



# Epping Forest District Council



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Application Number:	EPF/1776/20
Site Name:	178 Buckhurst Way Buckhurst Hill IG9 6HZ
Scale of Plot:	1:500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1776/20
<b>SITE ADDRESS:</b>	178 Buckhurst Way Buckhurst Hill IG9 6HZ
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>APPLICANT:</b>	Claudio De Oliveira
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed raised wood decking area with an open-sided canopy and an overhead retractable awning (Revised scheme to EPF/1632/19)
<b>RECOMMENDED DECISION:</b>	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=640699](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=640699)

**CONDITIONS**

- 1 Within 2 months beginning with the date of this notice, all unauthorised works including any resultant debris shall be removed from the site.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 93/10/C/1, 01/4 Rev C, 02/4 Rev C, 03/4 Rev C and 04/4 Rev C.

*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. It has also been 'called in' by Councillor Steven Neville (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

**Site and Surroundings**

The site is central to a terrace of dwellings, which are predominantly three storeys at the rear, with a proportion having single storey extensions projecting rearwards. The ground falls away to the east across modestly sized private gardens. A small number of properties within the terrace have raised platforms within their gardens, with stepped access down into the lawn areas.

**Proposal**

The proposal is for a raised wood decking area with an open-sided canopy & an overhead retractable awning. This is a revised scheme to EPF/1632/19.

The application is retrospective in nature, however the proposed works are different to what has currently been constructed on site.

## **Relevant Planning History**

EPF/1632/19 - Proposed raised decking area – Dismissed on appeal on loss of privacy

A pre-application discussion was also held following the recent appeal decision and a suitable scheme was agreed which is the subject of this application.

## **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 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. On the 2<sup>nd</sup> 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.

<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: 6.  
2 response(s) received

180 & 182 BUCKHURST WAY – Objections – Summarised as;

- Loss of privacy;
- Loss of light; and
- Out of scale.

BUCKHURST HILL PARISH COUNCIL – Objection – The excessive height of the fence and the addition of the canopy would have an adverse effect on neighbours.

### **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 works would not be an overdevelopment of the site.

It should be noted that the unauthorised works (the patio, canopy with timber screens and fencing) were present during the Inspectors site visit relating to EPF/1632/19 and no comments were made on design grounds in the Inspector's decision.

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*

The previous scheme proposed a patio that would have created a level surface at a continual height projecting towards the site boundaries and into the private garden of No 178 Buckhurst Way, which would allow unrestricted views into the gardens and rear facing rooms of the adjoining occupiers. However, the revised patio is significantly lower than that with a drop of approx. 600mm from the patio doors and a further drop to the garden area. The patio is also set in from the common boundary with No. 180 by approx. 740mm and with No. 182 by approx. 300mm. As a result, there would be no harmful overlooking or loss of privacy to adjoining occupiers. Thus, in this regard it is considered that the previous reason for refusal has been overcome, including those raised by the Planning Inspectorate.

With regards to the open sided canopy, this is more of a design feature and by reason of its size and scale along with it being set in from boundary to both adjoining neighbours; there would be no material impact to adjoining occupiers in terms of overbearing and visual impact. A trellis is proposed along the fencing, which will have no overbearing and visual impact to either neighbours. The fence will have a total height of 2.3 metres including the trellis. It should be noted that under permitted development a 2-metre fence can be constructed on site, so only the trellis of some 300mm requires planning permission.

Due to the above, it is considered that 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.

### **Conclusion**

For the reasons set out above, having regard to all matters raised, it is considered that the character and appearance of the revised scheme is appropriate, as accepted by the Planning Inspectorate on the previous appeal regarding EPF/1632/19. Furthermore, and 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)