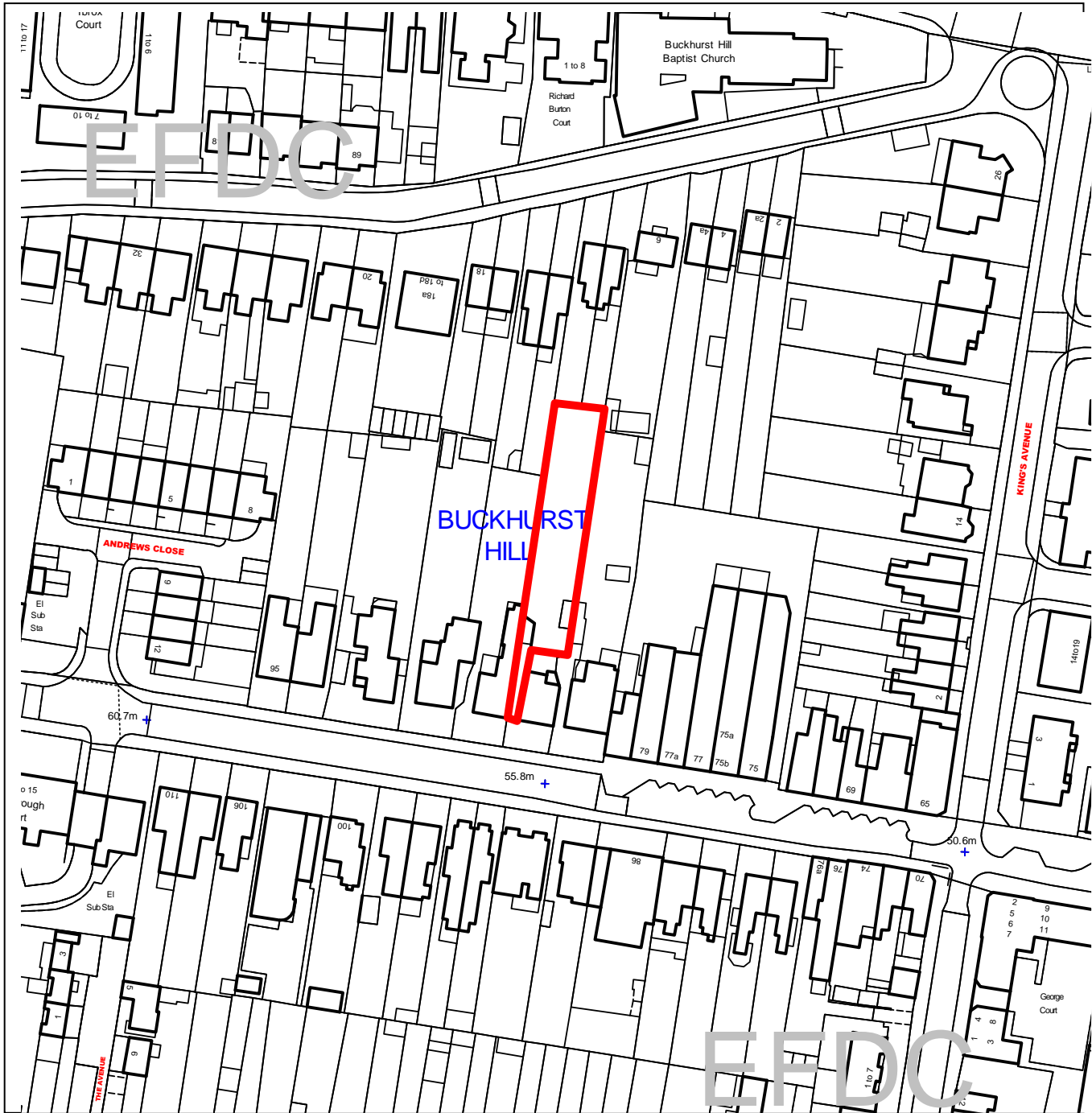




Epping Forest District Council



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Application Number:	EPF/0654/20
Site Name:	83 Queens Road Buckhurst Hill IG9 5BW
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/0654/20
SITE ADDRESS:	83 Queens Road Buckhurst Hill IG9 5BW
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Dave Hutchinson
DESCRIPTION OF PROPOSAL:	Erection of a single storey three-bedroom dwelling with green roof
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=635117

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: 1023_01_P3, 1023_02_P3, 1023_03_P3, 1023_04_P3, 1023_05_P3, 1023_06_P3, 1023_07_P3, 3002, 3003 and Arboricultural Report by Phelps Associates (dated 17 April 2020).
- 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 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports unless the Local Planning Authority gives its prior written approval to any alterations. Tree protection shall be installed as shown on Phelps Associates drawing number 3003.
- 5 Prior to the first occupation of the development, the vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained thereafter for their intended purpose.
- 6 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, which shall have first been submitted to and approved in writing by the Local Planning Authority.

- 7 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling that has a garage or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 9 The sedum green roof shall be implemented with the approved details under consent EPF/1067/20.
- 10 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 11 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.
- 12 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 13 Access to the roof of the dwelling hereby approved shall be for maintenance or emergency purposes only and the roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 14 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 development generally permitted by virtue of Classes A of Part 1 of Schedule 2 to the Order, shall be undertaken 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 is located to the rear of 83 Queen's Road on a currently unused and overgrown plot of land with no significant trees other than a mature oak tree next to the enclosed rear yard space for No 83. It forms part of the green backdrop to the properties at 83-95. The site can be seen from the private car park to the rear of the retail units at Nos 75-81 with mature trees beyond. It can be glimpsed from the pavement in front of No 83 along the access drive, but otherwise is largely hidden from public viewpoints. Not listed or in a conservation area.

Proposal

The proposal is for a single storey three-bedroom dwelling with green roof. This is a renewal of an extant permission (EPF/2894/16), which is due to expire on the 21st July 2020.

Relevant Planning History

EPF/2894/16 - Erection of single storey three-bedroom dwelling with green roof to rear of 83 Queen's Road – Allowed on Appeal

EPF/1067/20 - Application for Approval of Details Reserved by Condition 3 'Tree Protection Plan & Arboricultural Method Statement' and 4 'Details of Sedum roof' for EPF/2894/16. (Erection of a single storey three-bedroom dwelling with green roof to the rear of 83 Queen's Road) - Approved

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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
H2A	Previously Developed Land
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE8	Private Amenity Space
DBE9	Loss of Amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

National Planning Policy Framework 2019 (Framework)

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 108 - 110
Paragraph 117
Paragraphs 124, 127
Paragraph 175

Epping 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 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
SP2 Spatial Development Strategy 2011-2033	Some
SP3 Place Shaping	Significant
SP7 The Natural Environment, Landscape Character and Green and Blue Infrastructure	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM5 Green and Blue Infrastructure	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 Wastewater 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: 31. One response(s) received
 Site notice posted: Yes

10 WESTBURY LANE – Objection – Summarised as;

- Overdevelopment of site;
- Impact of Green roof;
- Adverse impact on neighbours; and
- Lack of parking & emergency access.

EFDC LAND CONTAMINATION – No objection subject to condition

EFDC DRAINAGE – No objection subject to condition

EFDC TREES – No objection subject to condition

ECC HIGHWAYS – No objection subject to conditions

BUCKHURST HILL PARISH COUNCIL – Objection - overdevelopment of site, Adverse impact to neighbouring properties, lack of amenity space.

Planning Considerations

Therefore, the main issues for consideration in this case are:

- a) The extant permission EPF/2894/16; and
- b) The impact on the Epping Forest Special Area of Conservation (EFSAC).

Principle of Development

The principle of the development has already been established and at the appeal stage, the development was found to be acceptable, in terms of the impact on the character and appearance of the area, the impact on the living conditions of neighbouring amenities, the amenity space for future occupiers of the site and access, noise and safety. The appeal decision is included below in appendix A.

Moreover, the applicants still have a fallback position of implementing the extant permission, and whilst the emerging Local Plan is at an advanced stage, there has been no material changing in circumstances of the site. Therefore, the development is still considered to be acceptable and in line with the emerging policies.

Epping Forest Special Area of Conservation

Furthermore, in terms of the impact on the EFSAC, as there is currently an extant permission, it is considered that there would be no additional impact to the Forest, in terms of recreational pressure and air quality. Thus, no contributions will be required from this scheme.

Other Considerations

The objections raised have been noted and they have not led me to a different conclusion.

Conclusion

For the reasons set out above, having regard to the matters raised, it is recommended that conditional planning permission be granted.

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

Appeal Decision

Site visit made on 27 June 2017

by **Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st July 2017

Appeal Ref: APP/J1535/W/17/3173094

Land to the rear of 83 Queen's Road, Buckhurst Hill, Essex IG9 5BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Hutchinson against the decision of Epping Forest District Council.
 - The application Ref EPF/2894/16, dated 31 October 2016, was refused by notice dated 1 February 2017.
 - The development proposed is erection of a single storey three-bedroom dwelling with green roof.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey three-bedroom dwelling with green roof at land to the rear of 83 Queen's Road, Buckhurst Hill, Essex IG9 5BW in accordance with the terms of the application, Ref EPF/2894/16, dated 31 October 2016, subject to the ten conditions in the attached schedule at the end of this decision.

Procedural Matter

2. The description of the proposed development is taken from the decision notice and appeal form, as it clearer and more precise than the description provided on the original application form.

Main Issues

3. The main issues are:
 - (a) the effect of the development on the character and appearance of the area;
 - (b) the effect of the development on the living conditions of the future occupiers of the proposed dwelling with particular regard to privacy; and
 - (c) whether suitable access to the site would be provided.

Reasons

Character and appearance

4. Queen's Road comprises two storey buildings of a variety of ages and architectural styles that largely front onto the road with little backland development. Between Andrews Close and the parade of retail units at 75-81 Queen's Road, properties are large and broadly fill the width of their plots. They have long rear gardens containing numerous mature trees.

5. The appeal site is located to the rear of 83 Queen's Road on a currently unused and overgrown plot of land with no significant trees other than a mature oak tree next to the enclosed rear yard space for No 83. It forms part of the green backdrop to the properties at 83-95. The site can be seen from the private car park to the rear of the retail units at Nos 75-81 with mature trees beyond. It can be glimpsed from the pavement in front of No 83 along the access drive, but otherwise is largely hidden from public viewpoints. For the avoidance of doubt, I have given little weight to the site's current unkempt condition.
6. The proposed dwelling would be unusual in terms of its backland siting and single storey height. However, the dwelling utilises a contemporary and sensitive design with a shallow pitched and green roof that would help it to blend in with the green backdrop to the rear of Nos 83-95. It would be inconspicuous when viewed from the pavement in front of No 83 due to the design and set back. It would be more noticeable from the private car park, but its limited height would not obscure the view through to the mature trees. The oak tree next to the rear yard space for No 83 would not be greatly affected and nor would any other significant tree.
7. The footprint and width of the dwelling would be comparable to properties at Nos 83-95. It would not have the length of rear garden of many of these properties, but the garden size would be similar to the enclosed rear yard space for occupiers of No 83. The front elevation would contain the main entrance and, while set behind properties, would face towards Queen's Road and be partly visible from the pavement. Thus, the dwelling would not look out of keeping with its surroundings.
8. Concerns have been raised about the setting of an undesirable precedent for further similar development. I am conscious the members of the planning committee overturned the officer's recommendation with concerns about backland development in particular. However, it would depend on the specific circumstances of any given site and the design solutions put forward. Each case would need to be treated on its own merits considering all relevant issues. Equally, any material alteration to the proposed development, including an additional storey, would likely require a new planning application and a fresh consideration of the relevant issues.
9. Concluding on this main issue, the proposed development would have an acceptable effect in terms of the character and appearance of the area, where the unusual siting and height would be offset by the overall design. Thus, it would accord with Policies DBE1(i) and DBE3(v) of the Epping Forest District Local Plan 1998 (DLP) and Policies CP2(iv), CP3(v) and CP7 of the Local Plan Alterations 2006. Amongst other things, these policies seek development that respects and safeguards the setting and character of the urban environment. It would also meet the aims of the National Planning Policy Framework (NPPF) in terms of securing good design.

Living conditions of future occupiers of the dwelling

10. The first floor windows of the flats at 83 Queen's Road look directly towards the appeal site. The proposed dwelling would only have one window on the front elevation that would serve a bedroom. While there might be some overlooking of this window from No 83, it would be angled downwards across a reasonable separation distance. Moreover, there would likely be cars for the proposed dwelling parked in front of the bedroom window for parts of the day. Any

overlooking from the rear elevation of other neighbouring properties on Queen's Road would be limited by the angle and height of development and intervening boundary treatment. Thus, there would be little harm to the living conditions of future occupiers of the dwelling in terms of privacy.

11. The incorporation of courtyards on either side of the dwelling with multiple doors and windows facing onto these spaces would ensure adequate light levels to internal spaces, notwithstanding mature trees to the west on adjacent properties. As such, there would be little harm to living conditions in terms of light. The size of internal and external spaces would also be sufficient for the size of the property.
12. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of future occupiers. Thus, it would meet the aims of the NPPF in securing a good standard of amenity for all future occupants of land and buildings.

Suitability of site access

13. There is an existing access drive between 83 and 85 Queen's Road that would be utilised by the proposed development. Although the access is narrow and angled, it is wide enough for cars to use. As a single dwelling, there would be relatively few vehicle movements and any car would be travelling at a slow speed due to the access dimensions. Thus, the amount of noise generated would be limited and infrequent and the likelihood of any conflict with pedestrians and cyclists accessing No 83 or the new dwelling would be low. Moreover, the proposed drawings show sufficient turning space in front of the dwelling for vehicles to manoeuvre and leave the site in forward gear, further reducing the risk of conflict.
14. Concluding on this main issue, the proposed development would provide suitable access to the site and would not cause adverse effects in terms of noise or safety. Therefore, it would accord with DLP Policy DBE2 which seeks to avoid detrimental effects on existing neighbouring properties in either amenity or functional terms. It would also meet the aims of the NPPF in securing a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. The low key and sensitive design of the proposed dwelling means that it would have a limited effect on living conditions of neighbouring occupiers including 85 Queen's Road and 10 Westbury Avenue in terms of outlook. The level of noise and lighting that would be generated by a single dwelling in this location is unlikely to be significant enough to cause much disturbance to neighbouring occupiers.
16. Based on my site visit, it would appear that the private external space for occupiers of 83 Queen's Road is contained within the enclosed yard to the rear of the building. This space would not be affected by the development and so there would be no loss of private external space for occupiers of this building. Similarly, it does not appear that there is any parking space for No 83 at the rear, and the three spaces at the front would be unaffected by the development.

17. There is some debate over the ownership of the access drive between 83 and 85 Queen's Road. However, this is a legal matter that would need to be discussed separately between the affected parties. It does not affect the planning merits of this case.
18. The Council confirms that it cannot demonstrate a five year housing land supply, which means that relevant policies for the supply of housing are out of date in accordance with paragraph 49 of the NPPF. Having had regard to paragraph 14 of the NPPF as a consequence, there are no adverse impacts arising from this development that would significantly and demonstrably outweigh the benefits of providing an additional house to boost local supply.
19. I have had regard to the policies in the draft Local Plan as supplied by the Council. I concur with the Council that only limited weight can be applied to the draft Local Plan given that it is a relatively early stage of preparation. Nevertheless, nothing in the policies supplied leads me to come to a different conclusion on this proposal.

Conditions

20. Conditions 1 and 2 setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plan are necessary for clarity and compliance. Condition 3 is necessary to ensure that adequate protection of trees occurs during the construction works, noting the comments of the Council's trees and landscape officer that the existing report needs to be updated with further information. It is a pre-commencement condition to ensure that tree impacts are known and addressed before works begin. Condition 4 is necessary to ensure that the sedum green roof has an acceptable effect on the character and appearance of the area.
21. Condition 5 is necessary in the event that unexpected land contamination is discovered during the construction works. Condition 6 is necessary in the interests of safeguarding the living conditions of occupiers of neighbouring properties. Given the specific design of the dwelling and the site circumstances, Condition 7 is necessary in the interests of character and appearance and living conditions to restrict extensions and alterations of the property under permitted development rights.
22. Condition 8 is necessary to ensure adequate parking and turning space is provided in the interests of highway safety. Condition 9 is necessary to encourage sustainable modes of transport, while Condition 10 is necessary to restrict the effects of construction activities on the occupiers of nearby properties.

Conclusion

23. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR