



Epping Forest District Council

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Application Number:	EPF/0610/22
Site Name:	32 Halfhides Waltham Abbey EN9 1LE

OFFICER REPORT

Application Ref: EPF/0610/22
Application Type: Full planning permission
Applicant: Miss N Morris
Case Officer: Rhian Thorley
Site Address: 32 Halfhides
Waltham Abbey
EN9 1LE
Proposal: Double storey side extension and part one/part two storey rear extension.
Ward: Waltham Abbey North East
Parish: Waltham Abbey
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nvmr>
Recommendation: Approve with Conditions

This application is before this Committee because it is a planning application of which its decision could be liable to give rise to claims for costs or compensation (Pursuant to Article 10 of the Constitution).

Reason for presenting at DDMC

A planning approval was granted and issued for this proposal dated 17 June 2022 under delegated authority. Unfortunately the objection from the Town Council, received on 27 May 2022, was missed by the case officer and therefore was not taken into consideration when assessing and authorising the application.

The Constitution provides in its constitution Scheme of Delegation that the "Services Director- Planning Services or a Level 2 or 1 Officer Nominated by them" are authorised to determine inter alia "All household planning applications ... except the following which shall be determined by the committee or sub committee indicated in Article 10 to the constitution." One such circumstances is "3, b, An objection is received from a local council, supported by at least one non-councillor residents, with material planning reasons".

The decision was therefore taken by delegated powers in breach of the council's Scheme of Delegation, which requires planning decisions to be determined by its planning subcommittee where, as here, there has been an objection from a Parish Council, supported by at least one non-councillor resident, with material planning reasons. Due to this, a Judicial Review was brought against the decision by the Council and was successful, and as such the decision has been quashed and the application has reverted back to the LPA for redetermination. Due to this situation, the decision reached in this application could result in liability for claims for costs or compensation and therefore the necessary determination level now lies with District Development Management Committee.

Site and Surroundings

The site comprises of a semi-detached dwelling located on the southern side of Halfhides, within the urban settlement of Waltham Abbey. Along the western boundary is a pedestrian alleyway linking Halfhides with Farm Hill Road. The dwelling is not listed nor within a conservation area. No protected trees lie within the site.

Proposal

The proposal is for a two storey side extension and part one/part two storey rear extension.

Relevant Planning History

EPF/2953/21 - Double storey side extension & part one/part two storey rear extension - Refused
EPF/1384/21 - Double storey side extension and part one/part two storey rear extension and loft conversion with rear dormer and juliet balcony - Refused

Development Plan Context

Local Plan & 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 2021 (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.

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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications, to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan.

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 Main Modifications, the **highest weight** should be afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application;

DM9 High Quality Design

Summary of Representations

Number of neighbours Consulted: 8.

WALTHAM ABBEY TOWN COUNCIL – Objection. The committee believes that the plans are still inconsistent so approving these plans could be ambiguous specifically with regard to the roof line. The extension would have a negative impact on the street scene from various elevations. There is also still a significant impact on the neighbouring property who have provided a detailed objection to this application most significantly due to the loss of light and having windows that will be impacted by the proposed extension. Moving the boundary of the proposed side extension does not represent a significant improvement.

5 HALFHIDES - OBJECTION - The extension is considered to drastically block their direct skyline view, cause overshadowing at the alleyway and does not appear in keeping with Halfhides.

6 HALFHIDES - OBJECTION – It is considered that the proposed extension would be clearly visible from front, side and rear and is an overdevelopment on a high point situated on the side of an alleyway. As a semi-detached house, the host-dwelling is considered to appear unbalanced and would detract from the street scene as a result. It is also considered that a blank and featureless two storey wall would dominate and enclose the alley which forms an important gap in the streetscene in terms of creating spaciousness.

33 HALFHIDES - OBJECTION - The application plans and elevations are inaccurate, misleading, incapable of lawful implementation and should be refused accordingly Technical issues.

Proposed two storey side / rear extension:

It is considered that the proposed extension roof set down by 0.3m would still result in the ridge line being significantly longer than the existing ridge, almost doubling the length of the existing ridgeline destroying the symmetry of this pair of houses. This is not considered subordinate or sympathetic to the existing house and would dominate it to an unacceptable degree.

It is also considered that the proposed flank elevation exacerbates the visual impact of the proposed extension as a wholly discordant, jarring and monolithic feature. The extension is considered

overbearing and visually obtrusive to an unacceptable degree, seriously detrimental to the character and appearance of the host property and the pair of semi-detached house.

Alleyway:

The proposed flank wall is considered to be overbearing and visually obtrusive when seen from the alleyway as it would dominate the alley to an unacceptable degree. Due to the size and monolithic nature of the flank wall, it is considered to make that part of the alley darker with potential consequential impact on the safety and security of users of the alley and those properties directly adjoining it. The single street light halfway along the length of the alley is some 11m away from the proposed extension and is considered to do little to mitigate the impact of the extension.

Rear:

It is considered that the rear extensions have little regard to the character and appearance of the existing house. It is also considered that the visual impact of the rear wall of the two-storey rear extension is increased by the dominance of solid to window which is uncharacteristic of houses in the area. The proposal is considered too big and bulky and the proximity of the rear wall to the alley further increases the detrimental impact the proposal would have on the alley.

Impact on neighbours:

It is considered that the design, size and siting of the extension would be over dominant in comparison to surrounding properties.

Impact on No.33 Halfhides:

It is also considered that the rear extension would cause overlooking and loss of privacy across much of No.33's garden. It is also considered that the proposed side extension would detrimentally affect the occupants' amenity when inside and outside of their home as the siting, design, appearance, mass and bulk of the extension would have an overbearing, obtrusive and oppressive impact.

The proposed side wall would be some 2.7m from No.33's side boundary with the alley. The mass, bulk and siting of the extension is considered overbearing and visually obtrusive to an unacceptable degree, particularly given No.33 sits at a lower level.

The wall would be some 4m directly in front of an east facing kitchen / dining window resulting in a loss of direct sunlight in the mornings as well as creating a sense of enclosure. It is considered that virtually all outlook from that window would be lost. The open area outside of this window, to the rear of No.33's garage is also considered to be impacted in terms of loss of direct sunlight and openness.

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 to the living conditions of neighbours.

Character and Appearance

The scheme has been amended since previous applications, EPF/1384/21 and EPF/2953/21, which were refused based on their design and impact on neighbour amenity.

The proposed two storey side extension is now 2.2m and is set 1m off the boundary (was previously 0.5m and on the boundary prior to that). As with the previous application, the two storey side extension remains set back from the front façade at first floor level by some 0.5m and the roof set down from the main ridge by 0.3m.

Following the increase of the boundary gap with the alleyway, the proposed two storey side extension is considered to provide a subordinate addition to the property. At a width of 2.3m, the proposal is

considered to provide a more sympathetic addition in relation to the pair of semi-detached dwellings' symmetry, reducing the impact on the visual amenity of the streetscene.

Whilst a number of properties on Halfhides have been extended to the side at various scales and forms, this site is unique as it abuts an alleyway. By increasing the boundary gap to 1m, the proposal retains a visual gap and prevents a terracing effect. The gap is therefore considered sufficient so as not to have an overbearing visual impact on users of the alleyway, immediate neighbours and as seen from Farm Hill Road.

As with the previous scheme, this proposal extends at part two storey and part single storey, 3.5m beyond the original rear wall at ground floor and 3m at first floor. The double storey element is now 4.7m in width (previously 5.2m) with the single storey element infilling the area between this and the boundary with no. 31 Halfhides, this will be 2.2m in height to the eaves and have a sloping roof to an overall height of 3.5m with a parapet wall on the boundary. The two storey rear extension uses a hipped roof and is stepped down from the main roof giving a subordinate appearance.

This amended scheme is considered sufficient to overcome the previous concerns and is therefore acceptable in terms of design, character and appearance.

Living Conditions

Impact on attached No. 31 to the east

The main impacts would derive from the rear extension. The pre-existing conservatory was approximately 2.2m in depth and the proposed single storey rear extension along the boundary is 1.3m deeper than this at 3.5m. Given this relatively modest further rearward projection, it is not considered there would be any significant loss of light or increase in sense of enclosure derived from the single storey element. The two storey element is sited some 3.5m from the boundary with no. 31 and as such no excessive loss of living conditions would result from this element of the proposal, particularly as there are no flank windows in no. 31 that would be affected by the proposal.

Impact on No.33 Halfhides to the west

No. 33 Halfhides sits on the other side of the alleyway approximately 1.7m to the west. This property contains a ground floor flank window serving a kitchen/dining room which will face the application site.

Whilst the proposal is likely to have some impact on neighbour amenity, in setting the extensions off the boundary with the alleyway by 1m this impact is reduced. Subsequently, it is not considered that the proposal would result in excessive loss of light or appear overbearing to the detriment of the occupants when viewed from their rear garden and ground floor habitable room window.

As a result to the works, there would be some increase in overlooking derived from the rear first floor windows by reason of the rearward projection, however this would not be to any considerable degree that would be out of the ordinary for a residential area where some degree of overlooking is expected.

Nos. 5 Halfhides

It is not considered that the loss of light or outlook would be significant enough on the occupants of No.5 (located on the opposite side of the road) to warrant a refusal on these grounds.

Other matters

As with the previous applications, objectors have commented on the risk to public safety by reason of the side and rear extension bulk and mass darkening the public alleyway. It is not however considered that the proposal would cause a risk to public safety therefore a refusal on these grounds cannot be justified. The alleyway connects Halfhides and Farm Hill Road and is a relatively short cut-through which is generally open. The streetlight present would still provide adequate light within the alleyway and the proposal is sited close to the streetscene.

Concerns were raised, and noted, that there were some inconsistencies with roof as shown in the originally submitted plans. As such amended plans have been provided in order to address these inconsistencies.

Conclusion

For the reasons set out above having regard to the matters raised, it is recommended that conditional planning permission be granted.

Should you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest. If no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Case Officer | Rhian Thorley | rthorley@eppingforestdc.gov.uk

Conditions: (3)

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:
002; 003F; 004E; 005A; 007E.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.

Informatives: (1)

- 4 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.