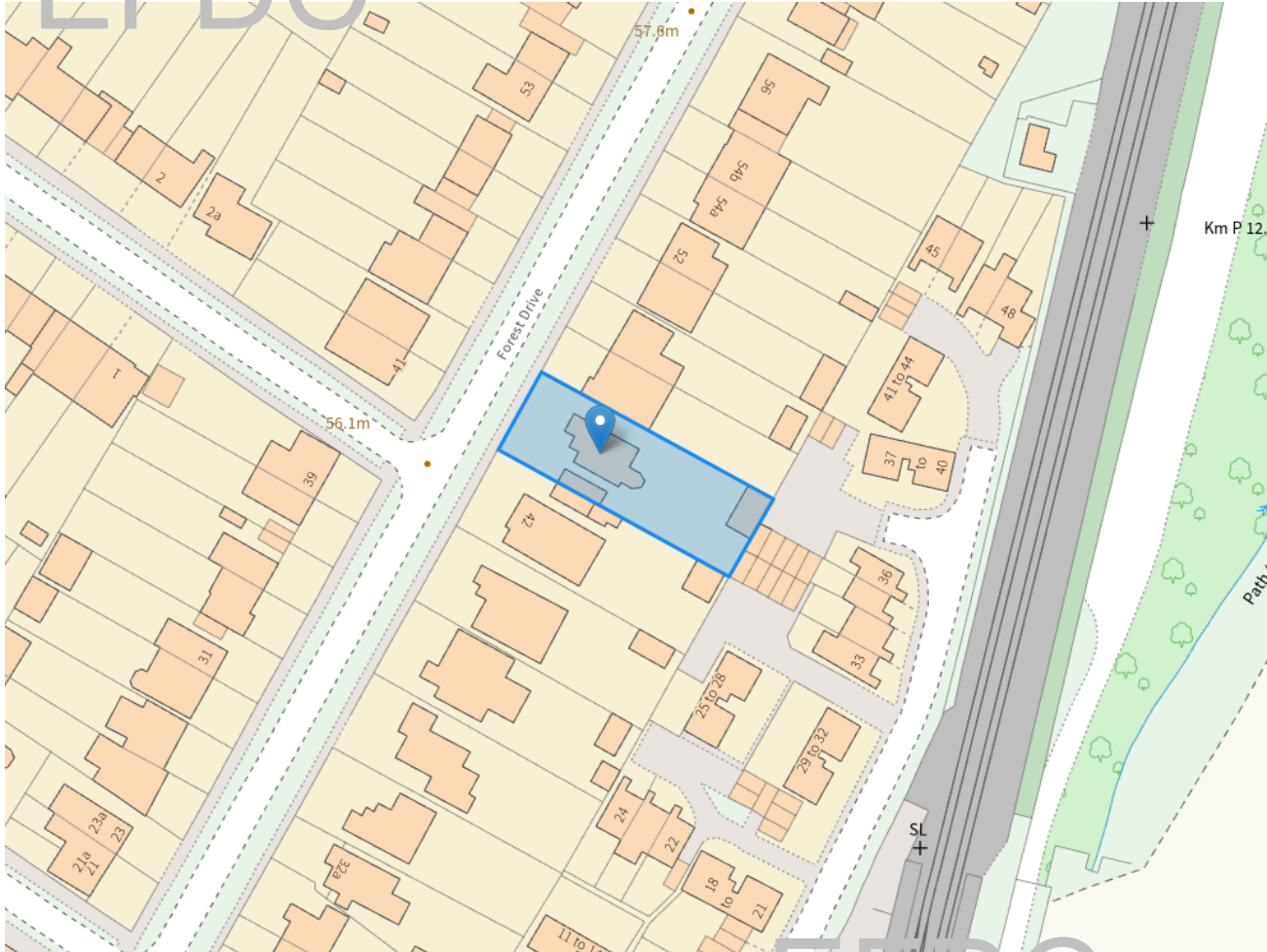




Epping Forest District Council

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Application Number:	EPF/0974/23
Site Name:	44 Forest Drive Theydon Bois CM16 7EZ

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OFFICER REPORT

Application Ref: EPF/0974/23
Application Type: Householder planning permission
Applicant: Mr Daniel Hosford
Case Officer: Muhammad Rahman
Site Address: 44, Forest Drive, Theydon Bois, Epping, CM16 7EZ
Proposal: Rear and side extension and roof conversion to bungalow, revised scheme with rear raised patio reduced in size and new front wall and gates (Revised scheme to refused application EPF/2704/22).
Ward: Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001W9lw>
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, 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).

Site and Surroundings

The site comprises of a detached bungalow, located within a built-up area of Theydon Bois. It is not listed nor in a conservation area or a flood zone. Land levels drop to the rear of the site.

Proposal

The proposal is for the demolition of the existing garage, rear conservatory, and decking area to make way for a single storey rear and side wraparound extension with a raised terrace leading to the rear garden.

It also involves a loft conversion with an extension to the rear end of the roof including a Juliet balcony and proposed 1.35m front wall and gates.

This is a revised scheme to refused application EPF/2704/22. The main change is the reduction of the proposed rear terrace.

Relevant Planning History

EPF/2377/19 - Proposed single storey outbuilding to rear - Approved with Conditions

EPF/1092/22 - Rear and side extension and roof conversion to bungalow - Refused

EPF/2704/22 - Rear and side extension and roof conversion to bungalow, revised scheme - Refused

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023)

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and

meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

DM9 High Quality Design

National Planning Policy Framework 2021 (Framework)

The Framework is a material consideration in determining planning applications. The following paragraphs are considered to be of relevance to this application:

Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 9. No response(s) received.
Site notice posted: No, not required.

THEYDON BOIS PARISH COUNCIL – OBJECTION

Background

The bungalow at 44 Forest Drive is one of an original group of six, of a distinctive design, which are well-known locally. Dating from the 1920s, they share a number of architectural features, in particular, the unusual steep pitch of the fully-hipped roof, the smaller side gables, and the elevation of the front projecting bay window. The design and proportions of these features are repeated in each property, such that they form a cohesive group.

No.32A is a modern addition, but fits well within the group and, whilst all but one has seen a further ground floor side extension, the main features, including the characteristic roofscape, have been carefully retained and sympathetically reflected, or mirrored, in each newer development.

There is already a detailed plan history to the adjacent site at 42 Forest Drive, with the first application, which proposed to extend the ridgeline of the roof by approximately 7.5 metres, having been withdrawn (EPF/2150/12). A revised design, approved in 2013 (EPF/0135/13), with a later amendment (EPF/1799/13), resulted in an eventual ridgeline of approximately 6 metres, thereby mirroring the depth of the earlier development at No.34.

The current application at 44 Forest Drive

However, the Parish Council is aware that two subsequent proposals at 42 Forest Drive, by the same architect, Mr Ian Cuthbert (under EPF/0563/20 and EPF/2792/20), which proposed to extend the ridgeline of the roof again, were refused by Epping Forest District Council ('EFDC') under delegated powers.

The latter of these two (EPF/2792/20) was very similar, and materially comparable in height and overall depth, to that now proposed at No.44 (whose total ridgeline would be one metre less), whilst the ridge of the extended part of the roof was to be stepped down by 0.9m, rather than 0.8m. The reason given for that refusal concluded that the additional size and bulk would have a negative impact on the character and appearance of the dwelling and the streetscene.

The current proposal at 44 Forest Drive is a revision to an earlier application (under EPF/2704/22), to which the Parish Council raised the same objection in relation to the roof structure. It was also noted,

from the report issued with that refusal, that no site visit had taken place. However, with respect to this particular group of properties, it has often been recognised that it is important to view these bungalows as they appear in the streetscene in order to fully appreciate the characteristic outline of the roof.

This roofscape affords much of the distinctive character and serves to delineate the group when viewed from either side of the street (north east and south west): a consideration also taken into account when an early proposal at 38 Forest Drive (in 2018) originally proposed a ridgeline to the main roof of some 8.8m, but was then amended, on the advice of the planning officer, to a depth of approximately 6 metres to reflect that of Nos.34 and 42.

Prior to the extension of the adjacent property at No.42, concerns had been raised when the first proposals were submitted on 40 Forest Drive, and the Planning Inspector's dismissal of two linked appeals identified the importance of retaining the characteristic features of these attractive bungalows (APP/J1535/A/10/2135566): a view which informed the later development of No.40, and then No.42. Conditions were added to remove permitted development rights, in order to ensure that these developments would be carried out without further significant alteration to the main roofscape, due to the particular sensitivity of these sites.

Therefore, the Planning Committee still believes the proposed increase in the depth of the main roof, as illustrated in the current application at 44 Forest Drive, would add significant bulk and mass to the new structure, which would be clearly evident when viewed in the public domain. The gable-ended extension would not sit comfortably with the original design and, given the overall height of the roof, its side elevations would be clearly visible in either direction when viewed from Forest Drive.

The Committee also felt that the revised roof of the new proposal would not address the reasons for the earlier refusal under EPF/1092/22, and that, as noted in the report for EPF/2792/20 (42 Forest Drive), lowering part of the ridge by a nominal amount would still afford a bulky appearance, being top heavy and overly-dominant.

The main roof of these dwellings is clearly defined by the ridge tiles along each axis and the proposal would remove the steep, downward slope of those tiles on the rear side elevations in order to extend the roof further. The distinctive outline would, therefore, be lost.

By comparison, the existing extension to the adjacent property at No.42 retains the distinctive fully-hipped roof, (with the addition of an inset dormer on the rear roof slope, which does not detract from the outline of the main roof, but provides additional fenestration overlooking the garden area). No.38 has a single-storey rear extension, but its roof is clearly separate from that of the main roof structure, such that it is barely visible in the streetscene, and does not detract from the strong outline of the main roof which remains clearly intact.

These earlier permissions ensured that a balance could be achieved that would allow for some extension of each individual dwelling, but still respect the rhythm and repetition of the key features, particularly in terms of the design and scale of the roofscape.

Conclusion

Given the concerns raised above, the Planning Committee is of the view that the proposed design at No.44 Forest Drive would not relate positively to its context, reflecting neither the scale of the existing property, nor that of the group, particularly given the previous considerations that had been given to retaining the rhythm and repetition of the architectural features which unite this distinctive group.

It is considered that, in creating a bulky and top-heavy roofscape, the proposed design would be overly-dominant and visible within the streetscene, and would fail to respect or complement the existing building, contrary to Policy DM9 of the Epping Forest District Local Plan, 2011-2033.

In view of the considerable time and effort previously undertaken to achieve successful outcomes on each of the developments at Nos. 34, 36, 38, 40 and 42 Forest Drive, the Parish Council would wish to see that the main roofscape of No.44 retains the same fully-hipped structure as reflected in the adjacent properties, without increasing the depth and bulk further.

New boundary wall and gate, with hedge planting behind

The current proposal also includes the provision of a new boundary treatment to the front of the property. Noting that this would mirror that at 42 Forest Drive, the Planning Committee raised no objection but, mindful of the earlier applications that eventually led to approval of that boundary wall (with a reduction in height, removal of railings and with the implementation of the planting scheme), would wish to see the same Conditions (as implemented under EPF/1492/17) added to any approval of this element. Those Conditions were as follows:

The evergreen hedge planted behind the proposed front boundary wall shall be retained, at an approximate height of 1.4m, on a permanent basis. If any plant dies it shall be replaced by another of the same, or similar, species.

No railings shall be attached at any time to the proposed front boundary wall without the prior written approval of the Local Planning Authority.

Planning Considerations

The main issue is whether the previous reason for refusal has been overcome. The previous application EPF/2704/22 was refused for the sole reason below;

1. The proposed terrace area serving the rear element would result in a harmful level of overlooking to both neighbouring gardens. As such, the proposal fails to safeguard the living conditions of neighbouring amenities, contrary to Policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9 (h) of the Local Plan Submission Version 2017, and Paragraph 130 (f) of the NPPF 2021.

On this note, the proposed terrace serving the rear element has been significantly reduced to the section serving the bifold doors. Privacy screens are also proposed at both edges. As such, Officers consider that the above reason for refusal has been overcome and there will be no harmful overlooking to both neighbouring gardens on either side.

No other harm is envisaged from the remainder of the proposed works, in terms of loss of light, loss of privacy, overbearing and visual impact. This is due to the limited scale of the works proposed, the visual gap from the common boundaries, the differing land levels, and the orientation of the host house facing northwest.

Other Considerations

Officers note that the scale of the works has been reduced significantly to that first refused under EPF/1092/22 and is identical to the second refused application EPF/2704/22, and the Parish have still raised objections to this, as set out above.

Officers are of the view, that on balance, the proposed works, whilst readily visible from the street, are of an acceptable scale and subservient design that complements the appearance of the existing building and street scene.

The proposed 1.35m high front wall and gates would match the existing wall and gates at No. 42 which was granted consent under EPF/1492/17.

Officers note the previous conditions attached to EPF/1492/17 as highlighted by the Parish and is as follows:

1. The evergreen hedge planted behind the proposed front boundary wall shall be retained, at an approximate height of 1.4m, on a permanent basis. If any plant dies it shall be replaced by another of the same, or similar, species.
2. No railings shall be attached at any time to the proposed front boundary wall without the prior written approval of the Local Planning Authority.

However, there are several issues with the first of suggested conditions.

1. This would not be enforceable. Who will be measuring the hedge to ensure it is retained at 1.4m? Are Members of the public going to enter the landowners property to measure the hedge? How often will it be measured? Who will inform the Council of the breach? In Officers view this would be an impediment on Council resources and not an enforceable condition and so it fails one of test of adding planning conditions as per Para 55 of the NPPF.
2. It is an onerous requirement on the landowner to retain the hedge at an approx. height of 1.4m in perpetuity. How often will the hedge need to be cut to maintain the aforementioned height? So, this is not a reasonable requirement and fails another one of the test of adding planning conditions.

In light of above, Officers suggests adding a suitably worded soft landscaping condition to soften and complement the setting of the host house, which was the intended goal of the above landscaping condition.

Overall, Forest Drive consists of various building typologies, scale, and design, so the proposed works would not have a harmful effect to the Character and appearance of the area.

To add, the additional extensions to the roof will result in a Chalet style bungalow which meets the definition of a bungalow within the LP, so there is no loss of a bungalow.

Lastly, there would be ample space to park a couple cars on the drive, so the loss of the garage, in this instance, is acceptable.

Conclusion

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

If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest, or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman | mrahman@eppignforestdc.gov.uk.

Conditions: (10)

- 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: 713:01, 713:02 Rev B, 713:03 Rev A, 713:04 Rev A, 713:05, 713:06, 713:07 Rev B, 713:08 Rev B, 713:09 Rev A, 713:10 Rev A, 713:11 Rev B, 713:12 Rev B, 713:13 Rev A, and 713:14.

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

- 3 Prior to any above groundworks, all material excavated from the below ground works hereby approved shall have been removed from the site.

Reason: In order to ensure that levels are not altered across the site as a result of deposited materials, in the interests of amenity, in accordance with Policies DM9, DM12 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Prior to any above ground works on the proposed front wall and gates, a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and 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.

- 5 Prior to the first use of the rear terrace, privacy screens at both edges no lower than 1.8m as specified on the approved plans shall have been installed 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.

- 6 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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 window[s] 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.

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

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

- 8 Other than shrub or tree planting, the front boundary railings and gates hereby permitted shall not be infilled or enclosed by, or supplemented by any fence, screen or other means of enclosure without prior consent from the local planning authority through submission of a planning application.

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

- 9 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.

- 10 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.

Informatives: (1)

- 11 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.