

APPLICATION No:	EPF/1282/19
SITE ADDRESS:	9 Kendal Avenue Epping Essex CM16 4PW
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr J Jennings
DESCRIPTION OF PROPOSAL:	Retrospective swimming pool enclosure building in rear garden (As Amendment to EPF/1221/16)
RECOMMENDED DECISION:	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=624194

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings numbers: 16007_015A; 16007_016A; Site Location Plan
- 2 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (pursuant to the Constitution, Part Three: Scheme of Delegation, Appendix 3).

Description of Site:

No. 9 is a large 2-storey detached dwellinghouse located to the northeast of Kendal Avenue which is residential in character. The property has a rear/side garage and swimming pool that has been enclosed with a flat roof white stone extension which is attached to the garage which has been converted into living accommodation.

The properties in Kendal Avenue comprise of predominantly large detached dwellings, with their own individual character and where the road falls to the southeast.

Description of Proposal:

Planning permission was approved in 2016 Ref: EPF/1221/16 for the enclosure of the swimming pool measuring a width of 5.5m, a depth of 20m at a height of 3m involving the conversion of the garage into a gymnasium and changing rooms.

The swimming pool enclosure has been built with an additional 0.35m high parapet to the front and north elevation with a front section of the south elevation.

Relevant History:

EPF/1221/16 - Proposed 3 - storey side extension incorporating a rear roof terrace, enclosure of swimming pool and conversion of existing garage into a gymnasium and changing rooms with steps up to rear garden terrace area. - Approved 14/07/2016

Policies Applied:

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).

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 - Quality of Rural and Built Environment
RP5a - Environment Impacts
DBE1 - Design of New Building
DBE2 - Impact on Neighbouring Properties
DBE3 - Design in Urban Areas
DBE9 - Loss of Amenity
DBE10 - Residential Extensions

National Planning Policy Framework (NPPF) (February 2019)

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 - 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 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 the Inspectors final conclusion.

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
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: OBJECTION

- Over development of the site
- Detrimental effect on the street scene given the proximity of the Green Belt
- Disregard for the planning system

5 adjoining neighbours were notified on the 01/05/2019 and no representations have been received.

Assessment:

The main issues for considerations for consideration is:

- The planning history of the site
- Design and siting of the development in relation to the character and appearance of the property and the surrounding area.
- The amenities of the adjoining properties.

Design and Visual Amenity:

Epping Forest Local Plan policies DBE3 and DBE10 seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design within the context and character of the surrounding area.

Kendal Road comprises of predominantly large dwellings with their own individual design and character. No. 9 is one of the widest properties in Kendal Road set in a wide plot. The swimming pool enclosure forms the depth of the rear garden but given the width of the plot and the limited overall height of the swimming pool enclosure it not considered as being disproportionate. In addition, the slope of the land, siting and dense, mature high trees and shrubs surrounding the rear garden act as a screen that obscures any visibility of the enclosure from any adjoining property or public viewpoints. As such, the alterations are minor in form to the approved development and considered of an appropriate design and scale that is in keeping with the character and appearance of the dwellinghouse that respects the neighbouring dwellings and pattern of development in the surrounding area subject to the 'Permitted Development' condition being attached to any approval.

Impact on Neighbouring Amenity:

The alterations to the approved development front onto the rear of the main dwellinghouse and the existing garden and in terms of amenity, the siting and separation distance of the development in relation to the adjoining properties is such that it is not considered that it would result in any significant amenity implications in the form of a loss of light, outlook or overlooking impact presently enjoyed by the occupiers of the adjoining properties. Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the Local Plan.

Epping Town Councils comments are noted; however, the development has already been granted planning permission and the alterations are relatively minor, appropriate in design and form that is not visible from the highway or any adjoining properties and as such there is no justification to refuse the application.

Land Drainage

The Land Drainage Team consider that the principle of the development is acceptable Subject to a condition requiring details of surface water disposal. The condition is considered reasonable and necessary.

Conclusion:

In summary, it is considered that the development as built is of an appropriate design, scale and form that is not harmful and which would respect the character and appearance of the property and the surrounding area and complies with the relevant policies as set out above. In the light of the above considerations it is recommended that planning permission is Approved.

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: Caroline Brown
Direct Line Telephone Number: 01992 564182***

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