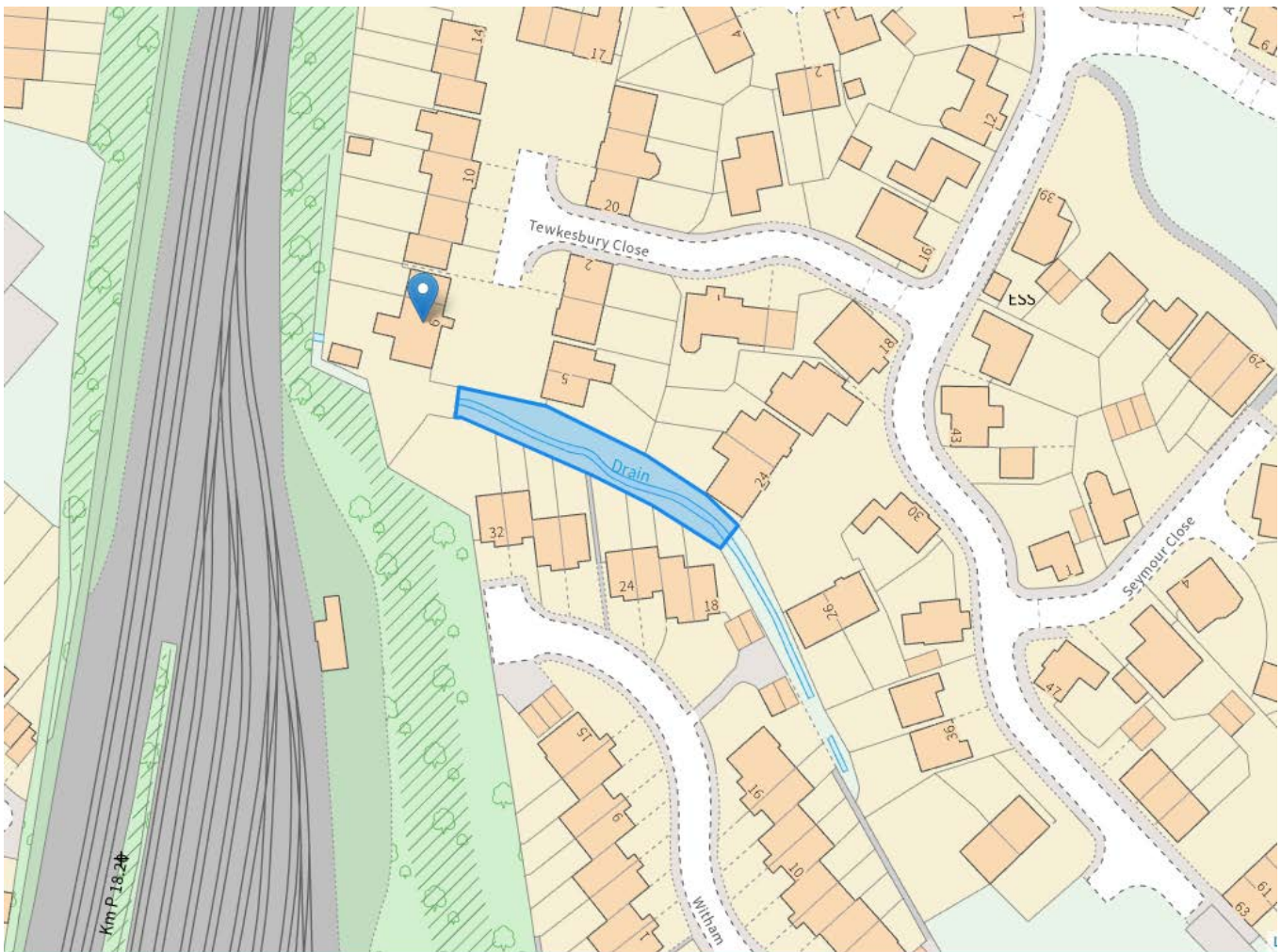


OFFICER REPORT

Application Ref: EPF/2688/23
Application Type: Full planning permission
Applicant: Mrs Marsh
Case Officer: Mohinder Bagry
Site Address: 6, Tewkesbury Close, Loughton, IG10 3NT
Proposal: Change of use from waste land to garden
Ward: Loughton Roding
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000000ROP>
Recommendation: Approve with Conditions



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This application was deferred from the previous Area Planning Sub-Committee South so that a Member site visit could be undertaken.

This application is before this Committee since the application is objected to by five adjoining neighbours and by Loughton Town Council.

Site and Surroundings

The site comprises a linear stretch of wasteland attached to the side garden of no.6 Tewkesbury Close between the boundaries to the rear gardens of dwellings along Tewkesbury Close and Witham Close. A culvert/water drainage course runs along the length of the site facilitating drainage to the railway line to the rear of the applicant site. Site clearance of trees has already taken place. Surrounding area is largely relatively modern residential. It lies within a built-up area of Loughton. It is not a Listed Building nor in a Conservation Area It does not lie within the boundaries of the Metropolitan Green Belt.

Proposal

Change of use from waste land to garden.

Relevant Planning History

EPF/2678/23 Certificate of lawful development for a proposed garden shed, 05/12/2023, Lawful.

EPF/1317/23 Erection of garden office. 08/06/2023, Refuse.

EPF/2005/22 Certificate of Lawful Development for proposed outbuilding. 01/09/2022, Not Lawful.

EPF/1033/22 Certificate of lawful development for a proposed large garden shed. 04/05/2022, Not Lawful.

EPF/0591/18 Continued use of land at rear and side as domestic garden and erection of a summerhouse in rear garden. 27/02/2018. Approve with Conditions.

PRE/0144/22 Pre application for a proposed erection of outbuilding. 18/11/2022, Advice Given.

EPF/0840/21 Application for a Non-Material amendment for EPF/2399/19. (Part first floor rear extension and loft conversion with rear dormers, continuation of front roof slope over recessed area of front wall.(Amended application to EPF/1975/17). 25/03/2021, Approve.

EPF/1975/17 Part first floor side extension and loft conversion with rear dormers. 19/07/2017, Approve with Conditions

EPF/0415/21 Installation of Solar Panels on approved extension. EPF/2399/19, 15/02/2021

EPF/2399/19 Part first floor rear extension and loft conversion with rear dormers, continuation of front roof slope over recessed area of front wall.(Amended application to EPF/1975/17).07/10/2019. Approve with Conditions.

EPF/1234/18 Amendments to planning approval EPF/1975/17 (Part first floor rear extension and loft conversion with rear dormers). Addition of 2 pitched roof dormers and roof light to front roof slope. 02/05/2018. Approve with Conditions.

EPF/2038/08 Demolition of existing and erection of new rear conservatory. 20/10/2008. Approve with Conditions.

EPF/0097/09 Demolition and replacement two storey side extension.16/01/2009. Approve with Conditions.

EPF/0051/03 Erection of front porch. 09/01/2003. Approve with Conditions.

EPF/1988/02 Erection of rear conservatory. 18/10/2002. Approve with Conditions.

EPF/1140/99 Two storey side extension. 28/07/1999. 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
SP2	Place Shaping
SP6	The Natural Environment, Landscape Character and Green and Blue Infrastructure
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM5	Green and Blue Infrastructure
DM15	Managing and Reducing Flood Risk
DM16	Sustainable Drainage Systems
DM17	Protecting and Enhancing Watercourses and Flood Defences
DM22	Air 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:

Paragraph 135

Summary of Representations

Number of neighbours Consulted: 19. Response(s) received 6.

Site notice posted: No.

NEIGHBOUR CONSULTATION RESPONSES:

5 neighbours from 4 households OBJECT to the proposal. Summarised as:

1. Disputes the description of wasteland instead categorises the site as wildlife habitat.
2. Loss of greenery impacting residents' mental wellbeing.
3. Loss of privacy.
4. Impact on water drainage.
5. Land ownership issue. *
6. Neighbours are sharing care for the land (cutting grass etc).

7. Promotes further loss of wildlife habitat. Loss of trees impacting privacy for residents of Witham Close.
8. Devaluation of nearby homes. *
9. Loss of sun time in the garden.
10. Fears further loss of remaining trees.
11. Loss of outlook.
12. Implications with land drainage due to presence of culvert.
13. Disagrees with characterisation as wasteland instead refers to area of biodiversity that requires protection from further loss of wildlife.
14. Highlights the anomaly with the application description and information contained in the public notice.
15. Impacts the privacy and outlook of at least 5 neighbours adjoining the proposal site.

LOUGHTON TOWN COUNCIL – OBJECTION

The Committee OBJECTED to this application supporting the comments of the LRA Plans Group, namely:

“The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly. As such we consider the application should be invalidated and the applicant clarify what they are applying for.”

LOUGHTON RESIDENT’S ASSOCIATION PLANS GROUP

We object to this application.

‘The applicant has signed Certificate A and claims they are the sole owner of the land. Yet they have put an advert in the paper certifying they do not own the land. Notwithstanding this, the advert refers to the erection of a garden building, not to convert waste land to garden. It is an offence under the planning acts to sign the wrong certificate of ownership knowingly or recklessly. As such we consider the application should be invalidated and the applicant clarify what they are applying for.’

EFDC Environmental Protection and Land Drainage

No comments to make on the proposed development however requires informative stating any works to or within eight metres of an open or piped watercourse will require Land Drainage Consent.

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

The site comprises a linear stretch of undeveloped land attached to the side garden of no.6 Tewkesbury Close between the boundaries to the rear gardens of dwellings along Tewkesbury Close and Witham Close. A culvert/water drainage course runs along the length of the site facilitating drainage to the railway line to the rear of the applicant site. Site clearance of trees has already taken place. Surrounding area is largely relatively modern residential. It lies within a built-up area of Loughton.

The application for change of use from wasteland to garden space is considered acceptable. The proposal provides stewardship for and improves the existing undeveloped area of land. Change of use to a residential garden retains the character and appearance of its setting and is therefore supported.

Living Conditions

Several objections have been received stating the area is not wasteland instead a place of wildlife and biodiversity. Those marked with an asterix were not material considerations, therefore did not feature in the planning balance.

Most neighbour objections related to the loss of existing biodiversity and wildlife. The change of use will not result in significant change to the general biodiversity which is present in domestic gardens therefore, the change of use is not considered to result in significant loss of neighbour amenity.

Further built environment within the garden space can be overcome by way of restriction to permitted development which will reduce loss of outlook to neighbouring dwellings.

Conclusion

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

This application was deferred from the 28th February 2024 meeting for a Members site visit, which was arranged to take place on the 23rd March 2024.

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: Location Plan and Newspaper Public Notice.

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

- 3 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 Class A, AA, B, C, D and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties in accordance with Policy [] 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.