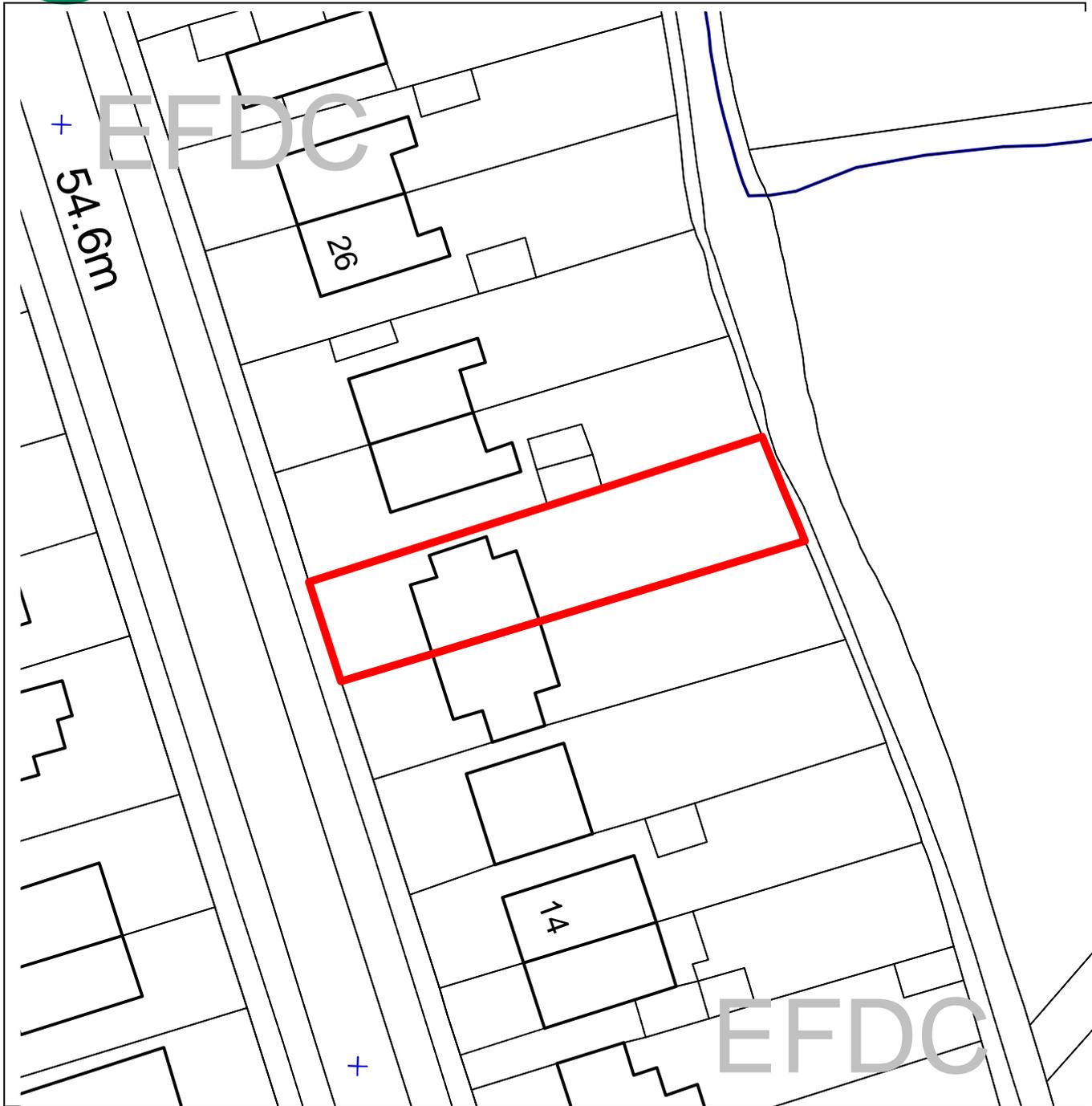




Epping Forest District Council



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/0737/20
Site Name:	20 Dukes Avenue Theydon Bois Epping CM16 7HE
Scale of Plot:	1:500

Report Item No: 11

APPLICATION No:	EPF/0737/20
SITE ADDRESS:	20 Dukes Avenue Theydon Bois Epping CM16 7HE
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr Gary Putt
DESCRIPTION OF PROPOSAL:	Proposed first floor side extension and part two-part single storey rear extension. (Revised application to EPF/3075/19).
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=635513

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: D.A.1C, D.A.2B, D.A.3, D.A.4, D.A.5A, D.A.6 and D.A.7.
- 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 The window opening(s) in the flank elevation(s) 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.

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. It is situated within a built-up part of Theydon Bois Village. It is not within a Conservation area nor is it a Listed Building. It is outside the confines of the Metropolitan Green Belt.

Proposal

The proposal is a first-floor side extension and proposed part single-part two storey rear extension.

This is a revised scheme to the previous refused application EPF/3075/19. The application has been amended further since its initial submission following officer comments. The following amendments are;

- The part single storey rear element has been reduced to an overall depth from 4 to 3 metres; and
- Removal of pitch roof to the front elevation with the cat slide element retained.

Relevant Planning History

EPF/3075/19 - Proposed two storey side extensions, proposed part single-part two storey rear extension to dwellinghouse - Refused

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:

CP2	Protecting the Quality of The Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

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 124, 127

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
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Summary of Representations

Number of neighbours consulted: 4. 2 response(s) received

18 DUKES AVENUE – Objection – Summarised as;

- Overdevelopment;
- Overbearing and visual impact;
- Overshadowing;
- Sense of enclosure;
- Impact on character and appearance of area

22 DUKES AVENUE – Objection – Summarised as;

- Loss of light; and
- Overly dominant

EFDC LAND DRAINAGE – No objection

THEYDON BOIS PARISH COUNCIL – The Planning Committee acknowledged revisions made to this application, but raised the following concerns:

Cat-slide roof: 20 Dukes Avenue is one of many original, semi-detached, dwellings in the Baldocks Estate which feature the distinctive and characteristic 'Cat-slide roof', which is mirrored on the adjoining property at No.18. This notable design feature makes a positive contribution to the individual dwellings, affording them their visual articulation and interest, and adds to the character of the street scene as a whole.

There is a strong planning precedent for the retention of the Cat-slide roof (throughout the estate) which is evidenced by planning decisions relating to 78 Forest Drive (EPF/0389/12) and the appeal decision under APP/J1535/D/12/2176034; 33 Dukes Avenue (EPF/1357/18), which is in the near vicinity; and 9 Orchard Drive (EPF/0569/17), among others. By virtue of this established precedent, the recommended set-back from the front façade for first floor extensions is approximately 50cm. Such a setback is intended to ensure that clear evidence of both the distinctive slope, and the tile, of the Cat-slide roof are clearly retained in any new development.

However, in consideration of this current application, there is ambiguity in the Proposed Front Elevation Plan (Drawing No. D.A.1B) as to whether the retention of the Cat-slide roof is intended in any form. The Side Elevation Drawing, and the Proposed First Floor Plan (Drawing No. D.A.2A), now show that the front elevation would be rendered but indicate no physical evidence of either the existing set-back of the Cat-slide roof (from the principal elevation) or its retention in the new extension. This element should also be evident on the First Floor Plan, and on a Roof Plan.

As mentioned previously, this should be clearly evident on any approved plans in order to ensure that it is retained. Should the Cat-slide roof be omitted from the proposal, it would unbalance the symmetry of the semi-detached pair, to the detriment of the adjoining neighbour and the visual amenity of the street scene.

The Planning Committee therefore raised objection again and recommended that the plans be amended to clearly show the Cat-slide roof, its set-back from the front façade, and its distinctive tile.

Impact on No.18: In noting the reduction in depth (from 4 metres to 3 metres) of the single storey element of the proposal, the Planning Committee had regard to the Planning Officer's Report and the reasons given for refusal of application EPF/3075/19 (which focused on the negative impact on the adjoining neighbour at 18 Dukes Avenue):

"The proposed extension by reason of its height, width and depth would result in....a significant loss of light, outlook, privacy, cause a severe sense of enclosure and appear excessively overbearing when viewed from the rear garden area and ground floor rear habitable room glazing of this adjoining dwellinghouse."

In appraising this revised application, the Committee questioned whether the proposal had been altered sufficiently to overcome the objections of the Planning Officer to the earlier application and concluded that it had not. In particular, it was felt that, since the reduction in depth related only to the single storey element of the proposal, there had been no revisions made which would mitigate

against the negative impact on neighbour amenity caused by the two-storey element of the proposed design.

Whilst the Officer's Report for the previous application highlighted the negative impact on neighbour amenity at No.18, the Planning Committee was of the view that both No.18 and No.22 would be affected.

From the perspective of the adjoining neighbour at No.18, the Planning Committee felt that the reduction of one metre in the depth of the single-storey extension had achieved little in lessening the impact of the overly dominant nature of the proposal as a whole. The single-storey extension, by being built on the shared boundary, would likely be intrusive to the outlook from No.18, whilst the raised position of the extension, and the patio area, could also lead to overlooking of the garden.

Impact on No.22: In consideration of the Side Elevation Plan from the perspective of the adjacent neighbour at No.22, the Planning Committee considered that the proposed two-storey side extension would be excessively large. In particular, it would appear that the outlook from the first-floor side windows would be significantly impacted by the visually intrusive and overly dominant side elevation wall. The Planning Committee would question whether the proposal would fall foul of the 45-degree rule and would suggest that a site visit should be carried out to ascertain whether this is the case (rather than rely on the submitted plans to obtain an estimate). Further, the resultant part two-storey design, which would extend significantly beyond the current rear building line of the neighbouring properties, would be out-of-keeping with the scale of extensions to other similar properties in the vicinity.

Fenestration: The Proposed First Floor Plan shows a bathroom incorporating an external window, aligned with the shared boundary of the adjoining neighbour, which could result in overlooking of the patio area of No.18. The Planning Committee would suggest that the following Condition be applied on any future grant of Planning Permission if this feature is retained:

"The window opening in the side elevation overlooking No.18 Dukes Avenue, 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 bathroom in which the window is installed and shall be permanently retained in that condition."

Reason for Condition: To prevent overlooking and loss of privacy to the occupants of the neighbouring property, in accordance with the guidance contained within the National Planning Policy Framework, policy DBE9 of the adopted Local Plan and Alterations and policy DM 9 of the Epping Forest Local Plan (2011-2033).

The submitted plans also reveal that there is, already in existence, a large raised patio area immediately to the rear of the property and the Planning Committee would suggest that a site visit may be required in order to ensure that no unwanted overlooking could result from this structure or the new extension.

For the reasons given above, the Planning Committee, therefore, objects to the application and considers it to be contrary to Policies DBE9 & DBE10 of the Current Local Plan (1998) and Alterations (2006), and Policy DM 9 and DM 10E of the Epping Forest District New Local Plan (2011-2033).

Comments on revised plans;

The further set of revised drawings, now showing on the i-plan system, include a note in red (as shown below), which appears to reference the request to include evidence of the cat-slide roof in the drawings:

**Rev B: Front canopy omitted to show extg
cat-slide roof at request of L.P.O (08:06:2020)**

However, in viewing the latest revised set of plans for this application, there is still no evidence that the set-back required to retain the cat-slide roof would be incorporated in the final design, and the drawings appear unchanged from those submitted previously under EPF/0737/20. Presently, a set-back is visible on the existing side roof-slope, but this hasn't been incorporated into any of the plans.

Planning Considerations

The main issues for consideration in this case are:

- a) Whether the previous reason for refusal has been overcome;
- b) The impact on the living conditions of neighbouring properties; and
- c) The impact on the character and appearance of the locality.

The previous application was refused for the following reason;

The proposed part single storey rear extension by reason of its height, depth and width would result in a significant loss of light, outlook, privacy as well as creating a severe sense of enclosure when viewed from the ground floor rear habitable room windows and rear garden area of no. 18 Dukes Avenue. It accordingly fails to comply with policy DBE9 of the adopted Local Plan and Alterations (1998 and 2006), policy DM9 of the LPSV 2017 and the NPPF 2019.

Living conditions of neighbouring occupiers

The proposed first floor side extension by reason of its height, width, depth, orientation facing the northeast and separation distance from the common boundary with No. 22, would not result in significant harm to the outlook, light and privacy afforded to the occupiers of 22 Dukes Avenue or cause significant increases in the levels of overlooking to dwellings situated opposite the site along Dukes Avenue compared with the existing situation.

Furthermore, the proposed part two storey rear extension would not intersect the 45-degree line when drawn from the nearest first floor rear habitable room windows of both No's 18 & 22 Dukes Avenue. As such, the proposed part two storey rear extension would not cause a significant loss of light, outlook, privacy or cause a severe sense of enclosure when viewed from the rear garden areas and habitable room windows of both neighbouring properties.

The proposed part single storey rear extension would not result in excessive harm to the amenities enjoyed by the inhabitants of no. 22 Dukes Avenue due to the significant distance of the proposed single storey addition from this dwellinghouse. However, as the previous scheme entailed harm to the occupiers of No. 18, the current scheme which involves a 3-metre single storey rear element is considered to be acceptable and in isolation it is not dissimilar to what can be achieved under permitted development. Thus, it is considered that there will be no significant harm in terms of loss of light, sense of enclosure, overbearing and visual impact to the occupiers of No 18 that justifies a reason for refusal.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with policy DBE9 of the LP, policy DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

Character and appearance

The proposed two storey side extension would be built from complementary material to match the existing house. There would be a 1-metre spacing with the common boundary of No. 22. This is required in order maintain the gaps between dwellings which is a key characteristic of this area.

Two storey side additions have been approved previously but not implemented at the host site. The two-storey side extension would not appear unusual when viewed from various angles along the general street scene and is akin to similar additions implemented along the immediate vicinity.

The proposed part two storey rear extension would appear just over half the width of the application dwelling. It would have a pitched roof design to match the existing house and would have a pitch angle to match the angle of the existing roof. It would be built from complementary materials and would not be readily visible from the general street scene. The proposed extension by reason of its size, scale and design would complement the existing house.

The proposed part single storey rear extension would have a flat roof with a roof lantern on top. It would be built from complementary materials and would not be readily visible from the street scene. It would be of a size, scale and design that would complement the existing dwellinghouse.

In terms of the concerns raised by the parish council regarding the cat-slide feature to the front elevation, for clarity this is to be retained as existing and no further changes are proposed to the front elevation other than the paint colour as shown on the plans.

Overall, the proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building and that of the street scene. Whilst the proposal would be visible from the street, it would not appear incongruous to it. There is sufficient space to the rear of the garden so the proposed wraparound extension would not be an overdevelopment of the site.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, policy DM9 (D) and DM10 of the LPSV, and paragraphs 124 and 127 of the Framework.

Conclusion

The proposal is considered to have overcome the previous reason for refusal.

For the reasons set out above having regard to all 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