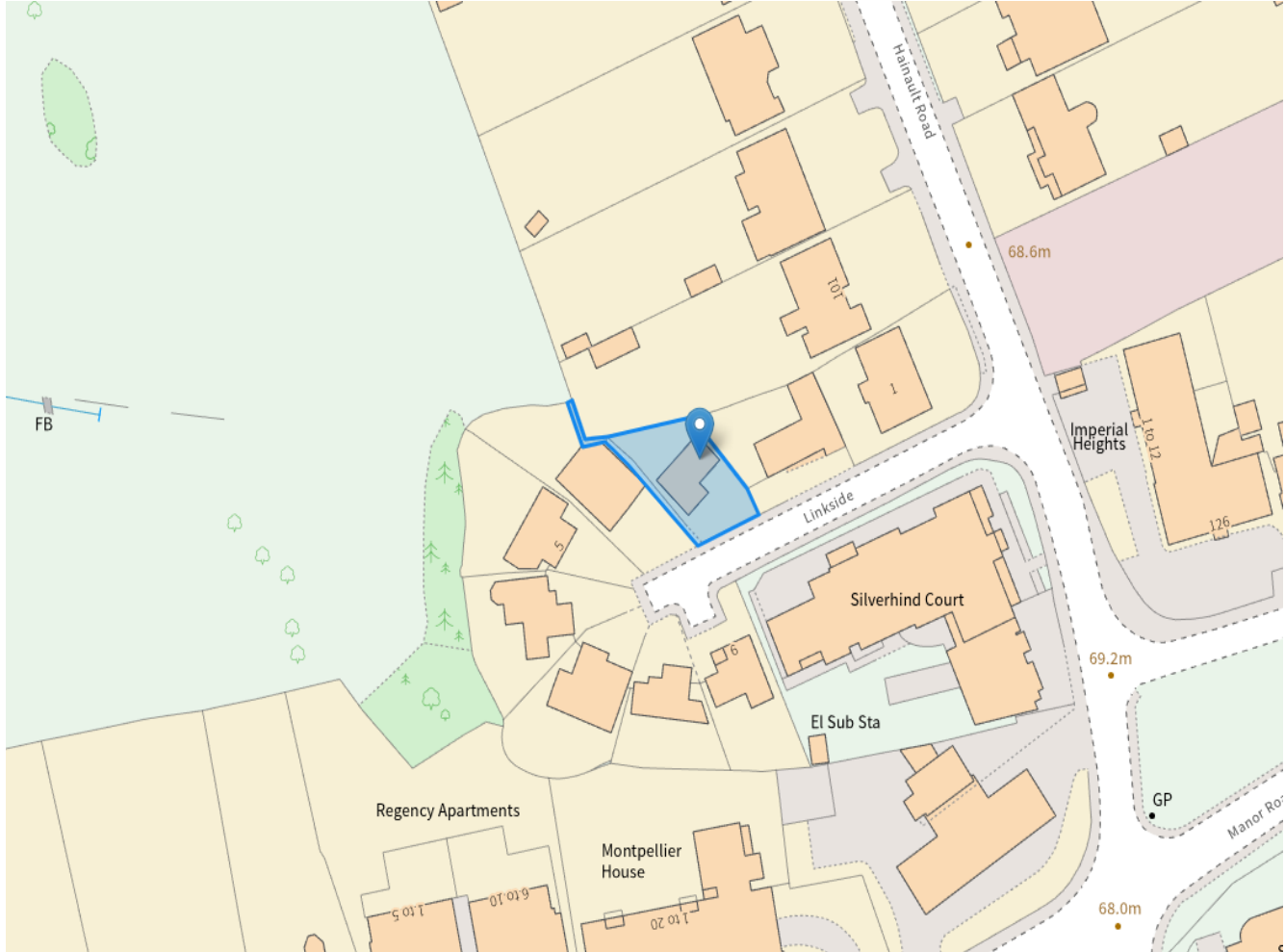




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Application Number:	EPF/2640/22
Site Name:	3, Linkside, Chigwell, IG7 5DN

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OFFICER REPORT

Application Ref: EPF/2640/22
Application Type: Householder planning permission
Applicant: Mr and Mrs P Kyprianou
Case Officer: Muhammad Rahman
Site Address: 3, Linkside, Chigwell, IG7 5DN
Proposal: Single-storey (rear/side/front) extensions, roof alterations with rear box dormer inc. Juliet balcony, and a further Juliet balcony at first floor level.
Ward: Chigwell Village;Grange Hill
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001UiXV>
Recommendation: Approve with Conditions

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 a detached house, located within a built-up area of Chigwell. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The proposal is for a single-storey rear/side/front extensions, roof alterations with rear box dormer Inc. Juliet balcony, and a further Juliet balcony at first floor level.

The initial plans were amended to exclude the first-floor rear extension & basement, and all parties were consulted on the amended plans.

Relevant Planning History

EPF/2944/21 - Application for a Lawful Development certificate for a proposed hip to gable roof conversion, single storey rear extension & single storey side extension - Lawful

EPF/2985/21 - Application for Prior Approval of a proposed Enlargement of a Dwelling house by construction of additional storeys - Refused

EPF/3077/21 - Application for Prior Approval of a proposed Enlargement of a Dwelling house by construction of additional storeys – Refused – Appeal in Progress

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
CP7 Urban Form & Quality
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.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 126 & 130

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 accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

DM9 High Quality Design

Summary of Representations

Number of neighbours Consulted: 18. 6 response(s) received

Site notice posted: No, not required

1, 2, 7 & 9 LINKSIDE, 101 & 103 HAINAULT ROAD – Objections – Summarised as:

- Overdevelopment;
- Bulky design;
- Out of Character;
- Loss of privacy;
- Overbearing;
- Loss of light/Overshadowing;
- Drainage concerns;
- Loss of greenspace/Parking concerns; and
- Noise/Odour & Disturbance from construction phase.

CHIGWELL PARISH COUNCIL – Objection - overdevelopment & bulky design.

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 current building has an unattractive two storey side extension with a flat roof. The proposal would correct this design issue by providing a subservient roof form above it. Also, given the siting of the host house at an angle, there would be no terracing effect.

The proposed rear dormer would also be positioned well within the roofscape and would not appear out of place or dominant. The single storey side & front extension also appears subservient to the host house. Members will note that a similar scheme, albeit a simpler design, can be carried out under permitted development as found lawful under EPF/2944/21.

Whilst the proposed single storey rear elements are of an irregular shape, they are located to the rear, so any views from the street would be limited, however it will complement the appearance of the existing building and add visual variety and architectural interest to the wider locality.

Overall, the proposed works would have a positive impact to the street scene and wider locality.

Living Conditions

The building is orientated towards the southeast and given its siting including that of the neighbouring buildings, there will be no material loss of light, overbearing and visual impact that warrants a reason for refusal. There may be an increase in overshadowing to No.4 during the early hours of daylight, and to No.2 during the later hours, however, it is not sufficient to warrant a reason for refusal, particularly given the fallback position of the LDC application.

The flank window facing No. 2 can be conditioned to be obscure glazed to prevent any harmful overlooking to their amenities. With regards to overlooking concerns from the rear Juliet balconies, it would be no different than a view from a window, and it can also be carried out under permitted development.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

Other Considerations

Officers note the drainage concerns, however, the Councils drainage officer has reviewed the case and concluded that there are no issues in this regard nor recommended any additional conditions. In terms of the disturbance from the construction phase, this would be a temporary arrangement.

The proposal is for extensions to the main house and no changes are proposed to the front drive, so it is unclear as to how the concerns re loss of greenspace to the front including parking concerns are relevant to the planning merits of the application.

Conclusion

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

If 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, or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman | mrahman@eppignforestdc.gov.uk

Conditions: (8)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, R02 Rev A, and R04 Rev A.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 Prior to first occupation of the extensions hereby permitted the window(s) in the flank elevation(s) at first floor level and above, shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building except those specified on the approved plans.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Access to the flat roofs over the single storey extensions hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 8 Details of the proposed green roof including its maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. The green roof shall be carried out strictly in accordance with the details so approved and shall be maintained as such

thereafter. If within a period of five years from the date of the planting or establishment of the green roof it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective it shall be replanted / re-seeded with the same agreed mix of species as that originally planted.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity.

Informatives: (1)

- 9 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.