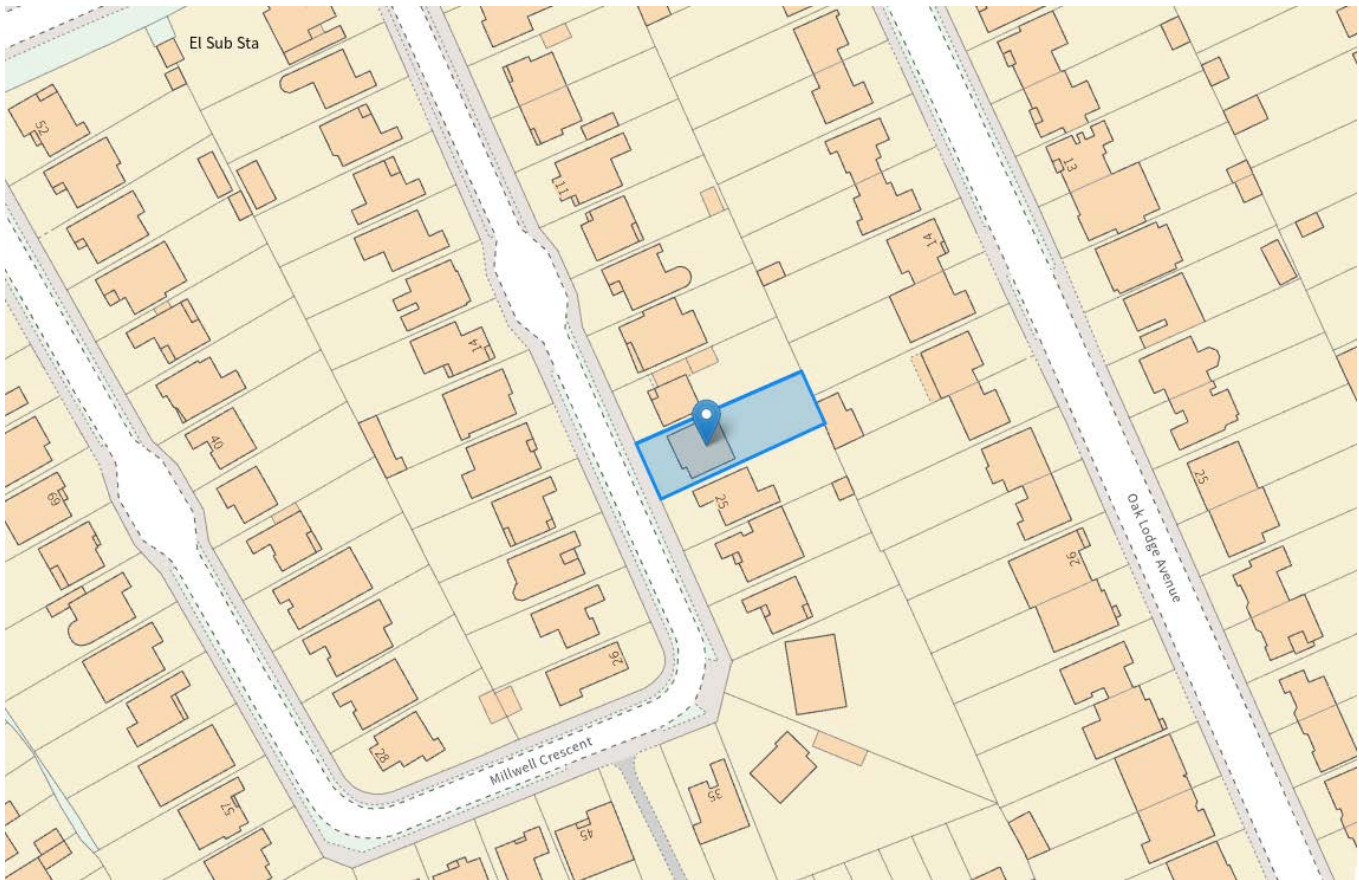


OFFICER REPORT

Application Ref: EPF/2089/23
Application Type: Householder planning permission
Applicant: Mr Amar Patel
Case Officer: Mohinder Bagry
Site Address: 23, Millwell Crescent, Chigwell, IG7 5HX
Proposal: Proposed amendments to rear patio
Ward: Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XQ2I>
Recommendation: Approve with Conditions



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This application is before this Committee since objections have been received by two adjoining neighbours and by Chigwell Parish Council.

Site and Surroundings

The site comprises a two-storey detached dwellinghouse located within a built-up area of Grange Hill. Millwell Crescent leads off and rejoins Manor Road, Chigwell. The application site is located on the

eastern side of the Crescent sloping to the rear resulting in significantly lower ground levels. It is not a Listed Building nor in a Conservation Area or in a flood zone. There are no protected trees on site.

Proposal

Retrospective planning application for proposed amendments to a rear patio.

Relevant Planning History

PRE/0137/23 - Proposed amendments to rear patio - following appeal refusal. 11/05/2023. Advice Given.

APP/J1535/D/22/3309484 - Variation of Condition 2 'Plan no's on EPF/1110/20 (Proposed single storey side & rear extension with associated internal alterations). Appeal Dismissed.

EPF/1149/22 - Variation of Condition 2 'Plan no's on EPF/1110/20 (Proposed single storey side & rear extension with associated internal alterations). 17/05/2022. Refuse.

EPF/1110/20 - Proposed single storey side & rear extension with associated internal alterations. 27/05/2020. Approve with Conditions.

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:

SP1	Spatial Development Strategy 2011-2033
DM9	High Quality Design
DM10	Housing Design and Quality

National Planning Policy Framework 2023 (Framework)

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

Paragraphs 131 & 135

Summary of Representations

Number of neighbours Consulted: 6. Response(s) received 2.
Site notice posted: No.

NEIGHBOUR CONSULTATION RESPONSES summarised as:

- Loss of privacy
- Overlooking

- Feeling of encroachment

CHIGWELL PARISH COUNCIL – ‘The proposal fails to address the reasons for refusal at appeal. The proposal may impact in the amenity of neighbouring properties due to overlooking contrary to Policy DM9 of the Local Plan.’

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) The impact to the living conditions of neighbours

Character & Appearance

Site topography comprises a sloping position of dwellings on the eastern side of Millwell Crescent (subject side) and those on the west in elevated positions. To the rear garden, ground levels are significantly lower than the dwelling to all buildings along this stretch of road.

The proposal is for an amended patio height and positioning, set lower than the approved plans EPF/1110/20 and in equal height to what existed prior to development. Reducing the height of the patio will remove the two steps constructed leading onto the patio from the side alley (northside). Two steps are introduced (above the patio) for access into the rear extension aiding the overall reduction in height of the patio area. Considering these steps are not for prolonged use, this will not have a significant impact on neighbour amenity outside the more pertinent issue of the impact of the raised patio. The patio has also been reduced in width, so it does not span across the full width of the dwelling as constructed. Revised design steps in approximately 3.3m from the shared boundary to the south - a greater reduction than the approved scheme.

Another alteration from the plans is the repositioning of the steps leading onto the lawn changing from facing the garden to one facing southeast. This results in minimal harm to the character considering the new positioning remains to the centre of the rear elevation as per the approved plans. Most of the neighbouring dwellings have similar height patio areas or raised platforms built to the shared boundaries albeit using different slabbing material. Lawned areas are lower set for all dwellings along this stretch of road where acute levels of overlooking already exist to some degree.

The proposal reduces the height and width from the unacceptable form as built to lower than approved scheme levels. Additional depth of 0.5m as built is to be retained. The retention of the depth will not result in significant greater usable space as this will house a balustrade across the width of the patio. The proposal is therefore considered to have overcome its previous reasons for refusal with an improved integration with the character and appearance of the setting.

Living Conditions

In ordinary use, the steps below the patio doors are not required for prolonged use other than to step onto the patio, it is considered will result in negligible harm to neighbour amenity in terms of overlooking or loss of privacy. The approved single storey rear extension projects further into the garden than the neighbouring dwellings. Mutual overlooking that existed prior to development have been reduced with partial obscurity of neighbouring patio areas at similar heights as the proposed.

Following a recent site visit, it was clear the current built form was at unacceptable height. The proposal significantly reduces the height and width allaying the justified overlooking concerns of the neighbours.

It is considered the proposal will not result in significant loss of privacy due to overlooking over and above the approved scheme and the scheme is considered to have overcome harm identified by the Appeal Inspector.

Conclusion

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

Conditions: (3)

- 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 in accordance with the following approved plans: RSD2428 100 Rev C; RSD2428 002 Rev A; RSD2428 SK01.

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

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

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

Informatives: (1)

- 4 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.