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| <b>APPLICATION No:</b>          | EPF/1792/19  |
| <b>SITE ADDRESS:</b>            | Hainault Hall<br>173 Lambourne Road<br>Chigwell<br>Essex<br>IG7 6JU  |
| <b>PARISH:</b>                  | Chigwell   |
| <b>WARD:</b>                    |  |
| <b>APPLICANT:</b>               | Mr A Singh   |
| <b>DESCRIPTION OF PROPOSAL:</b> | Amendment to planning permission EPF/0348/18 (Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above). |
| <b>RECOMMENDED DECISION:</b>    | Refuse Permission (Householder)  |

**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=626557](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=626557)

## REASON FOR REFUSAL

- 1 The proposal would result in significant harm to the setting of the listed building by the increased bulk of the proposed garage/pool building, the harm caused to the appearance and special interest of the listed building and the wider street scene of Maypole Drive. This is supported by policies HC10 and HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and the NPPF (2019).
- 2 Due to the close proximity of the proposal to no.7 Maypole Drive, the proposal by reason of its excessive height would cause significant harm to the outlook and light afforded the inhabitants of this dwellinghouse when viewed from its rear habitable room glazing and garden area. The proposal is contrary to policy DBE9 of the adopted Local Plan and Alterations (1998 and 2006), policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

*This application is before this Committee as the application has been 'called-in' by Councillor Sunger (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

## **Description of site**

The application site comprises a large mansion house located close to the traffic light junction of Lambourne Road and Gravel lane/Romford Road. The property is a listed building, but it does not lie in a conservation area.

## **Description of Proposal:**

Amendment to planning permission EPF/0348/18 and Listed Building Consent EPF/0349/18 (Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above).

Changes proposed are as follows:

To remove the 1.2 m basement excavation underneath the pool and garage buildings,  
To increase the ridge height of the pool building by 750mm  
To introduce additional roof lights to side elevation 2.

## **Relevant History:**

EPF/1398/19 Application for a Non-Material Amendment to EPF/0055/19 to change the position of an approved outbuilding and move up North to allow more garden space at the Southern side. Non-material Amendment - Approved

EPF/0780/19 Grade II Listed Building Consent for a proposed single storey glazed link connecting the pool house to the existing single storey rear extension to the main house. Approved.

EPF/0774/19 Proposed single storey glazed link connecting the pool house to the existing single storey rear extension to the main house. Approved.

EPF/0841/19 Grade II Listed Building Consent for proposed mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV camera, security lighting, PIR Sensor and installation of cameras on the main building, single storey rear extension, outbuildings and either side of the front gate. (Revised application to EPF/1194/18).  
Approved.

EPF/0839/19 Proposed mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV camera, security lighting, PIR Sensor and installation of cameras on the main building, single storey rear extension, outbuildings and either side of the front gate. (Revised application to EPF/1192/18). Approved.

EPF/0893/19 014101 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU  
Variation of condition 5 'approved plans' on planning application LB/EPF/0349/18 (Grade\_II listed building application for retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above)  
WITHDRAWN 05-04-2019 Withdrawn Decision

EPF/0716/19 Application for Variation of Condition 3:-"approved plans" for EPF/0348/18 (Retention of height of rear pool building, roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of existing garage roof building with formation of basement in existing garage building for use as gym with rooms above). WITHDRAWN 05-04-2019 Withdrawn Decision

EPF/0055/19 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU Revision to approved application EPF/0959/18 for the erection of replacement single storey outbuilding in the rear garden to serve as an ancillary annexe. FINAL DECISION 31-01-2019 Grant Permission (With Conditions)

EPF/2562/18 Application for Approval of Details Reserved by Conditions 2 & 3 of EPF/1914/17. 2)-"Samples of the types and details of colours of all the external finishes shall be submitted", 3)-"Additional drawings that show details of proposed new windows and doors". (Rear Extension to Conservatory (Renewal of lapsed consent EPF/0110/13 but with modifications)). REGISTERED 26-09-2018

EPF/2351/18 Construction of part single, part two storey new building in the rear section of garden to be used as an ancillary family recreation centre incorporating a granny annexe, swimming pool and gym. WITHDRAWN 07-09-2018 Withdrawn Decision

EPF/1888/18 Listed building application for retention of double glazed windows (Retrospective application) FINAL DECISION 19-07-2018 Refuse Permission

EPF/1095/18 The proposal is to extend the current garage frontwards by 3 metres and introduce basements and mezzanine floors across the garage and adjoining rear pool house to provide changing rooms, toilets, sauna, steam room, children's play area, snooker lounge, home cinema, swimming pool and a private gym FINAL DECISION 04-06-2018 Refuse Permission (Householder)

EPF/1194/18 Grade II listed building consent for proposed mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV cameras, security lighting and speakers. FINAL DECISION 09-05-2018 Refuse Permission

EPF/1192/18 The proposal is the mounting of poles in the garden and boundary fence walls for the purpose of installation of CCTV cameras, security lighting and speakers. FINAL DECISION 09-05-2018 Refuse Permission (Householder)

EPF/0959/18 Erection of replacement single storey outbuilding in the rearmost section of rear garden to serve as an ancillary granny annexe. FINAL DECISION 24-04-2018 Grant Permission (With Conditions)

EPF/0349/18 Grade II listed building application for retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above. FINAL DECISION 27-02-2018 Grant Permission (With Conditions)

EPF/0348/18 014101 Hainault Hall 173 Lambourne Road Chigwell Essex IG7 6JU Retention of height of rear pool building with incorporation of roof light windows, excavation of pool building by 1.2m to create mezzanine floor above pool, alterations to and

raising of roof of existing garage building, and formation of basement in existing garage building to be used as a gym with rooms above. FINAL DECISION 27-02-2018

Grant Permission (With Conditions)

EPF/1935/17 Grade II listed building application for rear extension to conservatory. (Renewal of lapsed consent EPF/0137/13 but with modifications) FINAL DECISION 07-08-2017 Grant Permission (With Conditions)

EPF/1914/17 Rear extension to conservatory. (Renewal of lapsed consent EPF/0110/13 but with modifications). FINAL DECISION 07-08-2017 Grant Permission (With Conditions)

EPF/1292/16 Grade II listed building application for raising roof of garage and addition of a mezzanine floor over the existing garage and poolhouse building. Single storey glazed link connecting the pool house to the existing single storey extension to the rear of the main house, and alterations and extension to this single storey rear extension. FINAL DECISION 27-05-2016 Refuse Permission

EPF/1287/16 Raising of roof over garage and addition of a mezzanine floor over the existing garage and poolhouse building. Single storey glazed link connecting the pool house to the existing single storey extension to the rear of the main house, and alterations and extension to this existing single storey rear extension. FINAL DECISION 26-05-2016 Refuse Permission (Householder)

EPF/0708/16 Application for Approval of Details Reserved by Condition 2 'materials' on planning application EPF/0137/13 (Grade II listed building consent for conservatory extension) FINAL DECISION 06-04-2016 Details Approved

EPF/0707/16 Application for Approval of Details Reserved by Condition 2 'materials' on planning application EPF/0110/13 (Extension to existing conservatory) FINAL DECISION 06-04-2016 Details Approved

EPF/0137/13 Grade II listed building consent for conservatory extension (Renewal of lapsed consent, application reference LB/EPF/2414/2006) FINAL DECISION 25-01-2013 Grant Permission (With Conditions)

EPF/0110/13 Extension to existing conservatory (Renewal of lapsed consent, application reference EPF/2413/2006) FINAL DECISION 25-01-2013 Grant Permission (With Conditions)

EPF/2414/06 Grade II listed building application for a single storey front garage extension and single storey rear extensions. FINAL DECISION 02-01-2007 Grant Permission (With Conditions)

EPF/2413/06 Single storey front garage extension and single storey rear extensions. FINAL DECISION 02-01-2007 Grant Permission (With Conditions)

LB/EPF/0118/02 Listed Building application for lowering of existing basement floor and install ground beams (Revised Scheme) FINAL DECISION 18-01-2002 Grant Permission (With Conditions)

## **DEVELOPMENT PLAN**

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:

|      |   |
|------|---|
| CP1  | Achieving Sustainable Development Objectives              |
| CP2  | Protecting the Quality of the Rural and Built environment |
| GB2A | Development in the Green Belt                             |
| HC12 | Development Affecting the Setting of Listed Buildings     |
| DBE1 | Design of New Buildings                                   |
| DBE4 | Design in the Green Belt                                  |
| DBE8 | Private Amenity Space                                     |
| DBE9 | Loss of Amenity   |
| LL10 | Adequacy of Provision for Landscaping Retention           |
| ST4  | Road Safety   |
| ST6  | Vehicle Parking   |

## **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.

## **EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)**

Although the LPSV 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. The appointed Inspector has since provided their initial advice on the LPSV following the Independent Examination and hearing sessions. This advice was given without prejudice to the Inspector's 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     |
| SP2 Spatial Development Strategy   | Significant     |
| CP2 Protecting the quality of the rural and built environment                      | Significant     |
| DM9 High Quality Design  | Significant     |
| SP6 Green Belt and District Open Land  | Significant     |
| SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure | Significant     |
| H1 Housing mix and accommodation types   | Significant     |
| T 1 Sustainable transport choices  | Significant     |
| T2 Safeguarding of routes and facilities   | Significant     |
| DM1 Habitat protection and improving biodiversity                                  | Significant     |
| DM2 Epping Forest SAC and the Lee Valley SPA                                       | Significant     |
| DM3 Landscape Character, Ancient Landscapes and Geodiversity                       | Significant     |
| DM4 Green Belt   | Significant     |

|      |   |             |
|------|---|-------------|
| DM5  | Green and Blue Infrastructure                                 | Significant |
| DM7  | Heritage Assets   | Significant |
| DM10 | Housing Design and Quality                                    | Significant |
| DM11 | Waste recycling facilities on new development                 | Significant |
| DM12 | Subterranean, basement development and lightwells             | Significant |
| DM15 | Managing and Reducing Flood Risk                              | Significant |
| DM16 | Sustainable Drainage Systems                                  | Significant |
| DM17 | Protecting and enhancing watercourses and flood defences      | Significant |
| DM18 | On site management of waste water and water supply            | Significant |
| DM19 | Sustainable water use   | Significant |
| DM21 | Local environmental impacts, pollution and land contamination | Significant |
| DM22 | Air Quality   |             |

### **Summary of Representations Received**

7 NEIGHBOURS CONSULTED: 7 MAYPOLE DRIVE: OBJECTED Proposal is too high, will result in a loss of light, outlook and privacy

SITE NOTICE POSTED: 01.08.2019  
CHIGWELL PARISH COUNCIL:

EPF/1792/19 (PLANNING APPLICATION): NO OBJECTION

EPF/1799/19 (CURTILAGE GRADE II LISTED BUILDING CONSENT APPLICATION): NO OBJECTION SUBJECT TO THE HERITAGE OFFICER'S DETERMINATION THAT THE PROPOSED DEVELOPMENT ABIDES BY THE APPLICABLE PLANNING REGULATIONS.

### **Main Issues and Considerations:**

Hainault Hall is a grade II listed building dating from the late 18<sup>th</sup> century with 19<sup>th</sup> and 20<sup>th</sup> century extensions. It is of stock brick construction under a clay tile mansard roof standing at two storeys with an attic and basement. With its symmetrical frontage, projecting open pediment, and contrasting gauged red brick arches above sash windows, it is a prominent and elegant building within the wider streetscene. It is essential to the building's character that it remains the dominant building on the site.

Permission was granted in 2012 (EPF/1998/12) for the replacement of the existing garage with a larger pool and gym building. Later applications to raise the height of the approved building were refused due to the detrimental impact on both the setting of the listed building and the neighbours. An application was submitted in 2018 (EPF/0348/18) to revise the 2012 scheme; slightly raise the height of the front building and excavate below the buildings to provide enough height to create a first floor. The external alterations were considered to be minimal (slight increase in height, a connecting link between the roofs and the addition of a bank of rooflights in the northern elevation). The proposal still remained subservient to the main house. Permission was granted.

This proposal is for the enlargement of the 2018 approved scheme (not implemented) which is the extended version of the 2012 scheme. The application comprises the removal of the basement excavation underneath the pool and garage building, the increase of the ridge height

and connecting link between the roofs by 750mm and the addition of a bank of roof lights to side. The current proposal also seeks to increase the height and massing of the garage/pool house by a substantial amount. As well as reintroducing a design which resulted in the previous reasons for refusal regarding the impact on Maypole Drive and its occupants, the proposed scheme is considered to be harmful to the setting of the listed building. Hainault Hall should be the dominant building on the site but, due to its size, the proposed scheme encroaches on the listed building and visually competes with it to the detriment of its setting. Increasing the height of the garage/pool house undermines the building hierarchy of the site.

It is recommended that Listed Building consent and Planning permission is refused due to the harm caused to the setting of the listed building by the increased bulk of the proposed garage/pool building, the harm caused to the appearance and special interest of the listed building and the wider street scene of Maypole Drive. This is supported by policies HC10 and HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and paragraphs 190, 192, 193 and 194 of the NPPF (2019).

Furthermore, due to the close proximity of the proposal to no.7 Maypole Drive to the south (0.3m to the rear where the common boundary narrows and 0.6m to the front where the common boundary widens), the proposal by reason of its excessive height would cause significant harm to the outlook and light afforded the inhabitants of this dwellinghouse when viewed from its rear habitable room glazing and garden area. Moreover, the excessive height and close proximity of the proposal to this neighbours glazing and garden area would appear excessively overbearing and result in a severe sense of enclosure. The proposal is contrary to policy DBE9 of the adopted Local Plan 1998/2006, policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

### **Conclusion**

The proposed development by reason of its poor design and excessive height would appear as an insubordinate addition that would compete with the Grade II Listed Building. It would be contrary to policy HC10 and HC12 of the Local Plan 1998, policy DM7 of the Submission Version of the Local Plan 2017 the NPPF 2019. Moreover, the development due to its excessive height and close proximity to the garden area and boundary of no. 7 Maypole Drive would adversely affect the amenities enjoyed by the inhabitants of this dwellinghouse contrary to policy DBE9 of the adopted Local Plan 1998, policy DM 10 of the Submission Version of the Local Plan 2017 and the NPPF 2019.

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

***Planning Application Case Officer: Sukhdeep Jhooti  
Direct Line Telephone Number: 01992 564 298***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***