

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



**Epping Forest  
District Council**

***Report Reference: EPF/1550/20***

***Date of meeting: 16 September 2020***

**Address: 23 Tomswood Road, Chigwell, IG7 5QP**

**Subject: Proposed single storey rear extension and terrace**

**Responsible Officer: Muhammad Rahman (01992 564415)**

**Committee Secretary: Gary Woodhall (01992 564470)**

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**Recommendation:**

This application is recommended to grant permission with the following conditions;

1. The development hereby permitted must be begun no 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: 001, 100 Rev A, 101 Rev A, 102 Rev A, 110 Rev A, 111 Rev A, 200 Rev A, 201, 202, 210 and 211.
3. No storage of building materials, mixing of cement or any other activity related to this proposal shall be undertaken within 15 metres of the stems of the three oak trees within the rear garden unless agreed otherwise with the Local Planning Authority.
4. 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.

*This application is before this Committee because it a planning application submitted by a Council Member of the Authority (Pursuant to Article 10 of the Constitution).*

**Site and Surroundings**

The site comprises of a detached dwelling, within a built-up area of Chigwell. It is not listed nor in a conservation area. Preserved trees lie to the rear of the site. Permitted development rights have not been removed.

**Proposal**

The proposal is for a single storey rear extension and terrace.

**Relevant Planning History**

EPF/1321/12 - Demolish existing bungalow and erection of a two-storey dwelling with loft, and erection of front boundary wall and gates. (Amended application to EPF/1901/11 to

include two dormer windows to the front elevation) - 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:

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
DBE10	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:

Paragraph 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 14<sup>th</sup> 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. The appointed Inspector has indicated an intention to provide advice to the Council by 12<sup>th</sup> July 2019; this advice will be given without prejudice to the Inspector's 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.

<b>Policy</b>	<b>Weight afforded</b>
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: 5 - 2 responses received  
Site notice posted: No, not required

25 TOMSWOOD ROAD – Support - My application to demolish my house and build a two-storey house has been approved and we have already served and signed off the party wall agreement to commence works in October 2020. My new plans on the ground floor exceed the neighbours existing extension boundary line and the above proposals will have no impact to my home. I strongly support this application.

102 LAMBOURNE ROAD – Objection – Summarised as:

- Loss of outlook; and
- Overshadowing.

CHIGWELL PARISH COUNCIL – No objection - The committee did declare a personal and non-prejudicial interest on the grounds that the applicant whilst not a member of the committee is a Member of the Parish Council.

### **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 to the living conditions of neighbours; and
- c) Trees.

*Character and Appearance*

The proposed works are of a size, scale and design that complement the appearance of the existing building and given the scale of development approved and built within the wider area along with the plot size of the host site, it would not appear as an overdevelopment of the site, nor out of character. Works are located to the rear, so they are not visible from the street or public areas.

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

### *Living Conditions*

Due to the limited size and scale of the proposed works abutting No. 21, there would be no material impact on living conditions, in terms of overbearing and visual impact that justifies a reason for refusal.

With regards to the impact on No. 25, permission has recently been granted on appeal for a replacement dwelling (EPF/2806/18), larger in size and scale to that of the host house. The occupiers of No. 25 have confirmed they will be commencing works in October 2020. Notwithstanding this, the proposed rear extension will project approx. 5 metres from the rear extension of the existing bungalow at No. 25 and given its limited size and scale there would be no material impact in terms of overbearing and visual impact to their amenities that warrants a reason for refusal.

Accordingly, the proposal is considered to comply with policies CP7 & DBE9 of the LP, policies DM9 (H) of the LPSV and paragraph 127 (f) of the Framework.

### *Trees*

The Council's Tree Officer has given her comments below;

*The oaks on / adjacent to the rear boundary of this property are protected by a Tree Preservation Order. Drawings have now been submitted that show the presence of the trees in relation to the whole site. Given the distance between the trees and the development area, it has been adequately demonstrated that the proposal could be implemented without a detrimental impact on these important trees.*

Accordingly, the proposal is considered to comply with policy LL10 of the LP, policies DM3 & DM5 of the LPSV and paragraph 175 of the Framework.

### **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: Muhammad Rahman**  
**Direct Line Telephone Number: 01992 564415**

**or if no direct contact can be made please email:**  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)

