ground Floor Plan
- SPD177.302.03 (09.05.23) – Proposed First Floor Plan
- SPD177.303.01 (15.03.23) – Proposed Second Floor Plan
- SPD177.304.01 (21.04.23) – Proposed Elevations
- SPD177.305.01 (07.11.23) – Proposed Daylight and Shadowing Study
- SPD177.307.01 (09.05.23) - Proposed Visual
- SPD177.308.00 (22.05.23) - Existing and Proposed Street Scenes
- Additional documents as follows:
- Further Information Report, pps, March 2023 (received by email from agent dated 6.3.23)
- SAP Report - providing additional information relating to energy and energy performance (received by email from agent dated 6.3.23)
- Supplementary planning statement, planning direct, 20/02/2023 (received by email from intermediary acting on behalf of applicant dated 20th February 2023)
- Heritage Statement, JTS Partnership (received by email from intermediary acting on behalf of applicant dated 31st January 2023).

Relevant Planning History (003321)

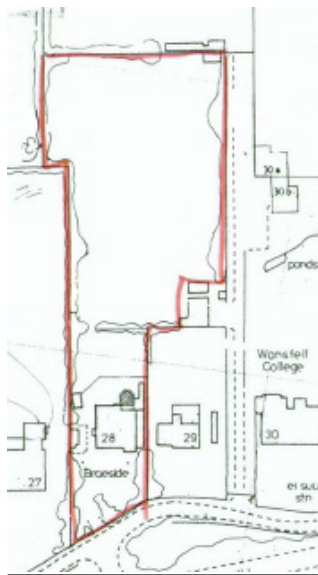
28 (Braeside):

PRE/0101/22
Replacement dwelling
Advice given 15.11.2022

EPF/0892/03
Front entrance gates and railings with associated landscaping. (Revised scheme)
Approved 09.06.2003.



EPF/0149/00
Detached garage with games room above.
Approved 03.03.2000.



A former Coach House in the rear garden was converted to a separate dwelling in 1983. See below.

The Coach House / 28A (Rothwell):

EPF/3156/16
Retrospective planning approval to extensions to dwelling (alternative to those approved under EPF/0375/12).
Approved 09.06.2017.

EPF/0375/12
Demolish side conservatory and replace with two storey extension, demolish kitchen and utility shed and replace with single storey extension. (Revised application)

Approved 10.08.2012.

EPF/0820/83

Conversion to dwelling house and garage.

Approved 25.07.1983.

EPF/0146/83

Change of use from offices to residential accommodation associated with first floor.

Approved 21.03.1983.

Policies Applied:

The following policies in the new adopted Local Plan (March 2023) are considered to be of relevance to the determination of this application:

DM4 – Green Belt

DM7 – Heritage Assets

DM9 – High Quality Design

DM10 – Housing Design and Quality.

NPPF (2021).

Consultation Carried Out and Summary of Representations Received:

Theydon Bois Parish Council: Objection.

“Return: STRONG OBJECTION

The Planning Committee of the Parish Council has raised objection to this application. We would be prepared to send a representative to an Area Planning Sub-Committee of EFDC, if this method of determination is deemed appropriate

The application site is situated in a highly visible location, at the turning into Old Piercing Hill, immediately adjacent to the lower part of that road, which is one of the main, and best known, access routes into, and out of, the village. The majority of properties on this side of the road, and those ascending Old Piercing Hill, date from the early establishment of the settlement, and are known locally as the 'Manor Villas'. Situated on the edge of Epping Forest, within the Green Belt, the area is characterised by a relaxed and spacious grain of development.

The existing property, therefore, forms part of this historic row of period dwellings and the Parish Council is of the view that the demolition and replacement of this distinguished late 19th century Manor Villa would be deeply regrettable. The house makes an especially positive contribution to the locality and represents a meaningful part of the historic record of Theydon Bois.

The proposed replacement house, however, is not felt to relate positively to the streetscene. It would be of a combined bulk, mass and width that is considered not to complement the distinctive features and more modest proportions of the original late nineteenth century 'Manor Villas'.

The proposed design would also, in the Planning Committee's view, detract from the openness of the Green Belt, and have a negative impact on the amenity of occupants living in the adjacent property to the north, at 29 Piercing Hill. The sustainability soundness of demolishing and replacing this dwelling house, in terms of carbon release, is also questioned.

Heritage and Historic considerations

'Braeside', hereafter referred to as 28 Piercing Hill, is a handsome detached dwelling and, as mentioned above, forms part of the ribbon of development known as Manor Villas that ascends the west side of Piercing Hill. Built in the late 1800s, the Manor Villas comprise upwards of fifteen late-Victorian detached houses set in spacious plots, with their generous frontages planted with mature trees and shrubs.

28 Piercing Hill is situated opposite the entry to Old Piercing Hill. A mature hedged thicket on a wide verge screens the old road from the main thoroughfare and creates a pleasantly quiet environment. The road is topped and tailed by two especially distinctive houses: 28 Piercing Hill at the southern end, and 39 Piercing Hill (also known as Fairmeads) at the northern end. Both of these properties have architectural features that set them apart in the manner of appearing as sentinels: number 28 has a three storey 'tower' element, and number 39 has a turret feature.

Five properties along this western side of Piercing Hill are included in the Epping Forest District Council List of Buildings of Local Architectural or Historic Interest (the Local List). These include No 29 Piercing Hill and Coopers Court, both of which are close to number 28 – number 29 being its adjacent property.

The common reason for including Manor Villas on the Local List is:

“... Forms part of a group of distinctive detached late 19th century houses – varied in appearance but with a unifying architectural character and materials palette of stock brick and painted render. Included for strong group aesthetic value.”

Number 28, together with a further nine contemporaneous Manor Villas, are not currently included in the Local List. However, these ten dwellings are all identified as properties recommended to be added to the List following the Heritage Asset Review commissioned by Epping Forest District Council in 2012, as part of developing the District's New Local Plan. Under the same Review, a new Conservation Area for Theydon Bois was also recommended – within which all properties along the west side of Piercing Hill, including number 28, are included.

One of the properties already included in the Local List, Wansfell College and Pagoda Theatre (now Coopers Court) – just two properties along from number 28 Piercing Hill – is primarily listed for its historic and communal value – its historic connections relating to Winston Churchill when the MP for Epping.

For the above reasons, the Planning Committee is of the opinion that 28 Piercing Hill has heritage asset value to Theydon Bois – having due regard to its architectural and historical interest, character and design.

The Parish Council strongly urges EFDC to invite the Council's Heritage Officers to give due consideration to this proposal which entails the demolition of a highly-valued village heritage asset, whether designated or not. Number 28 is one of the Victorian group that the Local List acknowledges possesses 'strong aesthetic value.'

To our knowledge, only three houses along this part of Piercing Hill have been replaced in the last twenty years: one was deemed by the Planning Inspector to be in poor condition, another to have been considerably and unsympathetically extended, and the last was a 1950s bungalow – unlike Number 28 which has been sympathetically extended and appears to be in very good condition.

The Planning Committee therefore feels that the proposal does not accord with Policy HC12 of the Epping Forest District Local Plan 1998 and Alterations 2006 (the Current Local Plan), Policies DM7 and DM8 of the Epping Forest District Local Plan Submission Version 2017 (the New Local Plan), nor with the provisions of Chapter 16 of the NPPF 2021.

Design Considerations

28 Piercing Hill sits comfortably in its spacious open plot and enjoys a pleasant aspect. The house is well set back from its particularly generous and wide frontage. A mature Cedar of Lebanon grows in front of the house close to the north boundary, and the property appears as characterful and immaculately presented. Among all the Victorian period houses along Piercing Hill, Number 28 is one to give cause to pause. The house itself is set towards the north side of the plot. A detached garage, with pitched slate roof and render to match the house is set towards the south side. The visual gap between the two buildings provides an appropriately open aspect for this Green Belt site and the development appears balanced. We are surprised by the application's contention that the house lacks architectural merit.

The application also suggests that the house is not fit for modern family living – that its accommodation is awkward, damp and cold. It is our understanding that the property was purchased only 4 years ago, when photographs taken at the time conveyed the feeling of a high level of comfort.

The current house has many of the exterior features that qualified its contemporaries to be included on the Epping Forest District List of Buildings of Local Architectural or Historic Interest: pitched slate roof, chimney stacks, smooth render with decorative quoins and canted bay windows. In addition, a distinctive 3-storey element creates a picturesque feature.

The architecture of the proposal would be of a modern, but less individual, semi-Georgian style and would be built using external facing materials that would include yellow stock brick. The Planning Committee also notes that the house would be sited 2 metres further away from the north boundary, to mitigate the effects of overshadowing of number 29. However, due to it being set back further into the plot, and being of a greater overall height, bulk and depth, the Committee feels that the proposal is likely to have an overbearing and harmful impact on the amenity and outlook of the occupants of number 29 Piercing Hill. A large balcony at first floor level would cause intrusive overlooking. There is also a balcony proposed at second/roof floor level.

There are two windows on the proposed north elevation, where there are currently none set into the north elevation of the existing building. These windows could potentially cause intrusive overlooking for the occupants of number 29.

The Committee does not believe the proposal meets the provisions of Policies CP2(iv), DBE1 and DBE9 of the Current Local Plan, Policies DM7, DM8 and DM9 of the New Local Plan, nor the provisions of Chapter 12 of the NPPF 2021.

Drainage and potential flooding are also a consideration. We note that EFDC Drainage requires further details regarding assessment of surface water flood risk, and that the dwelling is situated on a significant surface water flow path with a history of flooding within the area. The Parish Council is aware of historic flooding issues along this particular part of Piercing Hill and believes further investigation should be undertaken before any new construction work in the area is considered.

Green Belt considerations

The application acknowledges that the proposed building would be larger than the house it aims to replace. 'Openness' within the Green Belt is deemed to have both a physical, or spatial, aspect and a visual one.

The garage element would be linked to the main building, to create an essentially three-storey property - with roof spaces in the main house and the garage element both providing generous ensuite bedroom/guest accommodation. As noted above, the proposed building would be set further back into the plot and positioned further away from the north boundary. The height of the proposal, however,

would be greater than that of the main part of the existing house. The proposal would also be noticeably wider and deeper than the original footprint.

In the Planning Committee's view, the bulk, mass and scale of the new dwelling would be materially larger, and not just in volume, than the existing house and therefore would constitute inappropriate development in the Green Belt. The linking of the main part of the house to the garage element, in our view, also compromises the openness of the Green Belt. The height of the roof of the proposal is more than 2 metres taller than the roofline of the main part of the existing house. Because the proposal is set more squarely across the plot, it would appear much more stolid, and larger in scale, than the existing house. This would result in the proposal appearing more dominant than the present dwelling, to the detriment of the streetscene, and to the 'unifying architecture and strong aesthetic of the group of Villas along this stretch of Piercing Hill'.

The Committee attributes limited weight to the permitted development fallback position suggested in the Design & Access Statement, since this contradicts the earlier declaration that options to extend the existing house were fully considered and subsequently rejected. Such further extensions would also not be visually apparent from the perspective of the streetscene.

The application also incorrectly states that the property is not within the Epping Forest SAC impact area for recreational and air quality considerations. The property directly abuts Epping Forest SAC and shares its western boundary with Forest land.

In conclusion, therefore, we are of the view that the proposal represents encroachment and inappropriate development in the Metropolitan Green Belt, where no very special circumstances exist that would outweigh this and any other harm, contrary to Policies CP2, GB2A, GB7A, GB15A and DBE4 of the Current Local Plan, Policies DM2 and DM4 of the New Local Plan, and the provisions of Chapter 13 of the NPPF 2021.

Sustainability considerations

Finally, the Parish Council has been made aware of a recent Government report – Building to net zero: costing carbon in construction – 26 May 2022

<https://publications.parliament.uk/pa/cm5803/cmselect/cmenvaud/103/summary.html>

which sets out the impact that demolition and rebuilding have on the environment. The report highlights the need to look at 'embodied carbon' released when buildings are demolished, along with the carbon produced with the sourcing of construction materials. The Planning Committee therefore believes this proposal may also fail the environmental objective set out in paragraph 8 of the NPPF 2021, reflected in Policy SP1 of the New Local Plan.

Taking all the above considerations into account, the Parish Council objects to this proposal, and strongly urges Epping Forest District Council to refuse the application."

20 neighbours consulted: One neighbour objection was received along with an objection from the Theydon Bois Action Group.

29 Piercing Hill:

Original objection dated 5th February 2023:

"Objections

I wish to make an objection to this planning application on the basis of the following points:

1. Should the building, which is a part of a row of original early Victorian villas (Manor Villas), be regarded as a non-designated heritage asset? Please would Frederique Callait as the Conservation

Officer assess and note in her assessment of the proposal. Once the Victorian façade and building have gone they can never be retrieved.

2. The site plan shows the proposed building pushing back into the back garden more than the existing and changing from a one storey conservatory to a two storey structure, generating a sense of enclosure and blocking the light coming into my property from the south. The building lines that exist should be respected in order not to harm my amenity.

3. The balcony on the first floor as proposed is a considerable worry as it will directly overlook 29 Piercing Hill, my house, and cause harm to both amenity and privacy. There is also a proposed balcony at second floor and this too should be removed – it is very high up and the views will be 180 degrees. This proposal is unacceptable.

4. The windows facing my house should be removed. This is because the internal layouts could be changed without consent and the windows may become part of a habitable room causing overlooking etc.

5. There have been severe drainage problems for my back garden since the building of flats in Coopers Court and other developments on the other side of my house, 30 Piercing Hill. The development at 28 Piercing Hill should be properly assessed under SUDS (sustainable drainage) to alleviate the existing condition. This is not a planning matter but is worth pointing out.

6. Theydon Bois operates a dark-sky policy and the rooflights are potentially harmful to amenity of all neighbours and against that specific local policy. It is not a planning matter but we wish to alert the TBAGS and Parish Council.

I therefore suggest that the application be withdrawn to make the necessary amendments or refused.

This planning application was discussed at the Theydon Bois Parish Council meeting on 2 February 2022. I attended the meeting and, through my daughter, explained my objections, set out above. The Chairman concluded that the Parish Council would lodge an objection.”

Further comments received by email dated 18th May 2023:

“I refer to the objections which I have submitted to this planning application.

I have now had the chance to review the Heritage & Conservation Officer’s Objection dated 10 March 2023 and would like to add to my objections to the application.

It is established that 28 Piercing Hill as part of a group has local significance. I strongly resist the demolition of the building as its loss would not only result in the loss of a non-designated heritage asset but would undermine a wider group of buildings (some of which are formally included in the Local List, including my own property at 29 Piercing Hill) and erode the clear visual design and historic relationship which unifies it. This would have an adverse impact on the character and appearance of the local area including my property at 29 Piercing Hill.

For these reasons I reinforce my objections to this application. The demolition of 28 PH would result in:

- the loss of a non-designated heritage asset (28 Braeside)
- harm to the appreciation and setting of adjacent locally listed properties including my own; and
- harm to the character and appearance of Piercing Hill including my property at 29 Piercing Hill.

The demolition of 28 Piercing Hill would harm the historic integrity of the group of Manor Villas in Piercing Hill which were built in 1870-72 and were a key part of the historical development of Theydon Bois village. The demolition would mean the loss of a heritage asset.”

Theydon Bois Action Group:

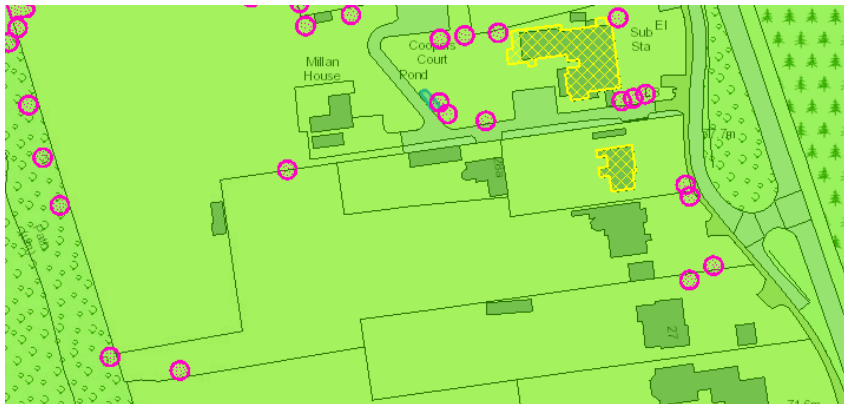
Strong objection. The full 4 page objection letter has not been reproduced here as it covers many of the same issues as set out above in the Parish Council and Neighbour objections.

Conservation Officer	Objection
EFDC Drainage	No objection subject to conditions
EFDC Trees	No objection subject to conditions
EFDC Contaminated Land	No objection subject to conditions

Issues and Considerations:

The main issues to consider relate to Impact on Green Belt, Heritage Assets, Design, Character and Appearance and Residential Amenity.

Impact on Green Belt



The application site is located wholly in the Metropolitan Green Belt.

The National Planning Policy Framework (NPPF, July 2021) states that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated to clearly outweigh the harm caused.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The NPPF (Para 149) allows certain exceptions to inappropriate development one of which is:

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

Policy DM4 of the new adopted Local Plan (March 2023) reflects the wording of the NPPF on replacement buildings in the Green Belt.

Comparison of Existing and Proposed Volumes and Floor Areas

The existing house has been previously extended including the addition of a rear conservatory and a detached garage (with games room above) approved in March 2000.

The 'not materially larger' test for Green Belt purposes is based on the volume increase over and above the original un-extended dwelling and not including any outbuildings.

Volume

The submitted SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan drawing states that the existing dwelling (including the garage and conservatory) has a volume of 2,476 m³ and that the proposed dwelling has a volume of 2,512 m³. This is a 1.45% increase when comparing the existing and proposed dwellings.

The volume of the existing dwelling excluding the garage and conservatory is 1,999 m³ and therefore the percentage volume increase of the proposed dwelling (2,512 m³) over the original dwelling is 25%.

Floor Area

The submitted SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan drawing states that the existing dwelling has a total floor area (GIA) of 460 sq m and that the proposed dwelling has a total floor area (GIA) of 650 sq m. This is a 41% increase when comparing the existing and proposed dwellings.

Footprint

The submitted SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan drawing states that the existing dwelling has a total footprint of 354 sq m and that the proposed dwelling has a total footprint of 411 sq m. This is a 16% increase when comparing the existing and proposed dwellings.

Height

With a maximum height of approximately 10.5m, the proposed dwelling would not exceed the maximum height of the existing dwelling (approximately 11m).

Based on the above assessment it is considered that the proposed dwelling can be said to be not materially larger than the existing dwelling and is therefore not inappropriate development in the Green Belt based on the exception set out at Paragraph 149 d) of the NPPF and Policy DM4 of the new adopted Local Plan (March 2023).

Acceptable in terms of Green Belt impact.

Impact on Heritage Assets

The application site is not within a Conservation Area and the existing dwelling is not listed or locally listed.

The two properties to the north of the site are both locally listed (29 Piercing Hill and Coopers Court).

Conservation Officer comments dated 10th March 2023 (Objection):

“Scope of the comments

These comments are a response to the statement of significance and assessment of harm included in the submitted Heritage Statement.

Assessment of Significance

Missed from the initial phase of inclusion to the Local List, no.28 (alongside Nos. 22, 24, 25, 31, 32, 33, 34, 37 & 38) was however identified in 2012 as part of the Heritage Asset Review and included to the list of the buildings to be added.

The assessment of significance made at the time is as follows:

- Manor Villas - Nos. 22, 24, 25, 28, 31, 32, 33, 34, 37 & 38 Piercing Hill As early as 1848 the sites of the houses now called Manor Villas were laid out on newly enclosed land to the north of Theydon Green. The houses themselves were built between 1870 and 1872. A group of distinctive detached late 19th century houses - varied in appearance but with a unifying architectural character and materials palette of stock brick and painted render. Included for strong group aesthetic value.

Please see an extract from the OS Map 1862-1893 showing the Manor Villas in their original consistent plan arrangement, in the annexe.

The lack of review of the Local List has prevented the addition of the building – this does not diminish its significance and therefore should not alter the special consideration that should be given to any planning application that would affect the building. While not formally included into the Local List, the building has been identified and assessed as meeting the criteria for locally listing and should therefore be regarded as is. Policy HC13A of our Local Plan and Alterations (1998 and 2006), DM 7 of the Local Plan Submission Version (2017) and Paragraph 203 of the NPPF (2021) ensure that when considering the impact of a proposed development on the significance of non-designated heritage assets the Council will give weight to the assets' conservation.

Please find below the detail of our assessment of the significance of the building.

“To be included on the Local List, the building or structure should satisfy (a), and either (b) or (c) below:

(a) authenticity – buildings should be recognisably of their time, or of a phase in their history. If they have been unsympathetically altered, the change should be easily reversible. A building which is substantially unaltered, or retains the majority of its original features, qualifies under this criterion.

(b) architectural, local or townscape significance – the building must be a good example of a particular local building type or style or display good quality local craftsmanship and detailing.

(c) historic significance – the building should display physical evidence of periods of local economic, technical or social significance, well-known local people or historic events.”

Authenticity, architectural, local or townscape significance

The buildings, including no.28, have all been developed / altered over time, but their legibility -- as a group of Victorian villas erected between 1870 and 1872, built of a similar scale and plan arrangement with the same relation to the road (sitting parallel and recessed back with front and back garden), featuring a consistent and distinctive materials palette and architectural language – is still apparent.

Historic significance

An interesting reference to the Manor Villas is made in A History of the County of Essex: Volume 4, Ongar Hundred, ed. W R Powell (London, 1956), which establishes the historic significance of the group of buildings.

“The extension of the railway from Loughton to Epping and Ongar in 1865 had a rapid effect on Theydon Bois, and must be held mainly responsible for building development there during the later 19th

century and after. Building had, however, started a little before 1865, perhaps in anticipation of the railway extension. In Theydon Bois, as in Loughton (q.v.) and the other forest parishes, there was a strong movement to enclose the forest, and in some cases to clear it for building. As early as 1848 the sites of the houses now called Manor Villas were laid out on newly enclosed land to the north of Theydon Green."

As described above, the group of houses are a significant remnant of Piercing Hill (Theydon Bois) past and historic development, and more particularly this period of huge growth in population throughout the late 18th and 19th centuries that saw a boom in building with speculative builders creating brick buildings made from the now mass-produced or widely transported materials to standardised designs published in widely circulated architectural magazines and catalogues.

In conclusion

The above assessment has established the local significance of the building, as part of a group. The demolition of the building should therefore be strongly resisted, as its loss would not only result to the loss of a non-designated heritage asset but undermine a wider group of buildings (some of which are formally included into the Local List) in eroding the clear visual design or historic relationship that unifies it. This would adversely impact on the character and appearance of the local area.

Recommendations

For these reasons, we OBJECT to this application, as it is considered that the demolition of no.28 Braeside would result in:

- the loss of a non-designated heritage asset (no. 28 Braeside);
- the harm to the appreciation (setting) of adjacent locally listed buildings; and
- harm on the character and appearance of Piercing Hill (Theydon Bois).

This would conflict with policy H13A of our Local Plan and Alterations (1998 and 2006), policies DM7 and DM9 of our Submission Version Local Plan (2017), and paragraphs 189, 194, 195, 197 and 203 of the NPPF (2021)."

Annexe

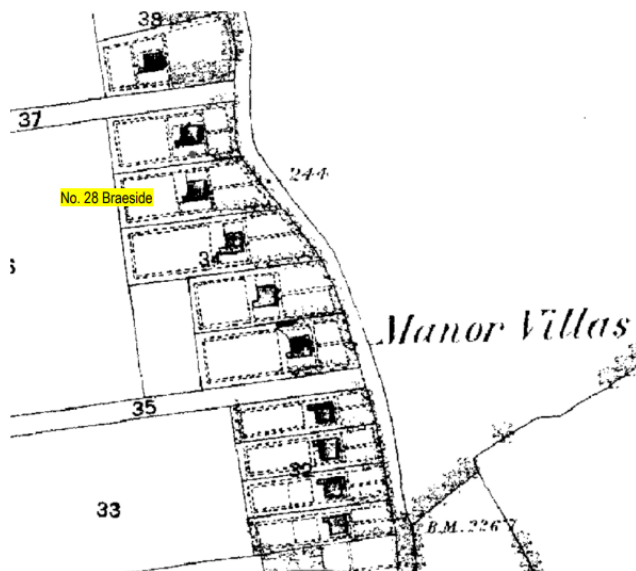


Figure 1 - Extract from OS Map 1862-1893 showing the Manor Villas in their original consistent plan arrangement.

The comments of the Conservation team are noted, however, the existing dwelling is not statutory listed or on the local list and there has been ample opportunity for the building to be formally recognised as a heritage asset since the statutory and local listing processes began.

Paragraph 203 of the NPPF states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

In this instance Planning Officers do not support the Conservation Team’s objection and maintain that, on balance, the demolition of the existing dwelling in order to accommodate a replacement dwelling of good design is acceptable.

It should be noted that even if a local listing were to succeed, this would not prohibit any future redevelopment of the site and/or indeed the demolition of the existing dwelling (subject to obtaining the relevant approvals).

Design, Character and Appearance

The design of the proposed dwelling is considered to be acceptable in itself and in the context of the surrounding area.

The submitted Design, Access and Planning Statement states (Para 7.2) that:

“The new build Scheme presents greater architectural merit and balance and incorporates many elements from the existing property, as well as integrating period elements prevalent in the Manor Villa style properties and materials seen repeatedly throughout Piercing Hill, whilst proposing an individual and more interesting Manor Villa.”

The height of the proposed dwelling would not exceed that of the existing and the existing and proposed footprints and front, rear and side building lines are similar.

Materials details would be subject of a planning condition.

Considered to be acceptable in terms of design, character and appearance.

Residential Amenity

No.29

The proposed dwelling includes a two storey element on the footprint of the current single storey conservatory. Whilst this is two storey it would not extend as deep as the existing conservatory and there would be no windows in the flank.

A good separation distance would remain between the proposed dwelling and the neighbouring dwelling at No. 29 and it is not considered that the proposed dwelling would have a harmful impact on the occupiers of No 29 in terms of overbearingness, overshadowing, loss of light or loss of privacy.

The application originally proposed a first floor balcony extending within close proximity to the boundary with the immediate neighbour No. 29 Piercing Hill. This balcony has now been amended to be set away from the shared boundary in order to overcome overlooking / loss of privacy concerns. A condition should also be attached to any permission issued requiring a privacy screen to be erected at the end of the balcony.

No.27

The proposed dwelling would remain well separated from the neighbour to the south, number 27

The proposed garage would not have any windows in its flank wall facing No. 27, only 2 upward facing rooflights in the first floor accommodation which would not cause a harmful loss of privacy.

The proposed second floor balcony may allow for some overlooking of No. 27's rear garden but the balcony is well enclosed by the parapet wall and as such it is not considered that this balcony would cause a harmful loss of privacy to No 27 or any other neighbour.

The proposed windows in the flank elevations at first floor and above should be obscure glazed to protect the privacy of the immediate neighbours at 27 and 29 Piercing Hill.

Quality of Accommodation

The proposal is acceptable in this respect.

Trees and Landscape

There are TPO protected trees on the site.

Tree Officer comments:

"We have NO OBJECTION to this application subject to the addition of the following conditions:-

Arcus 68 – Retention of trees and shrubs

Arcus 70 – Hard and soft landscaping

Tree protection shall be installed as shown on Oakfield Arboricultural Services Tree Protection Plan, Drawing No: OAS 22-367-TS01 dated December 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.

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."

Ecology

The submitted Ecological Survey found no evidence of bats in the buildings to be demolished, concluding that they have negligible potential for bat roosting. No further surveys are required.

Highways

The replacement dwelling would use the existing access. Sufficient off street car parking is shown on the front driveway.

EFDC Land Drainage (comments 31st January 2023)

The applicant has provided a flood risk assessment (2236, V.01, January 2023) with the application and although we agree with the findings in principle, in order to approve a condition relating to a flood risk assessment, further details are required. These details include further information regarding the assessment of surface water flood risk and the mitigation measures proposed. The dwelling is situated on a significant surface water flow path with a history of flooding within the area, therefore please ensure that the appropriate measures are proposed in line with the depths shown in the Environment Agency's long term flood risk mapping for surface water. Please add land drainage condition SCN42 for the approval of flood mitigation measures by the local planning authority prior to development commencing.

The applicant has provided details of surface water drainage with the application, and we agree with the findings in principal. Therefore, please add a condition requiring that the development be carried out in accordance with the drainage strategy illustrated in 'Proposed Drainage strategy, 2236, SK03, Rev P1' submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team."

EFDC Land Contamination (comments 3rd February 2023)

"I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see the site has no acknowledged potentially contaminated land.

As this proposal is for residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues.

I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN57 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF 2019.

Asbestos Informative

Where existing buildings may contain Asbestos Containing Materials (ACM's):- The applicant is required to ensure that all contractors involved in the demolition and site clearance works are aware of the requirements of the Control of Asbestos at Work Regulations 2012. It is essential that an asbestos survey is undertaken and where ACMs are discovered, risks are appropriately managed, ensuring safe removal and disposal offsite by specialist contractors in accordance with good practise and current HSE guidance. Further, it is the responsibility of the developer to ensure measures are put in place to prevent contamination of the soils during such works. Evidence may therefore be required by The LPA as part of the contaminated land condition to show that any ACMs, identified following a required asbestos survey, have been appropriately disposed from site."

SAC

SAC mitigation contributions are not required for replacement dwellings.

Conclusion:

Recommended for approval subject to conditions.

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, or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Case Officer: Kie Farrell | kfarrell@eppingforestdc.gov.uk.

Conditions: (18)

- 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:

SPD177.001.02 (20.04.23) – Existing Site Location Plan
SPD177.002.02 (20.04.23) – Existing Block and Roof Plan
SPD177.003.01 (15.03.23) – Existing Ground Floor Plan
SPD177.004.01 (15.03.23) – Existing First Floor Plan
SPD177.005.01 (15.03.23) – Existing Second Floor Plan
SPD177.006.01 (15.03.23) – Existing Elevations
SPD177.300.04 (11.05.23) – Proposed Block and Roof Plan
SPD177.301.03 (11.05.23) – Proposed Ground Floor Plan
SPD177.302.03 (09.05.23) – Proposed First Floor Plan
SPD177.303.01 (15.03.23) – Proposed Second Floor Plan
SPD177.304.01 (21.04.23) – Proposed Elevations
SPD177.305.01 (07.11.23) – Proposed Daylight and Shadowing Study
SPD177.307.01 (09.05.23) - Proposed Visual
SPD177.308.00 (22.05.23) - Existing and Proposed Street Scenes
12762 01 – Site Plan (Topo)
Design, Access & Planning Statement, pps, V2, 06.01.2023
Ecological Survey, Essex Mammal Surveys, May 2022
Sustainability Checklist Letter, pps, 10th January 2023
Arboricultural Impact Assessment, Oakfield, December 2022
Flood Risk Assessment and Drainage Strategy, Auber Consulting, January 2023
Further Information Report, pps, March 2023
SAP Report - providing additional information relating to energy and energy performance

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

- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 No preliminary ground works shall take place until a flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tools. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.

Reason: The development is located in a flood risk area and would likely result in increased surface water run-off, in accordance with Policy DM15 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be

undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Tree protection shall be installed as shown on Oakfield Arboricultural Services Tree Protection Plan, Drawing No: OAS 22-367-TS01 dated December 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.

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 policies DM3 and DM5 of the new adopted Local Plan (March 2023) and the NPPF 2021.

- 7 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours;

means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 9 The development be carried out in accordance with the drainage strategy illustrated in 'Proposed Drainage strategy, 2236, SK03, Rev P1' submitted with the application unless otherwise agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 10 Prior to the first use of the first floor balcony, details of a privacy screen at the northern end of the balcony no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 11 Except for the approved balconies, access to the flat roofs areas 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 12 Prior to first occupation of the building hereby permitted the windows in the flank elevations at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those windows 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 13 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 14 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 T1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 15 The garage/guest suite building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling and shall not be used for any primary residential accommodation.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with Policies DM9 & DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 16 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 development permitted by virtue of Classes A, B, D, E, F and AA of Part 1, and Class A and B of Part 2 of Schedule 2 to the Order 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 character and appearance of the area and living conditions on adjoining properties and Green Belt, in accordance with Policies DM4, DM9 and DM10 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 17 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with Policies T1 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 18 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological

value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.