

# **Report to District Development Control Committee**

**Report Reference: DEV-025-2015/16**  
**Date of meeting: 20 April 2016**



**Epping Forest  
District Council**

**Subject: Planning Application re: EPF/0241/16 – 58, York Hill, Loughton**

**Responsible Officer: David Baker (01992 564514)**

**Democratic Services: Gary Woodhall (01992 564470)**

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## **Recommendation(s):**

**That planning permission be refused for the following reasons:-**

- 1) The formation of a hard surfaced drive way with retaining walls, and the associated removal of a section of hedgerow and embankment, would be an unsightly development that would detract from the character and appearance of this Conservation Area to which hedgerows make a significant contribution. In addition, if approved, it would be difficult to resist other similar proposals in the locality, which would further erode the special character of this part of the conservation area. The proposal is therefore contrary to policies HC6 and LL10 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.**
- 2) The visibility sightlines for drivers exiting the proposed drive way parking would be inadequate, and the proposal would therefore cause a safety hazard to other road users. The proposal is therefore contrary to policy ST4 of the adopted Local Plan and Alterations, and contrary to the National Planning Policy Framework.**

## **REPORT DETAIL:**

*This application is before this Committee since it has been submitted on behalf of Councillor Weston (Pursuant to The Constitution, Part Two, Article 10 (f))*

### **Description of Site:**

A two storey semi detached house which lies in a raised position on the north side of York Hill.

### **Description of proposal:**

Formation of an street parking area in the front garden with perimeter retaining walls, additional landscaping, and the provision of a 3 metres wide opening on to York Hill.

### **Relevant History:**

EPF/0427/12 - An application, proposing a 3.7m wide vehicular access, and removal of section of damaged hedge, was withdrawn.

EPF/2532/13 gave approval to a retrospective application for the retention of a section of trellis fencing close to the front boundary of the site.

### **Representations Received:**

LOUGHTON TOWN COUNCIL: - the Committee OBJECTED to this application. The hedge is regarded as an important feature at this location in the York Hill Conservation Area where there is an Article 4 direction in place to protect front boundary treatments. Members considered it would have a detrimental effect on the street scene and set a precedent if approval was given for a section of this hedge to be removed and replaced with an off street parking area.

NEIGHBOURS – 5 neighbours were consulted and 5 objections have been received:-

56 YORK HILL – OBJECT – the removal of hedgerow would detract from the special character of the area; it would not be in keeping with the rural character of this winding lane; we question whether this area of land has been subsiding; the applicant could park elsewhere in the wider section of York Hill; reference to a planning approval for a picket fence at no. 89 York Hill is very different to creating a driveway through this hedge at no.58; a similar application for a drive for no.56 was refused in 1996 on grounds of loss of hedgerow and substandard visibility sightlines, and the issues now raised by this application for no.58 are the same; the proposed drive would have poor sight lines.

43, YORK HILL – OBJECT – detrimental to York Hill and the feel of the area, the drive would be unsafe to use with no pavement on the road, the subsidence has been caused by the applicants levelling works to her garden, two 'car spaces' would be lost on York Hill.

60, YORK HILL – OBJECT – one of the main reasons for declaring a Conservation Area was the existence of the hedgerows, and use of the proposed drive would cause problems for traffic and be a danger to pedestrians.

52-54, and 35 YORK HILL – OBJECT – for similar grounds as cited above, and also that a precedent for other similar applications would be encouraged is approval was granted.

ESSEX CC HIGHWAYS AUTHORITY – From a highway and transportation perspective the impact of the proposal is NOT acceptable to the Highway Authority for the following reasons:

*As far as can be determined from the submitted plans the applicant does not appear to control sufficient land to provide the required vehicular visibility splays of 2.4m x 43m. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.*

This proposal would therefore be contrary to the aims and objectives of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policy ST4 of the Local Plan.

EFDC TREES AND LANDSCAPE SECTION – We object to this application for the following reasons:-

*The proposed introduction of hardstanding and associated parked vehicles in this prominent location would be detrimental to the character and appearance of the Conservation Area. It would result in the permanent loss of vegetation which makes a major contribution to the character of the Conservation Area in this location. The proposal is therefore contrary to policies LL10 and HC6.*

The justification for this objection is as follows. This site is within the York Hill Conservation Area. Conservation Areas are defined as areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. The hedges within York Hill contribute significantly to the special character of the conservation area.

Additionally, there is an Article 4 (2) Direction relating to -

- the provision of hard standings in gardens fronting a highway ;
- the erection or alteration of gates, fences, walls and other means of enclosure fronting a highway or open space.
- the demolition of any gate, fence, wall or other means of enclosure fronting a highway or open space.

It is also noted that the York Hill Conservation Area Character Appraisal and Management Plan states that –“*Hedgerows follow and define much of the historic street pattern and are an essential part of the character of the area. They also provide a strong sense of enclosure and form an important visual feature of much of York Hill, Kings Hill and Woodbury Hollow.*” Holly hedges, narrow lanes and no pavements characterise the area and create a rural feel. Long front gardens contribute to character of area and setting of historic buildings and cottages. It follows therefore, that the loss of any section of hedge would be detrimental to the character of the area.

The applicant states that some of the hedge (the area proposed for removal) is subsiding into the road. During my first visit to the site in 2012 I could see no evidence to suggest that the hedge or land was falling into the road (ie no mud or debris on the road) and indeed in subsequent visits there does not appear to have been any large scale land slippage, only possibly small scale soil loss which may have been due to disturbance of the land when a dead tree was removed.

The Design and Access Statement comments that the ‘proposed entrance is to be in a natural gap in the hedge following the removal of dead and collapsed vegetation’ – whilst we accept that the vegetation is not complete along the boundary, this proposal would require not only the removal of the existing greening in this section, but also the underlying embankment. Obviously, given the proposal, this removal would be permanent. I am of the opinion that more can be done to provide a suitable planting medium that would allow for the reinstatement of a hedge in this area, and that over time this boundary hedge can once again become a complete green screen.

The Design and Access statement makes reference to application EPF/1701/05 – no. 89 York Hill which received approval for the removal of a hedge and installation of a 70cm high picket fence in 2005. The hedge that was removed was poor quality winter

jasmine standing at less than 1m in height. The replacement boundary was of the same length (ie with no additional gaps), and it was considered that the proposal did not detract from the character of the conservation area.

Hedgerows are a significant feature of the York Hill Conservation Area and a major contribution to its character, the permanent loss of any hedge here is considered unacceptable. Whilst the applicant states that the width of the driveway where it meets the road will be 3 metres, there is no information regarding the visibility splays that may be required, or the impact this may have on the remaining hedge in terms of the extent of hedge that will be required to be removed.

The applicant also states that there is a drive way area to the frontage of number 52/54 York Hill, where there is no hedge and a parking area for two cars is present. Historically, there has always been a gap in the hedge in this location, the driveway here has been re-laid in recent years which may give the impression that this is also a new entrance.

To allow the removal of hedge in this location has the potential to set a precedent for the removal of other hedgerows for the creation of car parking, this would very extremely detrimental to the character, appearance and setting of the conservation area. Therefore we strongly object this application for the reasons stated above.

EFDC CONSERVATION TEAM – We are mainly concerned with the impact on the conservation area, which is an “area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” (Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990). The contribution made by hedges and trees is often an essential feature of its character. In addition, the significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting, the surroundings in which it is experienced. This factor is therefore usually taken into consideration when new development is being proposed.

58 York Hill is located within York Hill Conservation Area. As stated in the Conservation Area Character Appraisal and Management Plan, the “area is characterised by steep hills, weatherboarded houses, narrow lanes and high hedges. Hedgerows follow and define much of the historic street pattern and are an essential part of the character of the area. They also provide a strong sense of enclosure and form an important visual feature of York Hill, Kings Hill and Woodbury Hill”. Recognising the role and importance of boundary treatments and concern for their preservation, the Article 4 (2) Direction was introduced to give additional protection by removing permitted development rights relating to the alteration of front boundary treatments and the creation of areas of hardstanding.

We would strongly argue that the material change to the front boundary, including the removal of part of the hedge and the creation of an area of hardstanding that will ensue as a result of the proposed scheme will irreversibly alter and diminish the appearance of York Hill. Furthermore, as most of the surrounding properties (as well as no.58) do not have off set street parking area and experience parking issues, similar applications could be submitted for other properties in York Hill and I have strong concerns that if such development is permitted here it will lead to a precedent for other alterations which would irreversibly undermine the character of the conservation area.

In conclusion the recent application, despite the submission of a comprehensive, detailed scheme and associated documents, does not overcome the previous

concerns as the principle still remains unacceptable. Therefore, we still object to the proposal and recommend refusal of this application. This is supported by policy HC6 of our Local Plan and Alterations (1998 and 2006).

**Policies Applied:**

*National Planning Policy Framework (NPPF)*

*Local Plan Policies:-*

HC6 – Character and appearance of conservation areas

ST4 – Road Safety

ST6 – Vehicle parking

LL10 – Adequacy of provision for landscape retention

**Issues and Considerations:**

The applicants feel that the 'failed embankment' and length of missing hedge is a part justification for the proposed new parking area or drive, which is to be surfaced in brick paviours and surrounded by a brick retaining wall because the garden rises up steeply to the house. However, as one walks up and down York Hill the 'gap' in the hedgerow is currently not that conspicuous – it is only directly opposite that any 'gap' is noticed. In addition, and as pointed out by the Trees Officer, the underlying soil and grassed embankment is still in place, and this would be completely removed if the proposal went ahead - and this would be a more conspicuous change.

It is acknowledged that the applicant's property has no off street car parking space, and that this section of York Hill outside the house is narrow and parked cars can be damaged by passing larger vehicles and lorries. However, there are other opportunities to park on street close by, and the desirability of providing a car space is far outweighed by the environmental impact that the removal of hedge and embankment would cause to the hedgerow character of the road. In addition, if approved it would be obviously difficult to resist other applications for hard surfaced drives to be created which would further erode the appearance of this Conservation Area.

The Council's Trees and Landscape section, and the Conservation Team, also strongly object to the proposal as set out above, and many of the objections raised by neighbours are also legitimate concerns. In addition, the highways authority, Essex County Council, object to the proposal on grounds of inadequate driver visibility sightlines available to drivers leaving the proposed drive - which would result in an unacceptable degree of hazard to other road users.

**Conclusion:**

For the reasons set out above it is recommended that planning permission be refused. Regrettably, in terms of a 'way forward' a compromise proposal cannot be suggested in this instance.