

APPLICATION No:	EPF/0921/19
SITE ADDRESS:	1-7 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	OBO Epping Theydon Trust Ltd
DESCRIPTION OF PROPOSAL:	Proposed x 2 no. new dwellings to land rear of 1-7 Margaret Road.
RECOMMENDED DECISION:	Refuse Permission

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=622715

REASON FOR REFUSAL

- 1 The proposals represent overdevelopment of the site resulting in a cramped appearance in this backland of nos. 1 to 7 Margret Road, which would be out of keeping and character with the locality and the surrounding area, contrary to National Planning Policy Framework 2019, Policies CP2 and DBE1 of the Adopted Local Plan 2008 and policy DM 9 of the Local Plan Submission Version 2017.
- 2 The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy CP1 (i), NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan (Submission Version) 2017 and the requirements of the Habitats Regulations 2017.
- 3 The proposal would result in an unacceptable loss of amenity and be overbearing to the occupants of neighbouring residential properties that adjoin the site, by reason of increase activity in this former rear garden area and its position next to their short depth rear gardens of 1-7 Margaret Road as well as unacceptably overlook towards the rear garden of 20 Shaftesbury Road, contrary to the National Planning Policy Framework 2019 , Policies DBE2 and DBE9 of the Adopted Local Plan 2008 and policy DM 9 of the Local Plan Submission Version 2017.

This application is before this Committee since it has been 'called in' by Councillor Chris Whitbread (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

Site and Surroundings

The site comprises land that form part of the rear gardens of properties 1- 7 (odd) Margaret Road and part of the side and front garden of no.1 Margaret Road. It borders the flank side of the rear garden of no.20 Beaconsfield Road to the east, work shops to the north-east on Lindsey Street. This side of Margaret Road comprises a row of bungalows of which the rear gardens will form the application site. A steep embankment rises up to the north-eastern boundary of the site.

The site is not within a Conservation Area, not a listed building and is not within the Metropolitan Green Belt.

Proposal

The proposal is for 2 no. semi-detached bungalows, behind and at right angles to the current bungalows. They will be 6.2metres wide, 8metres deep and 5metres in height to the top ridge level and 2.4metres at the eaves with a hipped roof design. Each will be 50 sq metres in footprint. There is provision of 3 car parking spaces in the entrance in to the site fronting Margaret Road, situated adjacent to No1 Margaret Road's front garden.

Relevant Planning History:

EPF/0922/19 - Proposed new dwelling to land adjacent to no.7 Margaret Road. This is still to be determined and also on this committee agenda.

(EPF/1886/13) No.8 Margaret Road. Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing. (Revised application) Granted permission with conditions on 11/11/2013.

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:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems

DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (February 2019)

The NPPF 2019 is a material consideration in determining planning applications. The National Planning Policy Framework (NPPF) 2019 section 2, advocates 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 paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

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

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th 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:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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 provided advice to the Council. This advice is 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 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	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	Significant

Summary of Representations

Number of neighbours Consulted: 14. 6 Objection responses received and summarised below.

Site notice posted: Not Required

Neighbouring occupiers in 3 and 16 MARGARET ROAD, 16 and 20 SHAFTESBURY ROAD and 73-75 LINDSEY SREET

– Objections – Summarised as:

- Design and Siting,
- Harmful Impact on the area
- Impact on the residential Amenity, Landscaping
- Impact on Local Parking situation
- The proposed bungalows would be very imposing and prominently overlook the adjoining gardens at the rear Shaftesbury Road (14-20).
- Poor design, unsympathetic to the existing semi-detached houses, especially in terms of its location along the mutual boundary, the overall sheer scale, proportions and orientation of the dwellings.
- Would have a harmful impact on the row of semi-detached houses to the rear of Shaftesbury Road and the current occupiers of 1-7 Margaret Road.
- The location, physical presence of the proposed bungalows would be extremely

overbearing, the proposed development would have a significant effect on the residential amenity in respect of overshadowing and domination.

- Unacceptable sense of enclosure, especially given the shape and size of No.20 Shaftesbury Road rear garden and the orientation of the proposed dwellings
- Although the properties along Margaret Road are bungalows; the pattern of the proposed dwellings will not fit in with the scale of surrounding properties as the proposed dwellings would directly face the rear of the semi-detached houses on Shaftesbury Road, importantly 20 Shaftesbury Road being a 3 storey house.
- Access to the rear of Margaret Road would be extremely limited.
- The form, size and character of the proposed adjoining development is on an unacceptable sized plot as there is insufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses.
- **Overlooking & Loss of Privacy**(front windows and door on the proposed plan will face no.20 Shaftesbury Road property rear elevation and rear garden where they have 4 high occupancy habitable rooms windows)
- The close proximity of the bungalows to common western side common boundary with no.20 Shaftesbury Road will cause a serious invasion of loss of privacy and amenity.
- No set back from the 45 degree angle with the rear windows at 20 Shaftesbury Road.
- Proposed dwelling from the left elevation would be 6m from common side rear boundary and on the right elevation just 3m from the rear garden.
- **Loss of daylight & Sunlight**
- **Overdevelopment** - another additional dwelling on the land adjacent to no 7 Margaret Road, allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed dwellings would significantly alter the fabric of the area and amount to serious 'cramming' in.
- Highway safety; and
- Noise and nuisance.

EPPING TOWN COUNCIL – OBJECT to this application for the following reasons:

1. The provision of two bungalows in this location would result in a loss of amenity for the immediate neighbours in terms of overlooking, loss of privacy, loss of light and general proximity to their boundary. It would constitute a cramped form of development as the two properties will result in a loss of amenity for existing properties due to reduced garden sizes. Committee also note the vast loss of greenery which has previously acted as a sound buffer.
2. Committee were concerned about the loss of parking, resulting from proposed dropped kerbs, in an area with severe parking issues. This would have a knock on effect of reducing the parking provision for the area as a whole.
3. Committee are extremely supportive of this type of housing and would request the applicant rethinks the layout of the proposal to respect neighbour concerns.
4. Relevant policies: CP2, CP3, CP6, CP7, DBE1, DBE2, DBE9, H3A; ST4, ST6. Emerging Local Plan: H1A (ii) & (iii), DM9J, DM9A, DM10.
5. NPPF: Para 9, 17, 53, 56, 64
6. Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

Neighbour's objection for the following reasons:

- Both submitted plans have been design based on erroneous boundary lines. Both proposals infringe the boundary with nos. 73- 75 Lindsey Street by a considerable margin. This infringement is a matter that will have to be resolved through the Courts.
- 7. Due to the topographical layout of the land abutting and below nos 73 – 75 Lindsey Street the proposed property will inevitably be subject to drainage problems.
- 8. The potential drainage problem has been exacerbated by the illegal removal of the trees protected under the constraints of TPO ENF/16/95/T1 This includes 1 Oak tree and 2 Ash
- 9. The two applications stated that there are no trees on the site. This is incorrect because they illegally cut down the trees on the site.
- 10. The construction of the properties has the potential to affect negatively the ability of the tenants of 73 – 75 Lindsey Street in conducting his business.
- 11. EDFC has commented that nos 73 – 75 Lindsey Street is a property that the Council is interested in developing Therefore the construction of Social Dwellings this close to the Lindsey Street property will certainly inhibit the ability to develop the site.
- 12. No consideration appears to have been given to the historical nature of the proposed site which will almost certainly be environmentally contaminated
- 13. The boundaries of the proposed dwelling houses are not correct, they infringe on the Lindsey Street property and the sighting and subsequent logistics (access etc) of the dwelling does not make any sense and the veracity of Theydon Trusts has to be questioned in light of their illegal actions in clearing the Trees and subsequent semantics in justifying the construction of the dwellings.

Planning Considerations

The main issues for consideration in this case are:

- a) The principle of residential development;
- b) Highway safety and parking provision;
- c) Design;
- d) The impact to the living conditions of neighbours;
- e) The impact on the Epping Forest Special Area of Conservation.

Principle

The proposal is to build a pair of bungalows in the rear gardens of 4 existing properties. The National Planning Policy Framework (NPPF) does not define gardens in built up areas as previously developed land. However, the proposal needs to be considered on its own planning merits and conformity to the Adopted and Submission Version Local Plan.

This is clearly a back land development as the site forms part of the rear gardens of nos 1 – 7 Margaret Road and has no direct road frontage. It is considered that the proposed development of 2 new dwellings in this location would result in a cramped overdevelopment on this site. The rear of proposed no.11 in particular, would have a small, irregular rear garden, with at least half of it banked, leaving only a small useable area for useable amenity space. It would therefore be out of keeping and harm the character of the locality, contrary to policies DBE1 and DBE2 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version 2017.

Highway Safety and Parking Provision:

There is space to park two to three cars on the drive fronting Margaret Road and with suggested suitable conditions from the ECC Highways officer relating to the vehicular access point, there will be no detrimental impact on highway safety.

Design

The design of the bungalows reflects the design of other bungalows along Margaret Road residential properties in the locality and will incorporate sustainable sources of energy and materials.

Living Conditions of Neighbours:

The siting of the two bungalows will be too close to the rear gardens of the adjacent properties, particularly as proposed no.9 will be just beyond the end of the short rear gardens of existing nos. 3 and 5 Margaret Road, such that they will appear obtrusive and overbearing to the detriment of these occupiers outlook.

The proposals are also very close to the rear gardens of nos. 1 and 7 Margaret Road and again, because these neighbours will have retained short rear gardens, the introduction of two residential properties with front and rear gardens located so close, would result in unacceptable loss of privacy through increased activity associated with higher levels of use and activity.

The front of the proposed two bungalows and pedestrian access will be all the way along the side of 20 Beaconsfield Road. Again, because of the close proximity to this neighbour, there will be unacceptable loss of amenity from greater activity associated with the use of the proposed two bungalows and potential loss of privacy through overlooking. It would therefore be contrary to policy DBE2 and DBE9 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version 2017.

Impact on the Epping Forest SAC

The proposal results in an additional dwelling within the District, the submitted documents do not make provision for improvements to access to Epping Forest or to air quality and therefore on this basis the application is contrary to policy CP1 (i) and NC1 of the Adopted Local Plan and Policy DM2 and DM33 of the Submission version.

The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area of Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

In the absence of a completed Section 106 planning obligation the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to Policies CP1 CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

Conclusions

The proposed bungalows, by reason of its inappropriateness in its siting, proximity to the existing rear gardens of the neighbouring properties, would result in a material harm to the living conditions of the neighbouring occupiers of the adjacent properties and would result in an inappropriate cramped overdevelopment development in this back land site contrary to the NPPF 2019 and relevant policies in the Adopted Epping District Council Local Plan and Alterations (2006).

For the reasons set out above, it is recommended that planning permission be refused.

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: Francis Saayeng
Direct Line Telephone Number: 01992 564161***

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