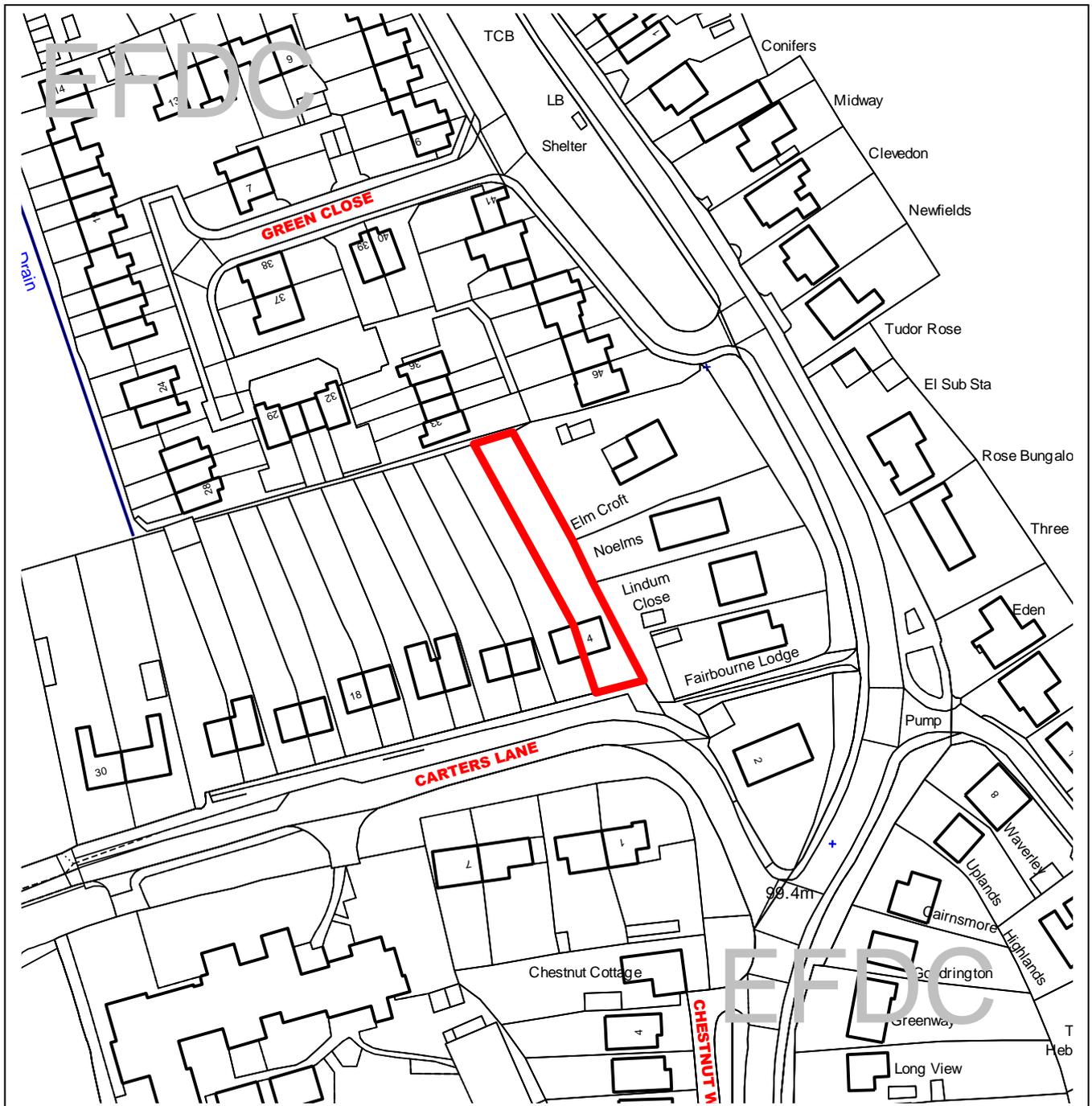




Epping Forest District Council



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Application Number:	EPF/2449/19
Site Name:	4 Carters Lane Epping Upland Epping CM16 6QJ
Scale of Plot:	1:1250

APPLICATION No:	EPF/2779/19
SITE ADDRESS:	4 Carters Lane Epping Upland Epping CM16 6QJ
PARISH:	Epping Upland
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mr & Mrs Tim Walker
DESCRIPTION OF PROPOSAL:	Part single, part double storey rear extension, single storey front & side extension & a loft conversion.
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=630537

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 and retained strictly in accordance with the approved drawings numbers: 058; 01, 02, 03, 04, 05
- 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.
- 4 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

This application is before this committee since the recommendation is for approval contrary to an objection from a Local Council which is material to the planning merits of the proposal, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

RECOMMENDATION

That planning permission be GRANTED for the following reason(s):

- I. The design of the proposal would be acceptable
- II. The proposal would not cause adverse harm to the living conditions of neighbours

SITE AND SURROUNDINGS

The application site is a two storey semi-detached property with front and rear gardens, located on the North side of Carters Lane. The proposal site is not located within the Metropolitan Green Belt. It is not located within a Conservation Area and it is not a Listed Building.

PROPOSED DEVELOPMENT

Part single, part double storey rear extension, single storey front and side extension and a loft conversion.

RELEVANT PLANNING HISTORY

EPF/1243/18 - Ground floor front, side and rear extension and a hip to gable loft conversion. (05/07/2018) – Grant Permission (With Conditions)

EPF/0921/17 - Ground floor front, side and rear extension and a hip to gable loft conversion (Revised application to EPF/0168/17) (23/06/2017) – Grant Permission (With Conditions)

EPF/0168/17 - Ground floor front, side and rear extension with a first floor rear extension and loft conversion. (withdrawn by applicant)

CONSULTATION AND REPRESENTATIONS

Number of neighbours Consulted: 8. 1 response(s) received
Site notice posted: No, not required

Neighbours

NOELMS: OBJECTION – overdevelopment of the site, design not in keeping with the character of the surrounding area, loss of privacy.

Statutory consultees

N/A

Internal consultees

Land Drainage – no objection however a condition should be added to provide details on how foul and surface water is to be disposed

Parish Council

OBJECTION - This would be an overdevelopment of an already extended property. Would also draw attention to previous planning (EPF/1243/18) which included a condition to retain the front hedge which has been currently been removed and should be reinstated.

Other Consultation

N/A

DEVELOPMENT PLAN

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan currently comprises the saved policies of the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006) ("the Adopted Local Plan"). The following Adopted Local Plan policies are relevant to the determination of this application:

CP1	Achieving Sustainable Development Objectives
DBE2	Effect on neighbouring properties.
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

The relevance of the identified saved Local Plan policies to the determination of this appeal and the weight to be accorded to each policy are addressed in further detail within Section 12 of this report.

NATIONAL PLANNING POLICY FRAMEWORK

The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.²"

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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."

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the

NPPF; in other words the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them).

EMERGING LOCAL PLAN

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "*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).²²"*

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant

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 neighbours

Character and Appearance

The rear extension will not be visible from public areas of the street scene but is conventionally designed and will therefore not cause any harm to its character or appearance.

The side and front extensions are considered acceptable and would not appear overly prominent in the street scene. Furthermore, front extensions are not uncommon along Carters Lane and, as a result, it will not appear discordant within the street scene.

The first floor extension, although large, will be on the rear elevation of the property and therefore will not cause any harm to the character or appearance of the street scene. The hip to gable roof extension is a common residential feature that does not cause any visual harm. The attached neighbour, who submitted a matching application alongside this proposal, has already undertaken the hip to gable extension and a rear dormer window under permitted development. These features are similar in design to those at nos. 6, 8 and 10 Carters Lane. The proposal would therefore comply with policies CP2 and DBE10 of the adopted Local Plan (1998) and Alterations (2006) and policy DM9 of the SVLP 2017

Impact on the Living Conditions of Neighbours

The proposed rear extension will be set on the shared boundary with no. 6 and will project 6m from the existing rear elevation and will have a height of 3.2m. The depth mirrors that which has recently been approved at the attached neighbour.

The application dwelling has a very long garden (some 40m). As a result, the attractive open outlook to the rear that no. 6 Carters Lane currently enjoys will not be compromised by the extension given its reasonable height and projection.

Weight must also be given to the fact that planning permission has already been granted for a 6m deep extension at the application site just not directly on the boundary. Furthermore a recent approval has been given to the adjoining neighbour for an identical scheme with the intention that they would be constructed together (although the neighbours extension has already been implemented).

The single storey side and front extension would be set off the eastern side boundary by 1m and wraps around the front of the dwelling for a depth of approximately 2m from the existing front elevation and will be set on the shared boundary with no. 6. It is single storey height and given its modest depth would not cause any significant harm to their living conditions. The front extension mirrors that approved at both nos. 6 and 10 Carters Lane.

The first floor extension will not cause any harm to neighbours and shall mirror the approved development at 6 Carters Lane.

Rear dormer windows are generally accepted forms of residential development. Indeed, the majority of rear dormers are permitted development and, as a result, the Government views them as developments which do not cause excessive harm to the living conditions of neighbours. The application property has full permitted development rights and therefore a rear dormer window could be built without planning permission. Nevertheless, planning permission has been sought as it forms part of the wider application and in this

case it would have no unacceptable impact on the privacy of neighbours over and above the existing situation where views can be had from existing first floor windows.

The proposal would comply with policy DBE9 of the adopted Local Plan (1998) and Alterations (2006) and policy DM9 of the SVLP 2017

Other Considerations

The Parish Council have suggested that a breach of condition has occurred in relation to the previous permission EPF/1243/18. Whilst it appears that such a condition was requested by the Parish Council on this previous application, no such condition was imposed. As such, this matter cannot be a consideration as part of this specific application.

PLANNING BALANCE & CONCLUSION

The design of the proposal would be acceptable and would not cause excessive harm to the living conditions of neighbours. Furthermore it is identical to the extension recently approved at No. 6 Carters Lane ref: EPF/2762/19.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission to be 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: Alastair Prince

Direct Line Telephone Number: 01992 564462 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk