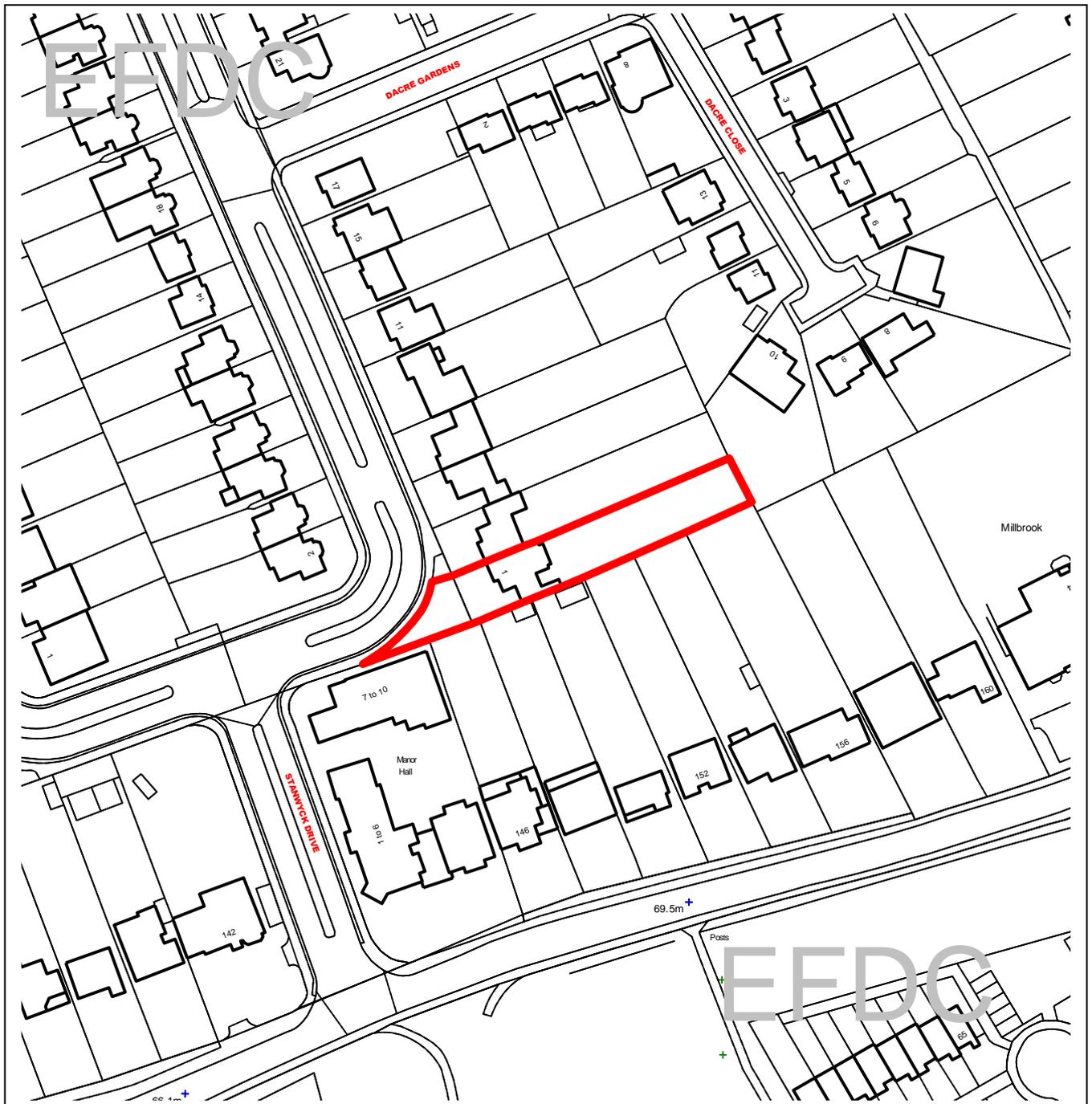




Epping Forest District Council



Unauthorised reproduction infringes
Crown Copyright and may lead to
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©
Crown Copyright 2013 EFDC License No:
100018534

Contains Royal Mail Data. © Royal Mail
Copyright & Database Right 2013

Application Number:	EPF/3061/19
Site Name:	1 Fontayne Avenue Chigwell IG7 5HB
Scale of Plot:	1:1250

APPLICATION No:	EPF/3061/19
SITE ADDRESS:	1 Fontayne Avenue Chigwell IG7 5HB
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Feng Zhang
DESCRIPTION OF PROPOSAL:	Proposed part single storey, part two storey side and rear extension. Loft conversion with rear dormer and a new front porch. (Revised application to EPF/2347/19).
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=631558

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: 527/PL/00, 527/PL/03 527/PL/04 Rev A, 527/PL/05 Rev A, 527/PL/06 Rev A, 527/PL/07 Rev A and 527/PL/08 Rev A.
- 3 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.
- 4 Materials to be used for the external finishes of the proposed development shall match those of the existing building, except those stated on the approved plans.
- 5 The window openings in the upper storey 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.
- 6 Access to the flat roof over the single storey extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no window

openings shall be inserted in the flank elevation without the prior written permission of 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 site comprises of a two-storey semi-detached house, located within a built-up area of Chigwell on a hill. It is not listed nor in a conservation area and land levels slope down to the North West. The proposal site forms the southernmost property of a run of semi-detached dwellings to the south-east side of Fontayne Road and sits perpendicular to the ends of the rear gardens of Manor Road properties. The houses on Manor Road are set back some 38 metres plus from the side elevation of the subject dwelling. The boundary (on Manor Road side) is comprised of mature vegetation including a number of trees and shrubs, effectively screening the subject site from direct views. The rear garden of the application site is itself over 40 metres deep with a width of 11 metres.

Proposal

The proposal is for a part single storey, part two storey side and rear extension with a Juliet balcony and a loft conversion with a rear dormer and a new front porch.

This is an amended scheme to the recently refused application EPF/2347/19. The main amendments are:

- Reduction of first floor rear/side extension from 5.5 metres (4 metre extension + 1.5 metre Balcony) to 3.5 metres with a Juliet Balcony;
- Roof form of first floor rear/side extension changed from a flat fibre glass roof to a hipped roof; and
- Rear box dormer design altered to accommodate hipped roof above first floor rear/side extension.

Relevant Planning History

EPF/1281/16 - Two storey side extension with rear dormer window to facilitate a loft conversion. Single storey rear extension. New front porch – Approved

EPF/2347/19 - Part single part two storey side and rear extension with a balcony, loft conversion with a rear box dormer and a front porch – Refused for the following reasons:

1. The proposed first floor rear/side extension and balcony, by reason of its scale, size and poor design would appear as a bulky addition that would be out of character with the existing building detracting from its appearance and would also be an inappropriate development in this locality, failing to complement the character and appearance of the locality. Accordingly, the proposal is contrary to policies CP2 (iv) and DBE10 of the adopted Local Plan 1998 & 2006, policies DM9 (D) and DM10 (E) of the Local Plan Submission Version 2017, and paragraphs 124 & 127 of the Framework 2019.
2. The proposed first floor rear/side extension and balcony, by reason of its height, depth and siting would result in a significant loss of privacy and overlooking to the attached neighbour and have a material impact on their outlook. As such it fails to safeguard

the living conditions of 3 Fontayne Avenue, contrary to policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and paragraph 127 (f) of the Framework 2019.

Development Plan Context

Local Plan and Alterations (LP) (1998 & 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 (Framework) (2019)

The Framework 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:

Paragraphs 124, 127, 130, 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:

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

Summary of Representations

Number of neighbours consulted: 19. 3 response(s) received
 Site notice posted: Not required

146 MANOR ROAD – Objection – Overlooking/Privacy

150 MANOR ROAD – Objection – Overlooking

CHIGWELL RESIDENTS ASSOCIATION – Objection – Reasons for refusal not overcome

CHIGWELL PARISH COUNCIL – Objection – because the proposed developments would result in the structure becoming overtly bulky in appearance, especially the suggested rear dormer.

Members should note that the Chigwell Parish Council did not object to the previous refused scheme that was of a materially larger size and scale.

Planning Considerations

The main issues for consideration in this case are:

- a) The previous approved consent EPF/1281/16 & refused application EPF/2347/19;
- b) Whether the current proposal has overcome the previous reason for refusal;
- c) The impact on the character and appearance of the locality; and
- d) The impact on the living conditions and amenities of neighbouring properties.

Character and appearance

The two-storey side extension would be built up to 0.75m of the boundary with 148 and 150 Manor Road rear garden fence. The length of the side wall at first floor level is 22m. The main and subordinate roofs are hipped with a break between the two providing interest and relief from continuous form. A single non habitable window (serving an en suite) exists in the new side wall which would be closer to the boundary by 3m than the existing side wall.

To the rear, the first floor extension would occupy approximately half of the property and be set away from the boundary with No 3 Fontayne Road by 4.7m. It is designed with a hipped roof over and would extend 3.5m in depth. The Ground floor extension would be 3.05m in height on the boundary with the adjoining house and at this point extend 4m. It is noted the adjoining house has a rear extension of 2.84m – a difference of 1.16m. Except for the first-floor rear extension, much of the proposed development is not dissimilar to what was approved previously under EPF/1281/16.

In terms of objections to the roof dormer, it is the Councils view that the reduced dormer proposed under this application is proportionate to the roof space in terms of visual appearance and is not materially dissimilar in size to what could be built under permitted development (it amounts to some 15.53 m³, which is within the 50 m³ limit for a semi-detached property under class B of the General Permitted Development Order 2015).

The recent amendments to the rear are considered to be an improvement to the previous refused scheme as it retains traditional architectural design that is considered to complement and enhance the appearance of the existing building. Also, the rear elements of the proposal are not readily visible from the street or any public area.

Due to the above, the proposed development is considered to have overcome the first previous reason for refusal and is now in compliance with policies CP2 & DBE10 of the LP, policy DM9 (D) and DM10 (E) of the LPSV, and paragraphs 124 & 127 of the Framework.

Living conditions of neighbours

The second reason for refusal relates to the previous 1.5m balcony, which has been removed from the current scheme; and the depth of the first-floor rear/side extension, which has been reduced from 4m to 3.5m. As a result of these changes it is now considered that there would be no material harm to the attached neighbour or to the rear garden of 150 Manor Road in terms of overlooking, loss of privacy, or outlook sufficient enough to justify a reason for refusal.

In terms of the matters raised with regards to overlooking from the flank windows, as noted above there is a single non habitable room window in the flank elevation. In the event that permission is granted, a suitably worded condition for glazing to be obscured and fixed up to 1.7m above floor level would negate any harm that could arise. In addition, a condition has been suggested that would prevent any new window openings without prior approval from the Planning authority.

Due to the above, the proposed development is considered to have overcome the second previous reason for refusal and is now in compliance with policy DBE9 of the LP, policy DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

Conclusion

Officers are of the view that the revised proposal has suitably overcome the previous reasons for refusal and now complies with the relevant Local Plan policies and the guidance contained within the National Planning Policy Framework.

For these reasons, and having regard to all matters raised, it is recommended that planning permission be approved 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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415***

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