

<b>APPLICATION No:</b>	EPF/0922/19
<b>SITE ADDRESS:</b>	Land adjacent to 7 Margaret Road Epping Essex CM16 5BP
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	OBO Epping Theydon Trust Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed new dwelling to land adjacent to no.7 Margaret Road.
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**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=622716](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=622716)

## REASON FOR REFUSAL

- 1 The proposals will result in a cramped form of development, out of keeping with the adjacent residential properties and detrimental to the street scene in this locality, contrary to NPPF 2019, Policies CP3, DBE1 and DBE2 of the adopted Local Plan 2008 and DM 9 of the Local Plan Submitted Version 2017.
- 2 The proposal by reason of its size and siting would be visually overbearing and also result in an unacceptable loss of light which would be detrimental to the occupants of 16 Margaret Close, contrary to policies DBE2 and DBE9 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version 2017.
- 3 the application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such, the proposed development is contrary to policy CP1 (i), NC1 of the Epping Forest Local Plan (1998) and Alterations (2006), policies DM2 and DM22 of the Epping Forest Local Plan (Submission Version) 2017 and the requirements of the Habitats Regulations 2017.

*This application is before this Committee since it has been 'called in' by Councillor Chris Whitbread (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

### **Site and Surroundings**

The site is roughly rectangular shaped and covers an area of approximately 0.07 hectares. The site was the former side garden of no.7, the house and garden of which is to the immediate southwest. Immediately north-west of the application site, is no.16 Margaret

Close, which slopes up from the front to the rear and there is a different level between 16 Margaret Close and the proposal site. A timber fence is present at both side common boundaries and at the end of the plot, to the north east is a car repair garage. The site is not within a Conservation Area, not a listed building and is not within the Metropolitan Green Belt.

### **Proposal**

The proposal is for a single storey new dwelling to land between no.7 Margaret Road and no. 16 Margaret Close. The proposed dwelling with external footprint, measures 10 metres deep, 4.65metres wide and 5.3metres in height with a pitched hipped roof finish.

The plans show parking for a single car in the front garden.

### **Relevant Planning History:**

No relevant existing Planning History on this site. However, there is a current application submission EPF/0921/19 - Proposed x 2 no. new dwellings to land rear of 1-7 Margaret Road, elsewhere on this agenda.

### **Development Plan Context**

*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 of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
CP3	New Development
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
U3B	Sustainable Drainage Systems
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE3	Design in Urban Areas
DBE6	Car Parking in New Development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking

### **National Planning Policy Framework (NPPF) (February 2019).**

The NPPF 2019 is a material consideration in determining planning applications. The National Planning Policy Framework (NPPF)2019 section 2, advocates 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 (LPSV) (2017)**

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:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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. The appointed Inspector has provided advice to the Council. This advice is given without prejudice to the Inspector's 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:

<b>Policy</b>	<b>Weight afforded</b>
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SP1 Presumption in Favour of Sustainable Development	Significant
SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM11 Waste Recycling Facilities on New Development	Significant
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM17 Protecting and Enhancing Watercourses and Flood Defences	Significant
DM18 On Site Management of Waste Water and Water Supply	Significant
DM19 Sustainable Water Use	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination.	Significant
DM22 Air Quality	Significant

### **Summary of Representations**

Number of neighbours Consulted: 14. Four Objection response received  
Site notice posted: Not Required

Objections from the following: PARIS HALL, HASTINGWOOD, 73 LINDSEY STREET, EPPING, 16 MARGARET CLOSE, EPPING, summarised as follows:

- Harmful Impact on the area
- Harmful impact on Local Parking situation
- The proposed bungalow would be very imposing and prominently overlook the adjoining rear gardens of No 7 Margaret and 16 Margaret Close.
- Poor design, unsympathetic to the existing bungalows, especially in terms of its location along the common boundaries, the overall sheer scale, proportions and orientation of the dwelling.
- Would have a harmful impact on number 7 Margaret Road and 16 Margaret Close.
- The location, physical presence of the proposed bungalow would be extremely overbearing, the proposed development would have a significant effect on the residential amenity in respect of overshadowing and domination.
- Although the properties along Margaret Road are bungalows; the pattern of the proposed dwelling will not fit in with the scale of surrounding properties as the proposed dwelling would directly face the rear of no.16 Margaret Close and deeper than the rear garden of no. 7 Margaret Road
- Access to the rear of Margaret Road would be extremely limited.
- The form, size and character of the proposed adjoining development is on an unacceptable sized plot as there is insufficient space between old and new buildings to maintain the amenity and privacy of adjoining houses.
- Overlooking & Loss of Privacy (side bedroom window on the proposed plan will face no.16 Margaret Close side and rear garden.
- The proximity of the bungalow to common southern and northern side common boundaries with no. 7 Margaret Road and 16 Margaret Close
- Proposed dwelling from the left elevation would be only 0.02m – 0.8metres set back from common side /rear boundary and attached to no.7 Margaret Road.

- Overdevelopment - another additional dwelling on the land adjacent to no 7 Margaret Road and 16 Margaret Close, allows very little space for landscaping and we believe that it would lead to gross over-development of the site. The proposed dwellings would significantly alter the fabric of the area and amount to serious 'cramming' in.
- Erroneous boundary lines
- Topography creates drainage issues, exacerbated by the removal of trees
- Highway safety; and
- Noise and nuisance.

EPPING TOWN COUNCIL – OBJECT to this Application on the 9 July 2019 for the following reasons:

If the application is approved, the provision of an additional bungalow would it would exacerbate the issues detailed in EPF/0922/19. Committee are extremely supportive of this type of housing and would request the applicant rethinks the layout of the proposal to respect neighbour concerns. Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

### **Planning Considerations**

**The main issues for consideration in this case are:**

- a) The principle of residential development;
- b) Sitting and Location
- c) Highway safety and parking provision;
- d) The impact on the character and appearance of the locality;
- e) The impact to the living conditions of neighbours;
- f) Residential amenity for future occupiers;
- g) The impact on the Epping Forest Special Area of Conservation.

### **Principle**

The proposal is for a residential development on a site in a residential built up area. It is part of the side garden area of no.7 Margaret Road. The character of the immediate area is one of bungalows and in terms of its design and height alone, the proposal will not be out of keeping. However, this would be at the end of a run of 4 bungalows of the same appearance, whereas the proposal will be noticeably narrower at a width of 4.5m, compared with the 7 metres of each of the bungalows at nos. 1 – 7 (odd). It will also be built virtually up to the flank boundary of the site to no. 16 Margaret Close, such that it will appear too cramped in the street scene. It will therefore be contrary to policies DBE1 and 2 of the Adopted Local Plan 2008 and DM 9 of the Local Plan Submission Version 2017.

### **Highway Safety and Parking Provision**

There is sufficient space to park 2 cars on the drive and the ECC highways officer has recommended conditions relating to the vehicular access point, to ensure that there is no detrimental impact to highway safety.

### **Impact on the Living Conditions of Neighbours:**

The main impact of the proposal will be on 16 Margaret Close located immediately north of the application site. Whereas that neighbouring bungalow is set off the shared side boundary of the site, the proposal will be deep, 10m in length, which is 3m deeper than the current

bungalow (7 Margaret Road) to which it will physically be joined. Whereas this is no too unreasonable an impact on no. 7, it will be quite extensive along the side boundary to 16 Margaret Close, causing them to suffer some loss of light and have an overbearing impact on their property in amenity terms. It therefore would be contrary to policies DBE2, DBE9 of the Adopted Local Plan and policy DM 9 of the Local Plan Submission Version.

### **Residential Amenity of Future Occupiers**

The proposal would have sufficient internal living space, and amenity space for future occupiers, in accordance with emerging policy DM10 of the LPSV 2017.

### **Impact on the Epping Forest SAC**

The proposal results in an additional dwelling within the District, the submitted documents do not make provision for improvements to access to Epping Forest or to air quality and therefore on this basis the application is contrary to policy CP1 (i) and NC1 of the Adopted Local Plan and Policy DM2 and DM33 of the Submission version.

The application does not provide sufficient information to satisfy the Council, as competent authority, that the proposed development will not adversely affect the integrity of the Epping Forest Special Area of Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the proposed development should be permitted. As such the proposed development is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 2017 and the requirements of the Habitats Regulations 2017.

In the absence of a completed Section 106 planning obligation the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation is contrary to Policies CP1 CP6 of the Epping Forest Local Plan (1998) and Alterations (2006), Policies DM 2 and DM 22 of the Epping Forest District Local Plan Submission Version (2017) and the requirements of the Habitats Regulations 2017.

### **Conclusions**

The proposed bungalow, by reason of its siting up to the side site boundary and narrow frontage compared with the rest of the uniform sized bungalows in this terrace, would be harmful to the character and appearance of the street scene. Furthermore, because of its length from front to rear and position close to the side boundary, it will be harmful to the amenities of the occupants of 16 Margaret Close. It will therefore be contrary to contrary to the NPPF 2019 and relevant policies in the Adopted Epping District Council Local Plan and Alterations (2006).

For the reasons set out above, it is recommended that planning permission be refused.

***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: Francis Saayeng  
Direct Line Telephone Number: 01992 564161***

***or if no direct contact can be made please email:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***