

Report to District Development Management Committee



Report Reference: EPF/1289/20
Date of Meeting: 11 November 2020

**Epping Forest
District Council**

Address: 37 Fairlands Avenue, Buckhurst Hill, Essex, IG9 5TF

Subject: Proposed two storey side extension and loft conversion with remodelling of the garage.

Responsible Officer: Marie-Claire Tovey (01992 564414)

Democratic Services: Gary Woodhall (01992 564470)

Recommendations:

1. This application carried an officer recommendation to grant permission when reported to Area Planning Sub-Committee South at their meeting on 23 September 2020. The conditions are as follows:

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: Site Location Plan, FLS-002, FLS-003, FLS-004, FLS-005, FLS-006, FLS-007 Rev B, FLS-008, FLS-009 Rev B, FLS-070, FLS-072, FLS-073 Rev B, FLS-074 Rev B, FLS-075 Rev B AND FLS - 077.
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 openings in the flank elevation of the dormer 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.

Members of Area Planning Sub-Committee South determined to approve planning consent for the reason stated above as a majority vote. However, the item was subsequently referred to District Development Management Committee by a minority of Members, in accordance with Article 10 of The Constitution.

Original Officer Report:

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)).

Description of Site:

The application site is a detached two storey property with detached shared double garage (shared with No. 36 Fairlands), located on the north side of Fairlands within the built up area of Buckhurst Hill. The site slopes down to the west. There is an existing small dormer to the rear. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

Proposed two storey side extension and a loft conversion with remodelling of garage, including neighbour's garage roof remodelling. This is a revised application to address concerns with regards to the remodelling of the neighbour's garage as half the garage which is to be partly demolished is in the ownership of No. 36 Fairland Avenue. This application keeps the neighbour's roof as existing but extending it towards 37.

Relevant History:

EPF/0272/20 - Proposed two storey side extension & a loft conversion and garage remodelling - Approved EPF/2958/19 - Proposed two storey side extension & a loft conversion including Juliet balcony, garage remodelling - Withdrawn

Policies Applied:

Local Plan (1998) and Alterations (2006) 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
DBE1 Design
DBE9 Design
DBE10 Amenity

NPPF: The revised NPPF 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
 Paragraph 127
 Paragraph 130
 Paragraph 131

Epping Forest District Local Plan (Submission Version) 2017

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
DM9 – High quality design	Significant
DM10 – Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received:

Number of neighbours consulted: 19

Site notice posted: Not required

Neighbour responses received:

36 FAIRLANDS AVENUE – Reject: The two storey structure will block the sunlight to my East facing window. The construction also looks very intrusive and totally change the structures from the front, with the narrow walkway. The proposed front looks that my garage is part of their property. Also, the height of the extension would overlook more into my garden space and invasion of privacy.

BUCKHURST HILL PARISH COUNCIL – Objection: Detrimental to the streetscene with the symmetry of the garages. Lack of sufficient elevation drawings makes it difficult to properly look at this application.

Main Issues and Considerations:

Design

With regards to the extensions to the property these remain the same design as approved under EPF/0272/20 and were previously found to be acceptable.

The difference with this application concerns only the design of the garage roof for the neighbouring properties garage roof. No. 36 and 37 currently share a double garage. As the garage for No. 37 is to be demolished, the roof for the remaining part (in the ownership of No. 36) requires addressing.

Under application EPF/0272/20 the remaining garage building had a simple gable pitched roof. It is understood due to issues outside of planning legislation this was not acceptable and agreement to a re-design of the roof is now sought. The proposal now extends the roof in a hip over the existing garage and will attach to the side wall of No. 37 (providing a covered access over the side entrance). This design (although unusual due to the ownership issues) is considered acceptable and does not disrupt the streetscene.

Neighbouring Amenity

The previous application found the extensions to the house (side extension and loft extension) acceptable in terms of amenity subject to conditions controlling the side facing windows.

The alterations to the neighbour's garage are not considered to result in any amenity concerns. It is noted that, as with the previous application, planning permission does not override ownership rights and works cannot commence on someone else property without permission. This will be made clear by way of an informative on any permission granted.

Conclusion:

The proposal results in alterations to the property which are considered an acceptable design, with limited impact to amenity. The changes to the garage roof are also considered acceptable. Given the above approval is therefore recommended.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414

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