

***Report to District Development
Management Committee***



**Epping Forest
District Council**

Report Reference: EPF/1287/20

Date of meeting: 16 September 2020

Address: Briar House, 42 Church Lane, Loughton, IG10 1PD

Subject: Proposed 3 bay oak framed car port

Responsible Officer: Brendan Mead (01992 564078)

Democratic Services: Gary Woodhall (01992 564470)

Recommendation:

That planning permission be granted for this application subject to the following 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: A1.1, B1.1**

This application is before this Committee since it has been submitted on behalf of Councillor Kauffman (Pursuant to The Constitution, Part Two, Article 10 (f))

Site and Surroundings

The application site contains a large two storey detached house with an integral garage and rear outbuildings. Church Lane comprises of large dwelling houses set back from the main road with large front gardens. Briar House is located on the eastern side of Church Lane where it occupies an extensive, well landscaped plot in verdant surroundings. There are established roadside hedges and the site is well screened by trees and vegetation along the common boundaries with 40 and 48 Church Lane. It is not in a conservation area nor is it listed.

Proposal

The proposal is for a three-bay car port with a half-hipped roof. It would measure approx. 5.6m in width, 9.1m in length with an overall height of some 4.9m. It would be constructed of an oak frame with brick infill; the roof will be of clay tiles and the garage doors of timber. It will be sited 5.5m forward of the main dwelling house, set in approx. 3.3m from the common boundary with 40 Church Lane and 4.9m from the front boundary abutting Church Lane. The proposal also seeks to extend the driveway eastwards by 1.7m to allow for a 6m manoeuvring space.

Relevant Planning History

EPF/0581/06 - Demolition of garage and outbuilding and construction of two storey side extension to include garage, rebuild rear extension, loft conversion with rear dormer windows and roof and elevational changes – GRANTED

EPF/3142/15 - Detached single storey garage to the side of the house, but behind the building line - GRANTED

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

Site notice posted: Not required

Number of neighbours consulted: Nine neighbours consulted; one representation received

48 Church Lane – objection – summarised as;

- Proposal is too large and of a considerable mass;
- Overdevelopment of the site;
- Lack of information on how trees will be impacted on the boundary of no.40 Church Lane; and
- Not In keeping with the streetscene.

Loughton Town Council – No objection

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality; and
- b) The impact on the living conditions of neighbouring amenities.

Character and appearance

The proposal is of a suitable design which does not compromise the verdant surroundings the property currently enjoys. The car port will be sited to the west of the driveway partially screened by mature trees and vegetation. Although the proposal will be visible from the streetscene, it is considered that the 4.9m distance between Church Lane and the proposal, and its partial concealment by a natural boundary ensures that the car port does not appear as an incongruous addition to the streetscene or one that is harmful to the character and appearance of the wider area or setting of the host property.

There are several outbuildings on the site including a garage to the west of the main dwelling house, however the application site is set in large grounds which allows for the inclusion of a three-bay car port without constituting over development.

Therefore, this complies with policies CP2, CP7 & DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

Living conditions of neighbours

The proposal is sited approx. 3.3m from the boundary of 40 Church Lane. The boundary is formed by high mature trees and vegetation which screens the proposal from 40 Church Lane and this ensures that the proposal would not significantly harm the living conditions of the occupiers of this property or any other.

Therefore, this complies with policies DBE2 & DBE9 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 (H) from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and paragraph 127 (f) of the Framework 2019.

Conclusion

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: Brendan Meade
Direct Line Telephone Number: 01992 56 4078***

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