

APPLICATION No:	EPF/1897/19
SITE ADDRESS:	80/80a Upshire Road Waltham Abbey Essex EN9 3PA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
APPLICANT:	Mr John Smith
DESCRIPTION OF PROPOSAL:	Proposed double storey side extension with part single storey rear extension and skylights
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=626921

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 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.
- 3 The window openings in the eastern flank elevation shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays 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)).

SITE AND SURROUNDINGS

The application site contains a two storey interwar semi detached house which has been converted into two flats. This property has an existing 3m deep rear extension and long garden.

The rear garden contains an 7.5m deep outhouse and shed close to the south eastern boundary with 78 Upshire Road The rear boundary adjoins the spine road Ninefields. The surrounding area is made up of similar types of housing.

The site in a residential area which has no heritage designation.

PROPOSED DEVELOPMENT

Permission is sought for the construction of a double storey side extension with part single storey rear extension and skylights.

The two storey side extension measures 2.41m wide at ground floor level and reducing to 1.41m wide at first floor level. It has a depth of 11.27m deep at ground floor level (of which 4.13m is beyond the original rear elevation of the property) and 9.97m deep at first floor level (of which 2.83 is beyond the original rear elevation of the property). It has a height which is 0.2m below the main roof ridge of the application property.

The two storey rear extension is 4.1m wide and is 8.2m high to the ridge of its hipped roof. The remaining single storey rear extension measures deep by 4.65m wide by 5.34m high to its flat roof.

Materials are proposed to those of the application property.

RELEVANT PLANNING HISTORY

Reference	Description	Decision
EPF/1158/88	Extension and addition of dormers.	Granted
CLD/EPF/0033/99	Certificate of lawful development application for use of property as two self contained flats.	Lawful
EPF/2206/03	Demolition of existing garage and replacement with new garage and garden room.	Granted

CONSULTATION AND REPRESENTATIONS

Number of neighbours Consulted: 12.
Site notice posted: Not required.

Neighbours

82 UPSHIRE ROAD: OBJECTION: lack of sufficient parking. The current driveway will be used to build on and therefore more cars will be parked on the road.

Loss of privacy. Two proposed windows which will be closer than the original building and directly looking towards our property. These windows will need to be obscure and not able to be openers for our privacy. There will also be a loss of privacy due to the rear build being built next to and overlooking our garden, particularly the decking area, where we sit.

The rear of the proposed extension will block out our entitlement to a view. It will be overbearing and block out sunlight which currently radiates through our kitchen window.

Loss of character - overdevelopment
Will turn into a HMO.

WALTHAM ABBEY TOWN COUNCIL - OBJECTION: The Committee considered the proposal to be over development of the site, loss of privacy for the neighbouring property, and insufficient parking along a main entry and exit road to the town.

Essex County Council: Highways Authority: From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

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:

CP7	Urban Form and Quality
DBE10	Design of Extensions
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework (NPPF) (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 paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 108 – 110 (Transport)
Paragraph 124 (Design)
Paragraph 127 (Design)

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:

- 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.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
T1 Sustainable Transport Choices	Significant
DM9 High Quality Design	Significant

PLANNING CONSIDERATIONS

- a) The main issues for consideration in this case are:
- b) The impact on the character and appearance of the locality;
- c) The impact to the living conditions of neighbours;
- d) Highway safety and parking provision.

Character and Appearance

Paragraph 127 of the NPPF requires that decisions should ensure that development will add to the overall quality of the area as well as respond to the local character, history and reflect the identify of local surroundings.

Policy DBE10 (Residential Extensions) of the adopted Local Plan requires that “a residential extension will be required to complement and, where appropriate, enhance the appearance of:

1. the street scene
2. the existing building

This will be achieved by close attention to:

- a) the scale, form, detail, elevations, materials, roof treatment and fenestration of the existing building; and
- b) separation from any neighbouring buildings; and
- c) the existing landscaping in the locality

The extensions have a pitched roof design which is keeping with the character of the locality. The size of the ground extensions are consistent with permitted development legislation.

The side extension at first floor level is set in 1m from the side boundary to prevent a terracing effect. It also includes a 0.2m set back to the front elevation which allows the first floor roof to remain subordinate to the appearance of the main building.

This part of Upshire Road has a built up urban character. There is also sufficient space between the application property's built form and the location of neighbouring properties to maintain the spatial standards of the street. The proposed materials are also in keeping with the application property and wider character of the area. I therefore consider that the proposal will preserve the character and appearance of the application property and wider streetscene in accordance with the requirements of chapter 12 of the NPPF, policy DBE10 of the adopted Local and DM 9 of the Submission Version Plan.

Living Conditions of Neighbours

The property at 82 Upshire Road has two non habitable room windows in its side flank wall facing the application site. The application proposes two windows in the first floor side flank wall which serve a bathroom room and hallway. It is therefore recommended that a condition be attached to any permission requiring that these windows be obscure glazed.

The proposed glazing within the ground floor side extension are two rooflights. They are not considered to cause loss of privacy to the neighbouring occupiers due to their high position.

There is a gap of 3.6m between the side flank of the first floor extensions and the side flank wall of number 82 Upshire Road. This neighbour also has its own garage along the shared boundary and a single storey rear extension. The 45 degree guidelines on light will also not be infringed. This neighbour is also orientated east of the application site and therefore it will not be significantly affected by loss of sunlight. The side flank of this neighbouring property contains three small windows. However, these windows are either secondary or serve non habitable room windows. It is therefore considered that this property will not be excessively affected in terms of loss of amenity

Number 78 has its single storey rear extension and pergola which is a similar depth to that proposed by this application and the first floor rear extension is separated from the boundary with this property by a distance of 3.6m and no windows are proposed in the western side flank facing property. This is considered sufficient to ensure that the living conditions of this property are adversely affected in terms of loss of light, outlook or privacy. It is for these reasons that the proposal complies with the requirements of policy DBE9 of the Local Plan and DM9(H) of the SVLP.

Loss of a private view is not a material planning matter.

Highway Safety and Parking Provision

The Highway Authority has raised no objections to this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Other Matters

If the applicant wanted to convert the property into a House in Multiple Occupation, further planning permission would be required.

It is noted that the outbuilding (domestic gym) is very close to the proposed extension and therefore it is very likely that it could be encompassed into the extension. In order to do this further planning consent would be required. Since this structure is existing there would be no additional harm to neighbouring amenity. In any case, the structure does not appear robust enough to support the utilities required to make it into primary accommodation.

PLANNING BALANCE & CONCLUSION

The design will preserve the character and appearance of the application property and locality. It also would not be excessively harmful to the living conditions of neighbours; it is therefore recommended that planning permission is granted subject to conditions.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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