

APPLICATION No:	EPF/1602/19
SITE ADDRESS:	20 Wellfields Loughton Essex IG10 1NX
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mrs Shahnilah Razaq
DESCRIPTION OF PROPOSAL:	New glazed lantern on the existing rear single storey roof, change of use of existing garage, x 3 no. new dormers to the front elevation and miscellaneous windows.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=625619

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers:
 - SR4 21
 - SR410
 - SR4 20
 - SR4 30
 - SR4 31
 - SR4 35
 - SR4 40B
- 3 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning

grounds material to the application (Pursuant to the Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises a two storey semi detached dwelling on the south eastern side of Wellfields in the built up area of Loughton. The land has a slight downward slope from south west to north east, hardstanding to the front accommodating 4 parking spaces, and a substantial rear garden with closed boarded fencing and a wooden outbuilding towards the rear of the garden. The application site is not within a Conservation Area or the Metropolitan Green Belt and is not a Listed Building.

Description of Proposal:

This proposal seeks permission for a glazed lantern on the existing rear single storey roof, use of the existing garage as study, 3 no. new dormers to the front elevation and a widening of the existing rear roof extension.

It is noted that the lantern element of the proposal is retrospective.

Relevant Planning History:

EPF/0576/19 - Lantern rooflight to extension approved under EPF/0247/18, conversion of garage to habitable room, three dormer windows to front elevation and changes to fenestration. The application was considered by Area Plans South on the 29th May 2019 where planning permission was refused for the following reason:

Reason for refusal:

The proposed alterations to the front elevation in particular the removal of the centrally located full height window, would be detrimental to the character and appearance of this group of properties to which the subject site belongs and the street scene in general. The proposal is therefore contrary to policy DBE10 of the adopted Local Plan 1998, policy DM9 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

EPF/2664/18 - Proposed alterations to provide 5 bed house with first floor extension, adding 3 new dormers and a change of use from garage to study (revised application to EPF/1717/18). 26-10-2018 - Refuse Permission (Householder)

Reasons for refusal:

- 1) *The proposed first floor rear extension would by reason of its excessive, height, width and depth appear excessively overbearing and cause excessive harm to the outlook of the inhabitants residing at no. 18 Wellfields when viewed from their rear habitable room windows and rear garden area. It would therefore fail to safeguard the living conditions of this adjoining neighbour and, accordingly, fail to comply with policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 2) *The proposed first floor rear extension by reason of its excessive bulk would appear over-dominant and incongruous when viewed from the rear garden areas of the application site and those of no's 18 and 22 Wellfields. It would fail to complement the existing dwellinghouse and would not comply with policy DBE10 of the adopted*

Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).

- 3) *The proposed middle front dormer window by reason of it's insufficient set back from the eaves of the existing roof, would appear incongruous and dominant within the front roofslope of the application dwelling. It would fail to complement the existing house when viewed from the general street scene. Accordingly, it would fail to comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*

EPF/1717/18 - Part two storey, part single storey rear extension, new dormers to front and garage conversion. 04-07-2018 - Refuse Permission (Householder)

Reasons for refusal:

- 1) *The proposed two-storey rear extension would by reason of its excessive, height, width and depth appear excessively overbearing and cause excessive harm to the outlook of the inhabitants residing at no. 18 Wellfields when viewed from their rear habitable room windows and rear garden area. It would therefore fail to safeguard the living conditions of this adjoining neighbour and, accordingly, fail to comply with policy DBE9 of the adopted Local Plan (1998), policy DM 9 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 2) *The proposed two-storey rear extension by reason of its excessive bulk would appear over-dominant and incongruous when viewed from the rear garden areas of the application site and those of no's 18 and 22 Wellfields. It would fail to complement the existing dwellinghouse and would not comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*
- 3) *The proposed middle front dormer window by reason of it's insufficient set back from the eaves of the existing roof, would appear incongruous and insubordinate within the front roofslope of the application dwelling. It would fail to complement the existing house when viewed from the general street scene. Accordingly, it would fail to comply with policy DBE10 of the adopted Local Plan (1998), policy DM 10 of the Submission Version of the Local Plan (2017) and the NPPF (2018).*

EPF/0247/18 -Prior approval application for a proposed 6m deep single storey rear extension, height to eaves 3m and maximum height of 3m - 29-01-2018 - Prior Approval Not Required.

CHI/0005/70 - 09-01-1970 - BR/8703 Extension. 09-01-1970 - Grant Permission

Policies Applied:

Development Plan Context

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material

considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

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

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following sections of the NPPF are considered to be of relevance to this application:

Section 12.

Epping Forest District Local Plan Submission Version (2017) (LPSV)

Although the LPSV 2017 does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 - Presumption in Favour of Sustainable Development	Significant
DM9 - High Quality Design	Significant
DM10 – Housing Design and Quality	Significant

Consultations Carried Out and Summary of Representations Received:

Number of neighbours consulted: 5

Responses received: 3 objections have been received from the neighbouring properties numbers: 18, 22 and 24 Wellfields.

The objections are summarised below:

18 Wellfields

- This application is the fifth presented by 20 Wellfields since autumn 2017. The application references are:
- EPF/0576/19 - Lantern rooflight to extension approved under EPF/0247/18, conversion of garage to habitable room, three dormer windows to front elevation and changes to fenestration. 3-03-2019 - Refuse Permission (Householder)
- EPF/2664/18 - Proposed alterations to provide 5 bed house with first floor extension, adding 3 new dormers and a change of use from garage to study (revised application to EPF/1717/18). 26-10-2018 - Refuse Permission (Householder)
- EPF/1717/18 - Part two storey, part single storey rear extension, new dormers to front and garage conversion. 04-07-2018- Refuse Permission (Householder)
- EPF/0247/18 -Prior approval application for a proposed 6m deep single storey rear extension, height to eaves 3m and maximum height of 3m - 29-01-2018 - Prior Approval Not Required.
- No objection to the proposed change of use of the garage at the front of No. 20 to a study.
- The objection principally relate to the lantern.
- The lantern has already been constructed without planning permission.
- Object to the construction of the lantern. The lantern is too large, obtrusive and is more visible at night due to illumination.
- The lantern can be seen from numbers 22 and 24.
- Front window to be retained.

- Insufficient setback of the middle dormer window was given as a reason by the planning officers for rejecting application EPF/1717/18.

22 Wellfields

- This is the fourth planning application made for No.20 in the last two years and is similar in scope to the last application (EPF0576/19) which was rejected.
- Objected to the last application on the grounds of the lantern light on top of the ground extension on the basis that the lantern is too large and obtrusive and adds to an already significant and over-bearing ground floor extension.
- Object to the installation of this lantern once again.
- No objection to the works proposed to the front of the property or the alterations to the windows on the top floor at the rear of the property.

24 Wellfields

- The lantern has already been installed.
- This proposal has already been rejected by planning.

Site notice posted: N/A

LOUGTON TOWN COUNCIL: OBJECT to the proposal as summarised below:

- The committee deplore the nature of the retrospective nature of this application.
- Air conditioning units have been installed without planning permission.
- The proposed front dormers will have an adverse impact on the street scene.
- The lantern has not been shown on plans accurately and it is overbearing to the neighbouring properties numbers: 18 and 22.

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 on the living conditions of neighbouring amenities;

Character and appearance:

Following the previous resolution to refuse by this committee on the 29/05/2019, the applicant has responded to the suggested way forward by retaining the centrally located first floor window feature under this proposal. Amended plans have been received to show the correct angle of the lantern and its relationship with the rear first floor windows. It was noted at the time of the site visit that the lantern had already been constructed and as such this element of the proposal is retrospective.

According to the submitted plans, the lantern has a width of 4.0 metres, a depth of 2.0 metres and a height of 0.46 metres. The side glazing on the lantern show that they are slanted at 23 degree angle.

Taking into account the dimensions and siting of the lantern, it is considered that it is not detrimental to the character or appearance of the building and as it is located to the rear of the property it does not have a negative impact on public views from the street scene.

The existing garage will be converted to a study. The footprint of the proposed conversion will remain the same as existing. The garage door and 1 no. casement window will be replaced with 1 no. casement window at the front elevation. The proposed garage conversion will not have a detrimental impact on the subject dwelling or those within the surrounding townscape.

3 no. dormers are proposed as part of this proposal. 2 no. small dormers on each side of the roof plane and 1 no. larger dormer in the middle. The smaller dormers will measure 1.6 metres in width, 2.72 metres in depth and 1.9 metres in height. The larger dormer will measure 1.8 metres in width, 3.25 metres in depth and 2.4 metres in height. All dormers will have pitched roofs. It was noted at the site visit that a number of other neighbouring properties in close proximity benefit from front dormers of different sizes and styles. Given the size and design of the proposed dormers as well as other dormer examples within the street, it is considered that they will not be detrimental to the character or appearance of the subject dwelling or the street scene. As mentioned above it is noted that on a previous application reference: EPF/2664/18, the middle dormer was refused for the reason of its insufficient set back from the eaves of the existing roof. This matter has now been resolved and the dormer is now approximately 0.3 metre set back from the eaves of the existing roof.

Taking into account the above factors it is considered that the proposed development complies with Policy DBE10 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Living conditions of neighbours:

The neighbouring property no. 18 is located on the south east elevation of the subject dwelling. This neighbouring property has objected to the proposal as outlined above. One of their main objections is to the installation of the lantern and its negative impact on their amenity. However taking into account a separation gap of approximately 2.8 metres to the boundary line and its modest height with slanted sides, it is considered that the lantern does not give rise to any detrimental impacts in term of overbearingness, overshadowing, loss of privacy or loss of light to this neighbouring property to justify a reason for refusal of this application. Furthermore, the fact that it can be seen from neighbouring properties does not constitute harm. The location of the proposed front dormers does not result in any impacts. The proposed garage conversion will not result in any increase in the footprint and as such it will not have any negative impact on this property.

The neighbouring property no. 22 is located on the north west elevation of the subject dwelling. As mentioned above this neighbouring property has objected to the installation of the lantern. However it is considered that due to an even greater separation gap than No. 18 of approximately 4.5 metres to the flank wall, the lantern equally does not give rise to planning impacts as mentioned above with No. 18. Similarly there are no impacts from the proposed front dormers nor the garage conversion.

Taking into account the above factors, it is considered that the proposed development complies with Policy DBE9 of Epping Forest District Local Plan (1998) and Alterations (2006) and Policy DM9 of Epping Forest District Local Plan Submission Version 2017.

Other Matters Raised by 3rd Parties

Objections have been received in regards to the air conditioning unit which has been installed without planning permission. However, the air conditioning unit has not been proposed as part of this application and as such cannot be assessed under this proposal.

Objections have also been received in terms of dormers having an adverse impact on the street scene. However as noted above, a number of other neighbouring properties benefit from front dormers with varied sizes and styles and as such the refusal of the dormers cannot be justified.

It is noted that the lantern / roof light has been installed without planning permission, however, carrying out development without planning permission is not unlawful or a criminal offence unless to a Listed Building. This element of the proposal is now being sought to be regularised under this application and has been assessed as acceptable and in compliance with planning policies. A refusal to this element cannot be reasonably justified.

Other objections which are not relevant to this application cannot be considered under this proposal.

Conclusions:

For the reasons outlined above, it is recommended that planning permission is granted for this proposal subject to conditions attached within the decision notice.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the Monday preceding the meeting at the latest:

***Planning Application Case Officer: Honey Kojuri
Direct Line Telephone Number: 01992 564124***

***or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk***