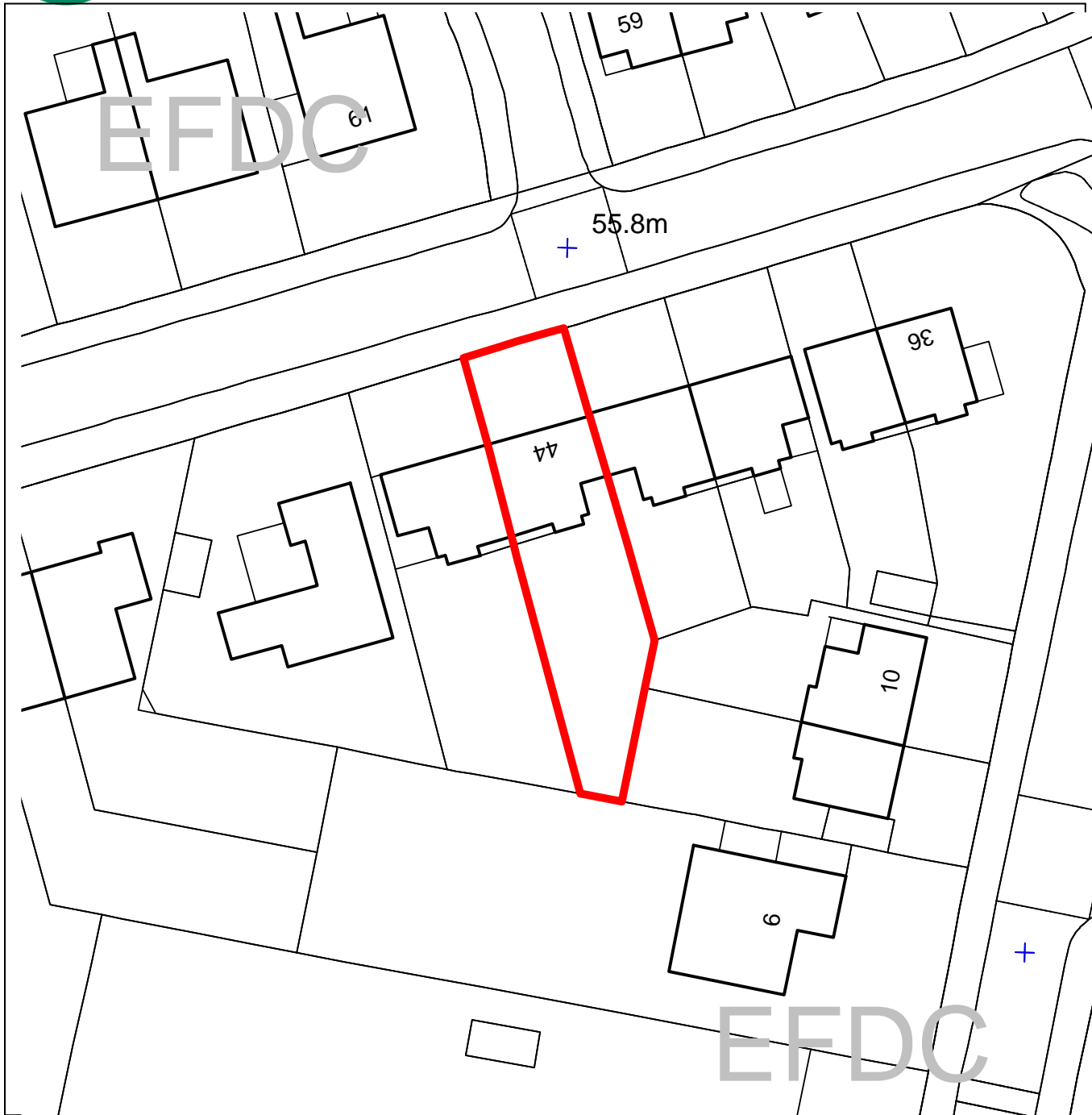




Epping Forest District Council



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/1563/20
Site Name:	44 Russell Road Buckhurst Hill IG9 5QE
Scale of Plot:	1:500

Report Item No: 9

APPLICATION No:	EPF/1563/20
SITE ADDRESS:	44 Russell Road Buckhurst Hill IG9 5QE
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr David Kershook
DESCRIPTION OF PROPOSAL:	Two storey rear extension with balcony and single storey side extension
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=639678

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: GA/0071/01, GA/0071/02, GA/0071/03, GA/0071/04, GA/0071/05, GA/0071/06, GA/0071/07, GA/0071/08 and GA/0071/09.
- 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 Privacy screens of approx. 1.7 metres high shall be installed at both edges of the balcony 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 semi-detached house, located within a built-up area of Loughton. It is not listed nor in a conservation area. Land levels drop to the North-east and South-west of the site.

Proposal

The proposal is for a two-storey rear extension with balcony and single storey side extension.

Relevant Planning History

EPF/1265/20 - Certificate of lawful development for a proposed hip to gable loft conversion including rear dormer with Juliet balcony - Lawful

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: 8.

6, 8, 10, 15 WESTBURY ROAD, 42 RUSSELL ROAD, 2a, 43 SCOTLAND ROAD, BUCKHURST HILL RESIDENTS SOCIETY – Objections – Summarised as;

- Bulky addition;
- Loss of privacy;
- Overbearing and visual impact;
- Overdevelopment;
- Out of character;
- Loss of light/overshadowing; and
- Surface flooding.

BUCKHURST HILL PARISH COUNCIL – Objection – Overdevelopment of site and balcony will have substantial impact on neighbouring properties and loss of privacy.

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 properties.

Character and Appearance

The proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building. The proposal would not be readily visible from the street, so there is no impact to the street scene. There is sufficient space to the rear of the garden so the proposed extension would not be an overdevelopment of the site.

The attached neighbour (No. 46) was given permission in 2015 (EPF/2016/15) for a similar size and scale to the two-storey rear extension currently proposed for No. 44, although of a different design. While unauthorised works were carried out at No. 46 beyond the 2015 approved plans, a recent Enforcement notice was served on No. 46 and it requires that the unauthorised works be removed and reverted back to the approved plans. This notice was also upheld by the Planning Inspectorate. So once remedial works have been carried out at the attached neighbour, both properties would have a similar extension.

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.

Living conditions of neighbours

No. 46 is on a higher ground level than the host house and given the extensive works carried out to the property (including the 2015 permission) there would be a limited impact to their amenities. A privacy screen at the edge of the balcony would mitigate any harmful overlooking impact.

No 42 is on a lower ground level than the host house and whilst there may be some loss of afternoon light, it does not justify a reason for refusal. Also, the two-storey rear extension is set in approx. 2. Metres from the common boundary with No. 42, so there would be no significant impacts in terms of overshadowing, overbearing and visual impact that warrants a reason for refusal. A privacy screen at the edge of the balcony would also mitigate any harmful overlooking impact.

There is no impact to No's 6, 8 & 10 Westbury Lane to their rear as they are sited a significant distance (more than 8 metres to the edge of the rear garden, the buildings are much further) away from the proposed works and any views from the balcony would be no different from views through a rear window. There are also trees and shrubs which would further limit any views. 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.

Other Considerations

With regards to the Flood Risk, the Council Drainage team have raised no objection to the scheme and as the proposal involves a lower ground floor they have recommended the following informative be attached as part of the consent;

The site does not lie within an Epping Forest District Council Critical Drainage Area.

There is a public sewer within the site; any works within three metres of a public sewer requires build over consent from Thames Water Developer Services.

“In certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring property and structures, you could be

liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.”

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