

Report Item No: 1

APPLICATION No:	EPF/2025/12
SITE ADDRESS:	43 Colebrook Lane Loughton Essex IG10 2HJ
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	Mr R Webster
DESCRIPTION OF PROPOSAL:	TPO/EPF/13/90 T1 - Oak - Fell
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542617

REASON FOR REFUSAL

- 1 Although it is recognised that there is significant structural damage within the main house the evidence supplied and investigation of the issues on site does not demonstrate that this is a result of root related subsidence, nor that removal of the tree would contribute to its stabilisation and repair. It is recognised that the tree's root activity may have contributed to the damage to the boundary wall and the conservatory, but both these structures are of unsatisfactory construction, not in accordance with published advice. Their failure is seen to result from unsatisfactory construction. The application provides no evidence that removal of the tree would contribute to their future stability or repair. The loss of the tree's existing and potential visual amenity is therefore seen to be unnecessary and unjustified and as such to be contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.

Note

This application was considered at the meeting of June 12th, when it was deferred by members to enable further discussion between the engineers to see if agreement could be reached as to the causes of the subsidence, and so whether tree felling is likely to be an effective solution. P Kelsey Assoc. have provided information as to the evidential requirements that would form the basis of a potential discussion to allow agreement to be reached. Their key recommendation is that a new deep datum be installed and that the monitoring should be continued as a check on the anomalous original readings. That has been passed to the applicants, however they have declined to enter into such a process, saying:

1. They do not wish to enter in to further discussions on causation, and

2. On that basis they request that a decision on their application to remove the oak is made at the next planning committee meeting. They also say:
3. That solicitors have been instructed to obtain expert advice with a view to seeking recovery of insurer's costs for underpinning in the event consent is refused for removal of the oak.

On that basis the report follows in its original form with the same recommendation. However it would be open to the committee to decline to determine the application on the basis that the additional information is reasonably required for any determination to be made.

Description of Proposal:

Oak. Fell.

Description of Site:

The tree stands approx 10m in height, and on the front boundary, close to the junction into the Fairmead development and immediately behind the pavement. The house itself is set back some 9m from the tree. The flank of the building is connected to its garage by a brick wall, approx 1.8m in height, which encloses the rear garden, and also leaves an extensive open lawn to the front. The tree itself sits prominently in that area. Although relatively young for an oak, it is an important feature of the local street scene.

Relevant History:

TPO/EPF/13/90 was a strategic order, protecting the most prominent trees on the Fairmead School site, before development.

EPF/9/92: Outline consent for 112 houses APP/CON

EPF/0410/96: Details of 108 houses APP/CON

The development was designed and constructed in 1997 to allow tree retention, with relevant tree protection and landscape conditions. There is no specific recent history. Consent was granted in 1998 for a limited crown lifting, ref EPF/0114/98.

Policies Applied:

Epping Forest District Local Plan and Alterations, LL 09: Felling of preserved trees.

Summary of Representations:

LOUGHTON TOWN COUNCIL: Objects to inappropriate treatment to any significant tree and on that basis objects. It would prefer the roots to be contained, rather than the tree felled.

LOUGHTON RESIDENTS ASSOCIATION Objects. Willing to withdraw objection should the council's arboriculturist approves felling, subject to suitable replacement. .

Issues and Considerations:

Introduction

The reason given for the felling within the application as submitted in October 2012 was that the "tree is causing clay subsidence damage". Members will be aware that the costs arising from decisions are claimable against the LPA in relation to TPO decisions, and that in subsidence cases these can be considerable. The application on submission was supported by:

- 2 technical reports from Crawfords (Loss Adjusters), dated September 2010 & October 2012;
- an Arboricultural Appraisal report from MWA Arboriculture of August 2012,

- levels monitoring results and
- supporting technical information on soils, foundations and drains.

The damage was said to be to the main house, a conservatory and also to the brick garden wall. Although drains had been leaking it was stated that their location meant they were unlikely to be a relevant factor.

The LPA appointed an independent structural engineer to provide advice, (P Kelsey Associates). An accompanied inspection was undertaken in January 2013, following which an additional technical report was received in April from Crawfords. This committee report is based on that information set, and the advice received from P Kelsey Associates, including following the most recent submission. Investigations have also referred to building control records for the original foundation design and the ground investigations report accompanying the building control application for approval of details, ref BC/1074/96.

The Tree

The assessment of the tree is that it is healthy, and of good form. It is a valuable tree, but not fully mature. Generally therefore if there were compelling evidence that the tree were causing structural damage, that the affected structures have been properly constructed in accordance with contemporary good practice and guidance and that its removal would restore stability to the structures involved then the policy LL9 would be satisfied, and removal, with suitable replacement, would be recommended. It is true that felling can sometimes be avoided by other technical solutions, such as underpinning or by constructing a root barrier, but these will generally be considerably more expensive and justifiable only for trees of the highest value, which this while important, is not.

Main considerations

The main considerations therefore are:

- How strong is the evidence linking tree root activity to the damage?
- Would tree removal assist in their resolution in a cost effective manner? And also
- Whether the structures damaged in this case have been properly constructed, particularly given that the tree was present and subject to TPO prior to construction?

Damage to the property

The reports supporting the application conclude that there is root related subsidence to the property. The latest report states “the additional site investigations have confirmed our earlier diagnosis that the cause of subsidence is root induced clay shrinkage. It is now clear that the oak’s influence is throughout the property and, therefore, there is even more need to fell the tree as the dominant and effective cause...If the council refuse (the application)...then partial underpinning will be needed to stabilise the property. This would escalate the current repair reserve of £7k to over £120k to include underpinning and alternative accommodation.”

In terms of the damage evident there appears to be no evidence of externally visible damage to any of the main house walls, with none of the characteristic stepped cracking from doors or windows associated with subsidence. However there is crack damage to internal walls and ceilings, and within the kitchen. The floor of the kitchen is visibly lower than it should be, with associated damage to kitchen fittings and tiles etc. The floor of the conservatory is visibly disrupted, with cracking at its junction with the house proper. The boundary wall is widely cracked, and also out of true.

Discussion

The application as originally submitted was on the basis that the house foundations were substandard, only 1m deep, and this was the cause of the cracking. Level monitoring showed a

considerable annual movement, consistent (it is said) with tree root activity. It is stated that the clay is desiccated.

In relation to the main house P Kelsey Associates point out that there are serious flaws in the interpretation of the data, not remedied in Crawford's latest report. In particular they state that the best interpretation of the levels data suggests that it is the datum point that is moving, rather than the property itself, which accounts for the lack of damage to the main structure. They suggest that the internal damage arises from a failure of the floor slab, not the foundations. The foundations have been ascertained to be from 2.5 to 2.25m deep, which broadly accords with the approved details, and should be more than enough at 9m for a tree of this size. It appears from the technical information that, where the floor should be suspended, it is in fact ground bearing, and hence likely to fail irrespective of the tree's presence. Although the subsoil is stated to be relatively dry they point out that the technical information does not bear this out and that, in areas where roots should be present to bear out the allegation, they have not in fact been found.

In relation to the conservatory and wall P Kelsey Ass. point out that both have very shallow foundations, and would be likely to move irrespective of the presence of the tree. The damage to the conservatory is due to differential movement between it and the house as a result of having a clearly insufficient foundation; while oak root activity is likely to have been at least a contributory factor in this damage its removal would not prevent further movement and so further damage would, they consider, be inevitable.

Conclusion

The owner of 43 Colebrook Lane has a very understandable desire to have the defects to his property, now of longstanding, remedied under his insurance policy. However it is suggested that the tests to allow tree removal are not satisfied.

1. The evidence to support the application in respect of the main structure, the house, is badly flawed. It does not demonstrate that the main house is suffering from subsidence.
2. It does not seem from the evidence supplied that removal of the tree would assist with resolution of any of the structural issues which have been identified
3. The failures all arise from construction defects which need to be remedied, irrespective of the tree's presence.

It is therefore concluded that policy LL9 of the Local Plan and Alterations is not satisfied and that the application should therefore 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:

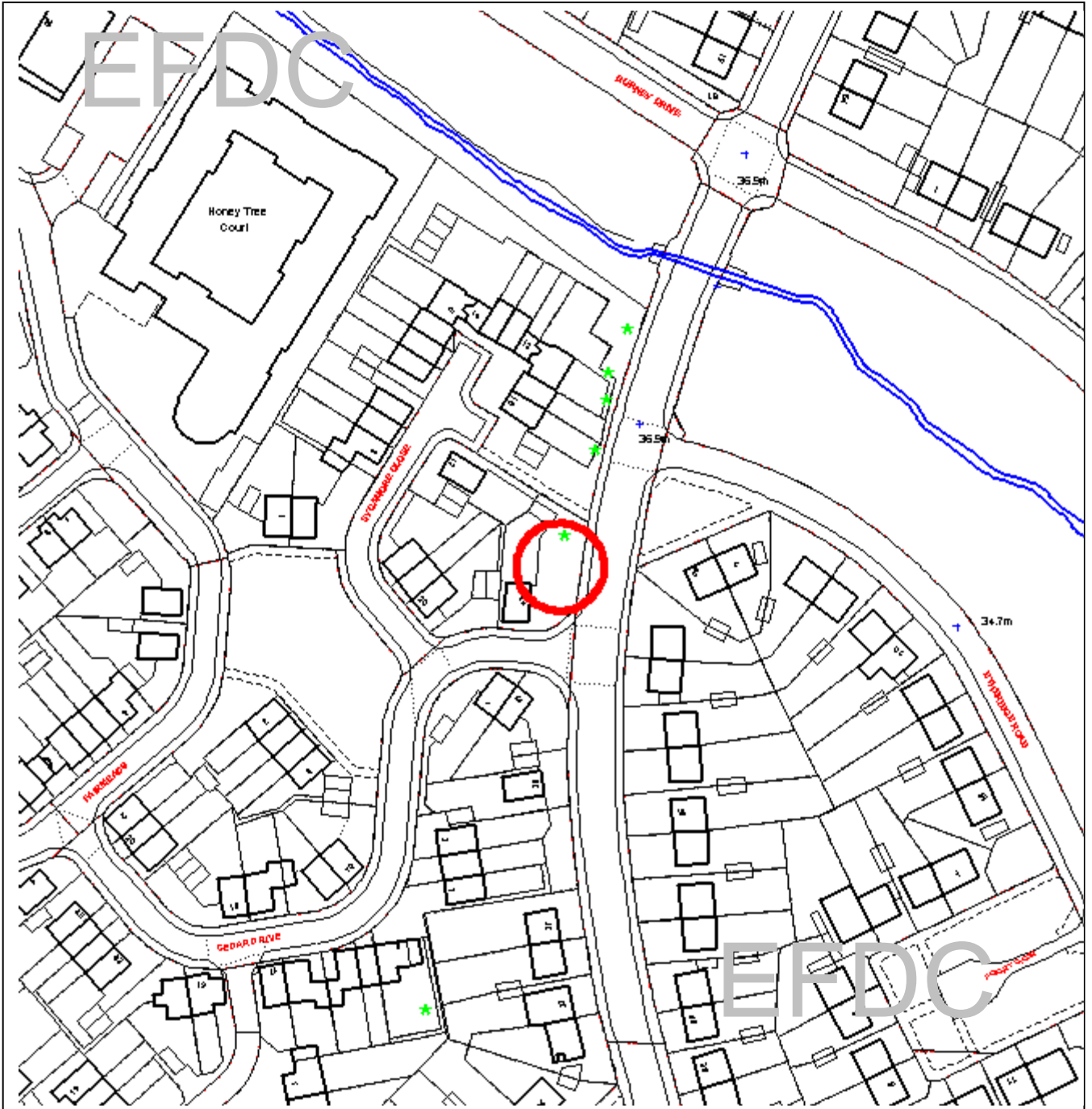
**Planning Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117**

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/2025/12
Site Name:	43 Colebrook Lane, Loughton IG10 2HJ
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0943/13
SITE ADDRESS:	20 Emmaus Way Chigwell Essex IG7 5BY
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	The Owner/Occupier
DESCRIPTION OF PROPOSAL:	TPO/EPF/11/11 T1 (T20 on TPO) - Oak - Fell
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549134

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site

The oak stands in the rear garden, immediately behind the detached garage. It is visible above the garage from the street, however there is another oak tree behind, and another larger oak to the side.

Description of Proposal

Felling with replacement by a birch.

Relevant History

There is no specific history. The current order TPO/EPF/11/11 was made in 2011 as a strategic order, re-protecting selected trees covered by the original area TPO. It does appear however that the tree has been reduced

Relevant Policies

LL9 – Felling of preserved trees

'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'

Summary of Representations

CHIGWELL PARISH COUNCIL: Objects in principle to all inappropriate treatment, including tree felling, but would withdraw objection if the council's professional officers recommend approval.

Issues and Considerations

The application is as a result of (alleged) structural damage to the garage. It is supported by a surveyor's report of August 2012, ensuing results of site investigations of soil etc. and levels monitoring from August 2012 to February 2013 and an arboricultural report, based on those findings, of April 2013. In this case the LPA has not instructed independent engineering advice.

The application is on the basis that:

1. The tree is causing clear and significant damage to the garage;
2. Felling the tree would reduce repair costs from £6.5k to £1.5K and allow a quicker resolution of the issues;
3. There are no viable appropriate or effective alternative solutions, and
4. A new silver birch in the rear garden would provide mitigation.

It is considered that the key issues are;

1. Whether the evidence points to the oak as the principal cause of the damage;
2. Whether removal is the appropriate response in engineering terms; and
3. What impact its removal would have on the street scene.

The officer's site visit established that the damage to the garage was significant, and consistent with that part of the building closest to the tree subsiding relative to the remainder. The evidence supplied, although not completely conclusive (the period of levels monitoring is shorter than ideal) clearly points to a root related event. In terms of seriousness it is categorised in the report as BRE Digest 251 category 2, slight, meaning it is reversible without underpinning if the cause is removed. The tree is so close that other options, apart from underpinning, would not be viable.

The tree is not judged to be of moderate, rather than high visual importance. It is semi-mature, approx 12m in height, trunk diameter 25cm and its crown has been reduced, in height and spread, apparently by previous owners. Its removal would be of less visual impact because of the second oak, which is of similar size, and also subject to TPO, in the garden of 18 Ely Place, in the same line of sight from the street. (It should however be noted that the arboricultural report recommends that tree's removal as well on a precautionary basis).

The subject tree's life expectancy is also severely compromised by a serious weeping wound on the stem at ground level. The cause is unknown, and this is not mentioned in the report, however the most likely cause is bacterial infection of the sap following wounding. This is likely to have a serious long term impact on its health and prospects for growth.

While a birch in the rear garden, as suggested, would be welcome, it would not offer significant mitigation. From discussion with the owner it appears that the front garden is unsuitable for tree planting.

Conclusion

That felling offers a necessary solution to the problems which it is reasonable to conclude are being caused by the oak, and that this is justified in this instance by the limited value and prospects of the subject tree.

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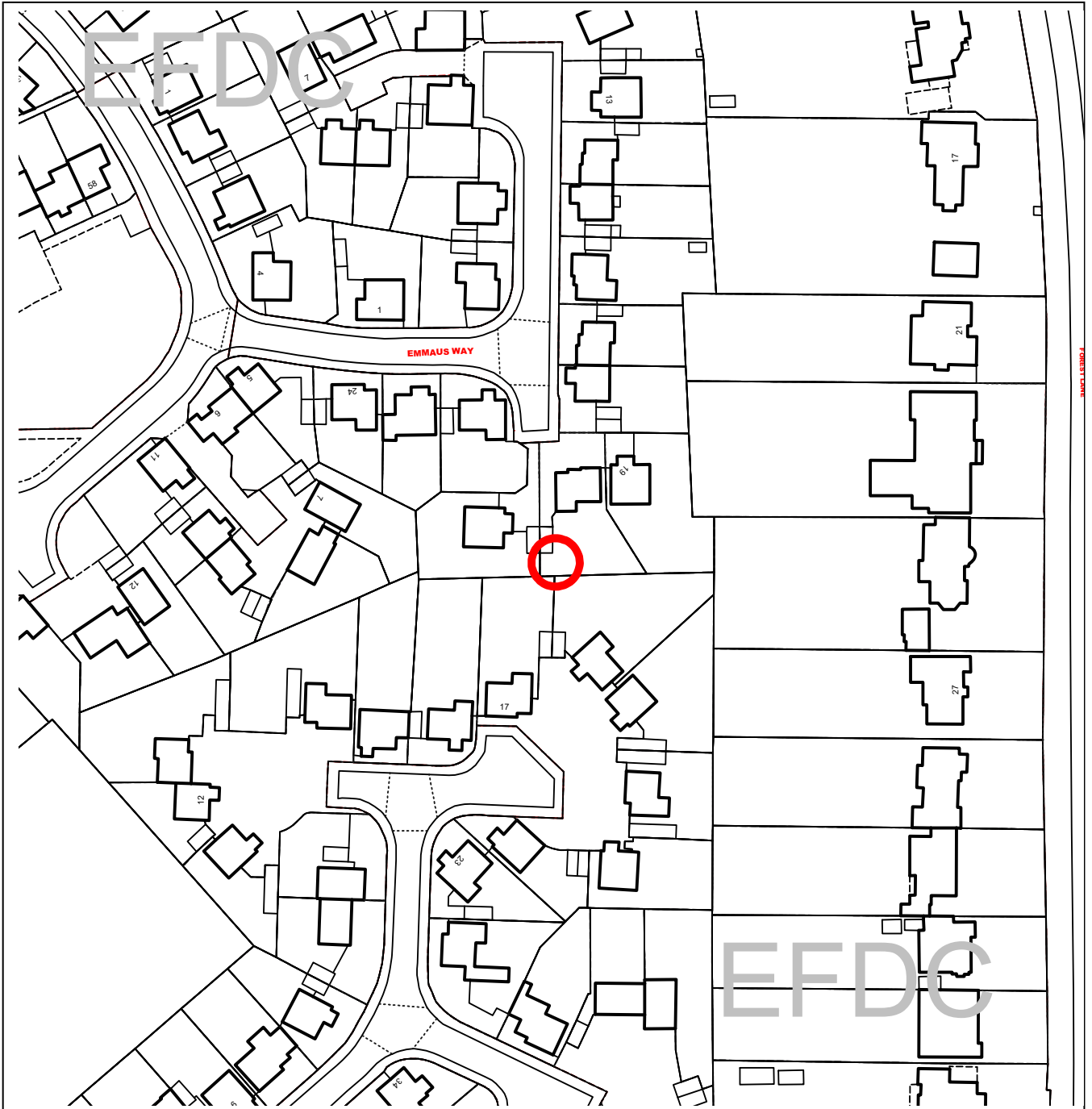
***TPO Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117***

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Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/0943/12
Site Name:	20 Emmaus Way, Chigwell IG7 5BY
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1004/13
SITE ADDRESS:	Adjacent to garage block The Bowls Chigwell Essex
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Infront Innovation
DESCRIPTION OF PROPOSAL:	TPO/EPF/14/08 T1 (T19 on TPO) - Birch - Fell TG1 (T20 & T21 on TPO) - Birch x 2 - Fell TG3 (T15 & T17 on TPO) - Birch x 2 - Fell TG4 (T18 on TPO) - Birch - Fell
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549510

CONDITIONS

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site

The birches which are the subject of the application form part of a larger group, standing to the front and side of the 2 level garage block which is to the north as you enter the site.

Description of Proposal

Felling of 6 birches.

Relevant History

There is no specific history. The current order TPO/EPF/14/08 was made in 2008 as a strategic order, re-protecting selected trees covered by the original area TPO.

Relevant Policies

LL9 – Felling of preserved trees

'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'

Summary of Representations

CHIGWELL PARISH COUNCIL; Objects in principle to all inappropriate treatment, including tree felling, but would withdraw objection if the council's professional officers recommend approval.

Issues and Considerations

The application trees form part of a visually important group, and while some are of poor quality two are (for birch) good specimens. However their location is such that they are of limited public importance. The single most important tree in the group, a fine swamp cypress, is unaffected; the more important trees to the west of the entrance to the garages, which are more publicly visible, are also unaffected.

The application is as a result of (alleged) involvement in structural damage to the garage block. It is unusual for applications to be received based on allegations of subsidence by birches, however it is not impossible that they should be so implicated. It is supported by a brief engineer's report of January 2012, with an addendum report (slightly enlarged) of March 2013. Supporting information includes root identification of birch roots, results of site investigations of soil etc., levels monitoring from November 2012 to March 2013 and crack monitoring from January 2012 to May 2013. There are brief comments from the tree perspective. In this case the LPA has not instructed independent engineering advice.

The application is on the basis that:

5. The trees are causing clear and significant damage to the garage block;
6. Felling the trees is necessary as part of a wider vegetation management program (involving shrubs/ non TPO tree) to avoid underpinning of the garages, and would reduce repair costs by in the order of £60K;
7. There are no viable appropriate or effective alternative solutions.

It is considered that the key issues are;

4. Whether the evidence points to the involvement of the birch in the damage, particularly given that they are classed as being of low water demand;
5. Whether removal is the appropriate response in engineering terms;
6. What impact their removal would have on the street scene, and
7. Whether replacement planting could offer mitigation.

The officer's site visit established that the damage to the garage was significant and consistent with that part of the building closest to the tree subsiding relative to the remainder. While this is not stated in the application details, the majority of the block effectively has 2m+ deep foundations as a result of its 2-level construction, the lower level being largely underground. However the short section backing onto the area where the trees stand has no basement level and much shallower foundations. What is clearly happening from the pattern of damage is that the majority of the block is stable, but the closer section is moving significantly relative to the rest. This has caused damage to the floor and the walls. The evidence supplied clearly points to a root related event. Birch roots have been found (along with roots of other species) in plentiful quantities in the trial pits. In terms of seriousness it is categorised in the report as including damage to BRE Digest 251 category 5, which is the most severe. However, given that these are garages, not houses, the possibility of a movement joint as opposed to underpinning might have been investigated. Also given that the works are categorised as severe (and so not resolvable through felling and minor repair alone), it is also not clear how the estimate of £60,000 extra costs in the event of refusal was arrived at.

4 of the 6 trees are of moderate, rather than high quality. Two of them are good specimens, but neither individually nor collectively would the removal of all six have any significant impact on public amenity. The application selects only the closest trees, and leaves a further 3 birches to the front (unfortunately of lesser quality than 2 best of those to be removed) as well as the landmark swamp cypress. The site is generally well tree'd, and as noted above these are set behind other trees.

Birches of course also have limited life expectancy in the UK, as a result of the ubiquitous Birch Polypore fungus. Replacement trees in this location would offer no significant mitigation, and the wider site is not in obvious need of further tree planting.

Conclusion

While the quality of the application details and analysis is unhelpful to the application, it appears that there is a real problem, and that felling on balance is likely to contribute to a more cost effective solution. Given the minimal impact on public amenity of the proposed felling it is concluded that felling is justified and accords with local plan and alterations policy LL9. It is therefore recommended for approval, without replacement planting.

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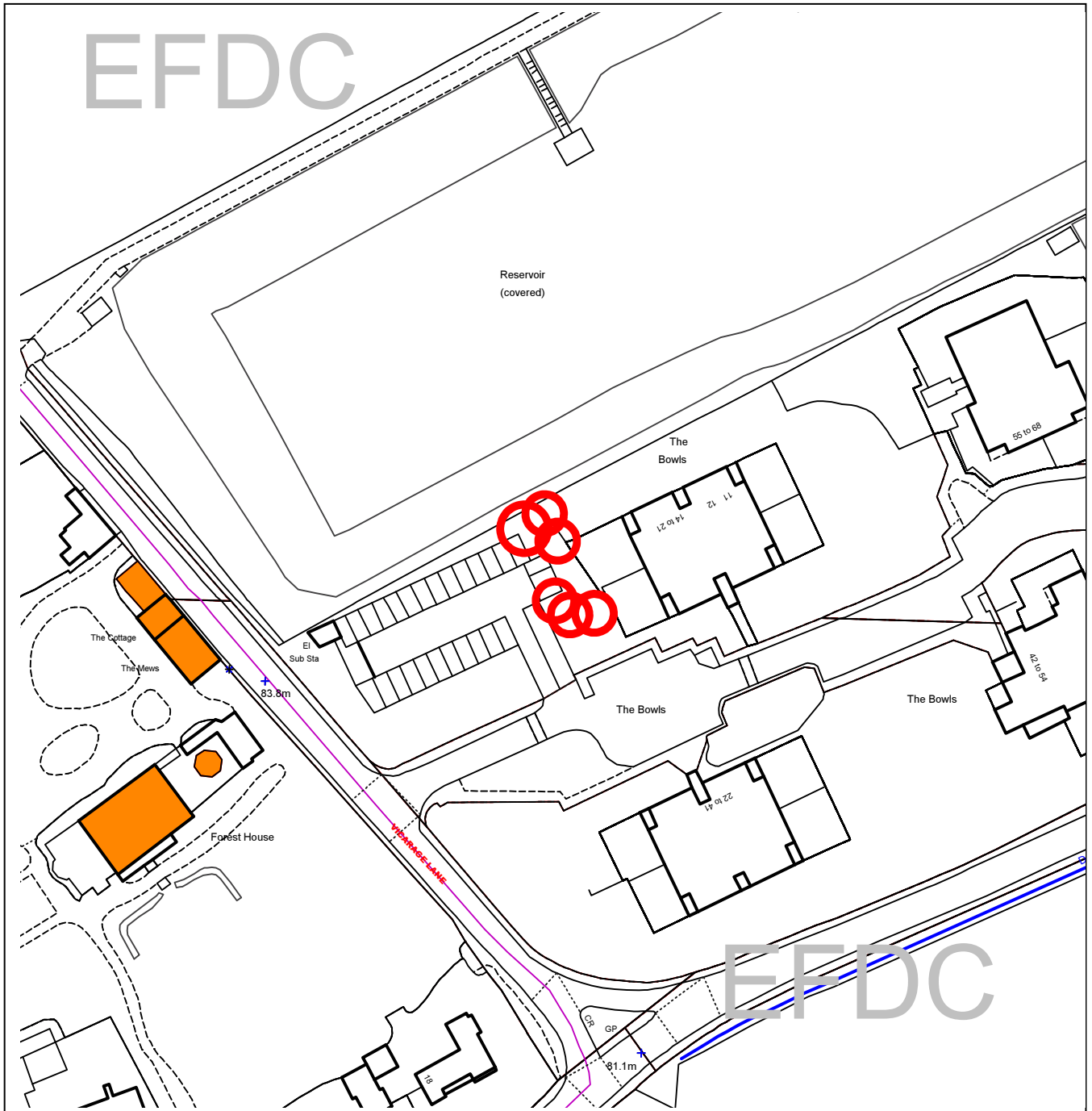
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Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/1004/13
Site Name:	Adjacent to garage block The Bowsls, Chigwell,
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/2031/12
SITE ADDRESS:	10 Rectory Lane Loughton Essex IG10 1NZ
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	JEDCO Logistics t/a Loughton Metals
DESCRIPTION OF PROPOSAL:	Change of use of premises from use for storage purposes (Use Class B8) to use as a scrap yard for the purpose of recycling metals (Sui Generis)
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542639

CONDITIONS

- 1 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the times of 07:30 to 18:00 Monday to Friday and 08:00 to 14:00 on Saturday. No such activity shall take place at any time on Sundays, Bank or Public holidays.
- 2 No loading or unloading of vehicles or skips in connection with the use hereby permitted shall take place outside of the building that comprises the application site.
- 3 No open storage of goods or material in connection with the use hereby permitted and no stationing of skips in connection with the use shall take place in the estate within which the application site is situated.
- 4 No vehicles shall be dismantled within the application site and no vehicles shall be dismantled in connection with the use hereby approved in the estate within which the application site is situated.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

This application is also 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: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Background:

This application was reported to the meeting of this Sub-Committee held on 13 February when Members resolved to defer making a decision on the application to allow for 2 months monitoring of noise, particularly during noisy activities, and to allow further consideration to be given to management of the loading/unloading of large vehicles.

The applicant wrote to the Council on 5 March stating an acoustics specialist, SKM Enviro, would be employed to carry out noise monitoring. However, to date no report of noise monitoring has been submitted. The applicant telephoned the Case Officer in June to advise no monitoring had been carried out due to the cost of doing so. Written confirmation of that statement of the applicants' position on the matter of noise monitoring was requested but none received. In the circumstances this application must now be reported back to Committee for decision without the noise monitoring information it requested.

In his letter dated 5 March the applicant gave consideration to further measures to deal with noise and these are discussed below in the body of the report on this application.

Description of Site:

The application site is a unit within a small industrial estate off Rectory Lane that is bounded by a mix of commercial uses and flats. The commercial uses include offices and other uses within Use Class B1 fronting Rectory Lane and shops fronting Goldings Hill with a mix of office, storage and residential above. Residential properties include flats at Milners Court, The Croft, whose south elevation primarily looks to offices at Buckingham Court, Rectory Lane, but also looks obliquely to the site from a distance of 30m. A further concentration of residential properties near the site is upper level flats at Peterson Court, 1-4 Lower Road.

The industrial estate comprises of a factory producing machinery, Press Parts, an MoT testing station/vehicle repair business and a metal recycling facility/scrap yard, Loughton Metals (the application site). All the uses are carried out within buildings, although the MoT testing station/vehicle repair business includes a yard area. There are two main buildings at the industrial estate, one accommodating the application site and the MoT testing station/vehicle repair business at the southern end and, at its northern end, a second building used as a machinery factory. Both buildings are single storey, although the application site includes a mezzanine office. A parking area separates the two buildings.

The industrial estate is accessed off Rectory Lane via an access that also serves offices at Buckingham Court. Loughton Town Council's offices are in Buckingham Court.

Description of Proposal:

The application proposes the use of the site as a scrap yard for the purpose of recycling metals. Such use does not fall within any Use Class and therefore is treated as being in a class of its own (sui generis).

The use has been continuing since June 2010 following the completion of works to refurbish and fit out the building. For the avoidance of doubt, the application site only includes the building and unannounced inspections of the building have found the use, including all loading and unloading, takes place within the building, which has a large vehicular access point in its west facing elevation. Ancillary parking of vehicles takes place in the common parts of the industrial estate, normally alongside the application building.

All substantive activity carried out in connection with the use takes place within the building. The main activities include weighing of goods received and product recovered, stripping of cables to

recover metal, sorting, cutting, baling and storage of recovered metal. All ancillary office activity is carried out within the building. A large skip for the ancillary temporary storage of metal the business cannot use prior to disposal is normally stationed alongside the application building. Machinery used within the building is generally small, the largest being a fork lift for moving bales of material.

No motor vehicles are dismantled at the premises in connection with the use carried out. The business employs 8 full time staff at the site. Its operating hours are 07:00 to 17:00 Monday to Friday and 07:00 to 12:00 on Saturdays. It does not operate on Sundays or Bank/public holidays.

Relevant History:

The planning history for the site is that for the industrial estate as a whole. It includes planning permissions given in the 1950's and 1960's for the erection of a factory, workshops and engineering shops in connection with a general industrial use carried out by firms known as Bangold Ltd and Abbey Plastics Ltd. The only planning permission given since was in 1995 and relates to the erection of a vehicle storage building in the yard of the MoT testing station/vehicle repair business adjoining the application site.

A combination of planning and Valuation Office records show the building that is the application site was fully occupied by a company trading as James Green & Nephew since at least 1989 until November 2008, when the company started to move to other premises and only operated from half of the building until September 2009. There is no record of any other company occupying the building or any part of it between its occupation by James Green & Nephew and Loughton Metals. James Green & Nephew are suppliers of catering and kitchen equipment to the restaurant trade and an informal enquiry to the company found their use of the application site was primarily as a warehouse (Use Class B8).

A planning enforcement investigation was started into the use of the site when a member of the public reported the use in October 2012, investigation ref ENF/0541/12. The use was found to be operating without planning permission and an application was invited. This application was received in November 2012.

Policies Applied:

The National Planning Policy Framework gives the main policy context for assessing the merits of this proposal. The following Local Plan and Alterations policies are consistent with the NPPF and are given full weight in this assessment.

RP5A Adverse Environmental Impacts

DBE9 Loss of Amenity

Policy E4A "Protection of Employment Sites" was applied in the previous report to Committee but has subsequently been found not compliant with the NPPF therefore no weight can be given to it.

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 70

Site notice posted: Yes, on Rectory Lane adjacent to access.

Responses received:

3 MILNERS COURT, THE CROFT, LOUGHTON:

"Activity seems to have increased recently with increased noise and vibration levels.

The times for the activity should be commencement at 8am - not 7am.

There is no reference to potential dust or other air pollution measures. Will there be sound insulation or dust and any smoke control. Is there to be a limit on vehicle deliveries in both numbers and delivery hours?"

175 HILLYFIELDS:

"The business has been operating for a little while and does not seem to cause significant problems. They do, however, make some noise occasionally which I think is the result of unloading and moving skips. If planning permission is granted for this proposal, I would ask that a condition should be imposed restricting the hours when this can be done to, say, 9am to 6pm. As far as I am aware, the previous use of the premises did not have an hours restriction, so a "blanket" hours restriction would not seem appropriate, but the particularly noisy activity of unloading and moving skips should be controlled."

LANDLORD OF 2 BUCKINGHAM COURT:

My tenants say they will relocate if the scrap yard is given planning consent. This is due to the noise and heavy goods vehicles travelling in and out of the site, which causes considerable disruption.

I understand the scrap yard has been trading without planning permission for the past 2 years and that Epping Forest District Council have received complaints from tenants at Buckingham Court regarding their concerns over noise and parking.

HERN & COMPANY, 3 BUCKINGHAM COURT:

Loughton Metals have been trading in breach of their current planning usage since 2010 and should not now be allowed to seek to change of use based on past inappropriate trading.

A complaint was made to the Council's Environmental Health Department in April 2011. A proposed investigation for causing a statutory nuisance did not proceed and a formal complaint was decided against. However, since that time the noise level has not abated and at times is excessive for all neighbours.

The access to the site has been painted with hatching to set out a No Parking area as a consequence of the number of large vehicles being used by Loughton Metals in an endeavour to reduce the risk of any accident to vehicles or pedestrians accessing Buckingham Court.

BASE LONDON LTD, 4/6 BUCKINGHAM COURT:

"...our offices are directly next to the premises. I wish to strongly object to the proposed change of use.

The immediate area is made up of a mix of residential properties and office use. A scrap yard is therefore totally inappropriate in what is otherwise a very quiet and peaceful area.

The noise from the existing premises is already at completely unacceptable levels and I would therefore object to any development at the site."

NETCO UK LTD, 6 BUCKINGHAM COURT:

Identical letter to that of Base London Ltd submitted setting out objection.

LOUGHTON RESIDENTS ASSOCIATION (PLANS GROUP):

“We object to this application – it is an inappropriate use on this site, which on one side is bounded by residential properties (flats).

If nevertheless the Council is minded to approve the application, we ask for a condition limiting working hours to normal business hours.”

LOUGHTON TOWN COUNCIL:

Prior to the initial consideration of this application by the Committee the Town Council submitted the following statement:

“The Committee deplored the retrospective application and OBJECTED to the proposal, which was in contravention of the established use. Members were concerned the change of use to a scrap yard, along with vehicular movements of deliveries and collections of scrap metal would cause noise nuisance and disturbance to adjacent properties in Goldings Hill, Lower Road and Buckingham Court.”

Following the decision to defer making a decision on the application the Town Council submitted the following further statement:

“The Committee NOTED that this planning application had been deferred by the District Council’s Area Planning Subcommittee South at its meeting on 13 February 2013, to enable monitoring of the noise nuisance from the day to day operations of the recycling business at this site. As Loughton Metals had since removed the large roll-on, roll-off skip container, the source of the majority of the noise nuisance experienced by neighbouring businesses, this had meant that during this period, noise nuisance has been kept to a minimum.

The Committee requested that, should permission be granted by the Planning Authority, conditions be imposed to prevent the use of such skips and their associated loading and unloading operations on the vehicle access road at anytime in the future. It was understood this request was supported by the other businesses on the Buckingham Court estate.”

Main Issues and Considerations:

The application site is situated within a long established employment site that originally was used entirely for general industrial purposes without limitation. The estate itself was subsequently subdivided and the use of the building that comprises the application site was changed to use for storage purposes. No planning permission exists for that but it is unlikely consent would have been withheld. Following a period of vacancy the current use of the building started in 2010. There is no doubt the use is an employment use and the activities carried out in connection with the use are appropriate to an employment area. Those activities are contained within the existing building and the vehicle movements generated do not appear to have led to any conflict with any other use on the estate. Moreover, use for general industrial purposes, the original lawful use of the site, could easily generate a similar or greater level of vehicle movements. On that basis it is found the particular use carried out over the past 2.5 years is an appropriate one within the estate and that it accords with relevant policies in respect of employment areas.

The main issue raised by the proposal therefore is whether noise generated by it would cause excessive harm to the amenities of the occupants of neighbouring business and residential premises and, if that is the case, whether it could be properly mitigated by planning conditions. It is alleged noise from vehicle movements and loading and unloading interferes with the operation of adjacent businesses at Buckingham Court. The business premises at Buckingham Court are nearer to the site than nearby flats, but such premises are less sensitive to noise disturbance. In

this case the occupants of nearby residential properties have generally not commented on the use, the only comments received from local residents concern possible conditions that could be applied to safeguard living conditions.

In order to clearly assess the consequences of noise from the use for nearby business and residential uses the Environment and Street Scene Directorate of the Council has taken noise readings from the site. The main noisy activity was found to be from customers depositing metal onto the scales within the building. Whilst loud on the boundary of neighbouring businesses, the noise was found to be of very limited duration and unlikely to cause a significant loss of amenity within the business premises when their windows are closed. While there may be an issue with windows open, the Directorate's advice is that is unlikely to cause any excessive harm.

On that basis the Environment and Street Scene Directorate recommends the imposition of a condition limiting activity outside the site to 07:30 to 18:00 Monday to Friday and to 08:00 to 14:00 on Saturday.

Having regard to the advice of the Environment and Street Scene Directorate it was previously concluded the degree of harm caused by noise from the use was not of an order that amounts to excessive harm to either the living conditions of nearby flats or sufficient to interfere with the operation of neighbouring businesses.

However, information from neighbouring businesses and the Town Council, whose offices are adjacent to the application site, it is that it appears the main experience of noise nuisance arises from any loading/unloading activity and use/movement of skips outside of the building. The noise from activity within the building, including loading/unloading of vehicles has not generated complaint. Such experience verifies the finding of Officers that the building adequately contains noise generated by all activity generated by the use within it.

The applicants' further proposal to manage noise was to remove the large skip previously kept outside the building. That was implemented and advice from the Town Council was that it appeared to be effective. Subsequently, the Town Council has reported incidence of noise nuisance arising from the loading of metal into a lorry outside of the building. Photographs were submitted as evidence of the activity.

In view of the proximity of noise sensitive premises and neighbours actual experience of how the use has operated, it is clearly necessary to deal with the potential for intensification of the use to the extent it could cause such harm. This can be achieved through the imposition of planning conditions restricting specific activity to within the building, prohibiting specific activity and limiting the times potentially noisy activity can take place. Such conditions would be enforceable and are set out in detail at the beginning of this report.

The conditions include prohibiting any loading/unloading of vehicles outside of the building, any open storage or stationing of skips outside of the building and any dismantling of vehicles as well as a limitation on times of activity. While it is unfortunate that no noise monitoring has been carried out as requested, in the light of actual experience of the operation of the use it is found that compliance with such conditions would safeguard the amenities of neighbouring businesses and dwellings. Since such conditions are enforceable the District Council would be in a good position to take action to remedy the harm caused by any breach.

Conclusion:

The particular way in which the existing use operates – entirely within a building and without dismantling vehicles – gives it an intensity that is appropriate to its location within a long established industrial estate. The use has the potential to cause harm to amenity but it is possible

to properly safeguard against such harm by the imposition of suitable conditions on any planning permission granted. It is therefore still recommended that conditional consent be granted.

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:

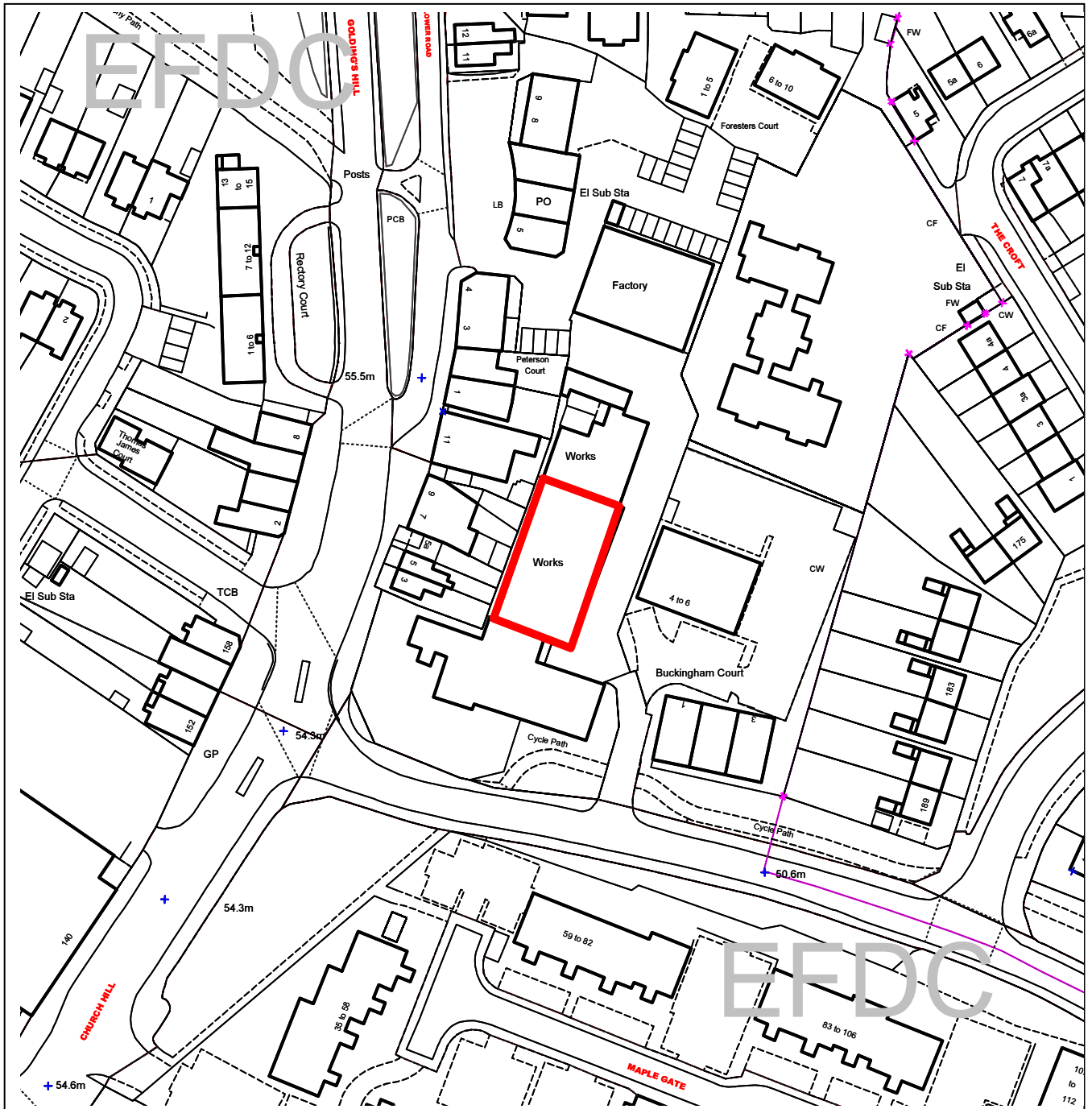
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/2031/12
Site Name:	10 Rectory Lane, Loughton IG10 1NZ
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/0652/13
SITE ADDRESS:	3 Stradbroke Grove Buckhurst Hill Essex IG9 5PD
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mrs Heather Milne
DESCRIPTION OF PROPOSAL:	First floor side extension and ground floor rear and side extensions.
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547611

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 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.
- 3 Prior to first occupation of the development hereby approved, the proposed first floor side windows facing north towards number 1, Stradbroke Grove shall be entirely fitted with obscured glass 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.

This application is before this Committee since the recommendation is for approval contrary to an objection from the local council which is material to the planning merits of the proposal (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(g)).

Description of Site

Semi detached two-storey house where a smaller first floor is contained within a long 'cat slide' side roof which contains two small side facing dormer windows. A former garage at the rear and side of the house is used as a studio. The street contains a variety of two storey dwellings. The property is not listed nor does it lie within a conservation area.

Description of Proposal:

Erection of first floor side extension, and ground floor rear and side extension.

Relevant History:

None.

Policies Applied:

DBE9 – Loss of amenity.

DBE10 – Residential extensions.

The above two Local Plan policies are compliant with the NPPF.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – Object on grounds of overdevelopment, not in keeping with street scene, and adverse effect on symmetry of existing property.

NEIGHBOURS – 4 properties consulted and no replies received.

Issues and Considerations:

This type of house with long ‘cat slide’ roof is characteristic of houses found elsewhere in the district eg Valley Hill in Loughton, and Morgan Crescent in Theydon Bois. As in the case of this property most of these houses historically have been extended, via permitted development, at the side at first floor level, not least to provide an upstairs bathroom.. More recently many of these houses have been more significantly extended by way of two storey side and rear extensions.

The proposal includes removal of the two small side facing first floor dormers and replacement with a full length side dormer window extension. This side dormer extension will have a sloping roof over it, and will be positioned 0.7m behind the main front wall of the house thus reducing its effect on the front appearance of the house. The adjoining semi at no.5 has an identical side dormer extension as viewed from the front, and the proposed side dormer extension will be an acceptable alteration to the appearance of the house and the street scene. 3 side facing windows will replace 3 existing windows, two will be bathroom windows and the third, providing secondary light to a bedroom, will be subject of a condition requiring obscured glazing so as to prevent loss of privacy to the neighbouring no.1.

The existing house contains a ground floor wing with loft space over. It is proposed to extend the side dormer extension in a full first floor extension over this wing which would project 2.5m beyond the main rear wall of the house. A small pitched roof with flat top is proposed over this first floor addition, this roof being a continuation of the roof over the proposed side dormer extension. The proposed roof is smaller than the main roof of the house and hence looks a little awkward in its relationship to the existing house. However, this will only be viewed from the rear where the tube line occurs and it will have no impact on the front street scene. This first floor rear extension is therefore satisfactory in its design and appearance.

At the rear this house and the adjoining semi at no.5 have a recessed area alongside their respective ground floor wings, and this recessed area is relatively unused because of the shadow cast. It is proposed to erect a 5m depth extension partly in this space, and the impact this extension could have is lessened by the relative lack of use of the corresponding recessed area in no.5. The existing boundary wall will also be retained which will further reduce impact, and no objection has been received from no.5 in relation to this planning application. In this context this 5m rear extension is acceptable, and will not cause undue loss of amenity to no.5.

The proposal also includes a utility room extension to replace an existing shed on the boundary with no.1, and a new side porch. The house at no. 1 is separated from the common boundary between the two houses by a garage, and these utility room and porch extensions will have a very limited impact on the amenity of the neighbouring no.1.

Comments on representations received.

The Parish Council are concerned that this is an overdevelopment. Although the proposed extensions are sizeable this is a relatively large plot and as mentioned above larger extensions have been built to this form of house in other parts of the district. In terms of symmetry as viewed from the front the proposal will match the side dormer extension already built on to the adjoining semi at no.5 and it will therefore not be out of keeping in the street scene. Finally neither neighbour has made comments on the proposals, and this suggests that they do not have any particular worries that the proposals would cause them a loss of amenity.

Conclusions:

The proposed extensions are acceptable and comply with relevant local plan policies. Conditional planning 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:

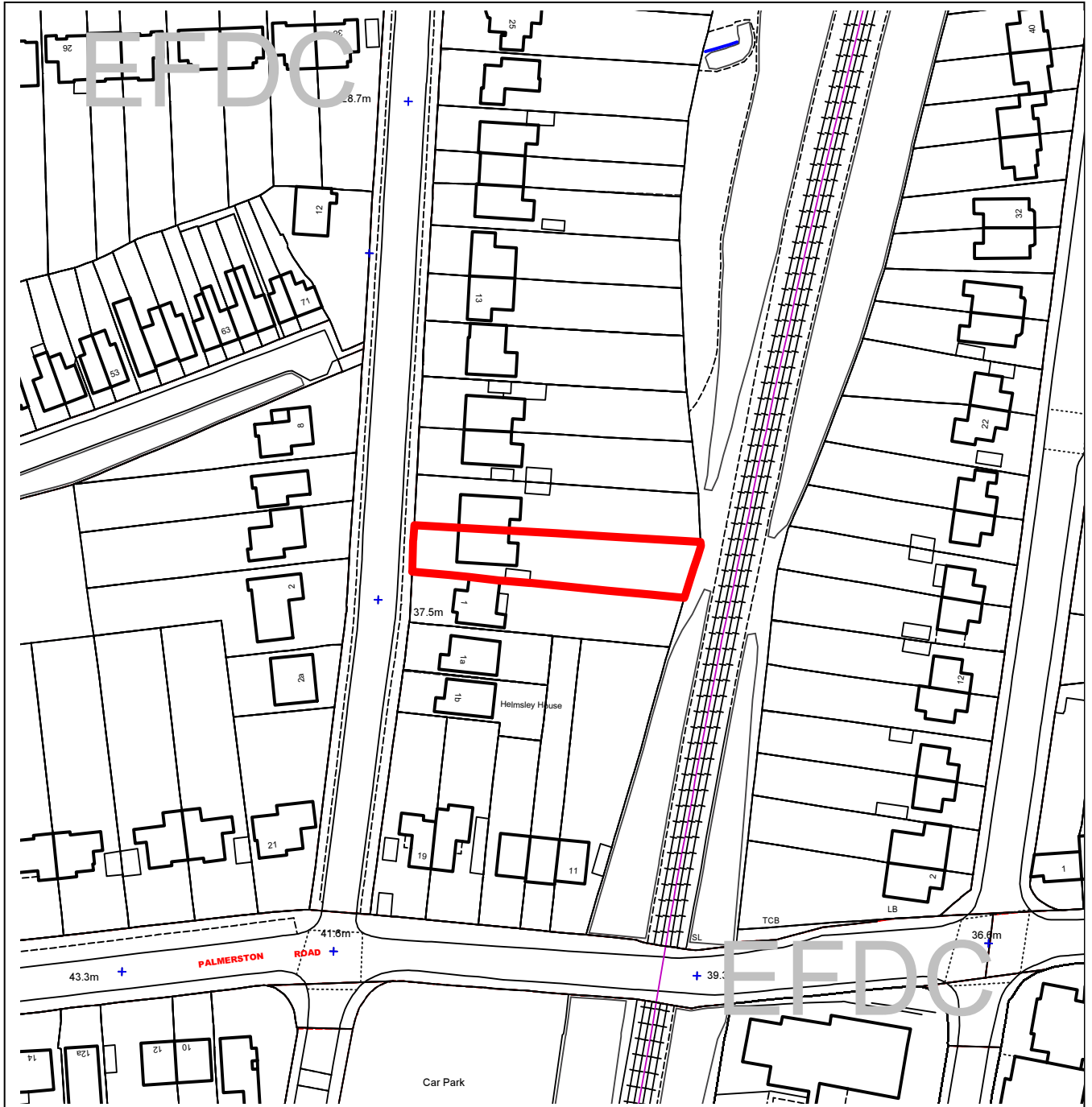
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/0652/13
Site Name:	3 Stradbroke Grove, Buckhurst Hill IG9 5PD
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/0798/13
SITE ADDRESS:	1 Palace Gardens Buckhurst Hill Essex IG9 5PQ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Sunil Kumar Mohareer
DESCRIPTION OF PROPOSAL:	Raising of roof (ridge) height.
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/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548421

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 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.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) or the previous planning permissions on this site no development generally permitted by virtue of Part 1, Class B and C shall be undertaken without the prior written permission of the Local Planning Authority.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

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: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site is a detached bungalow built in the late 1980's located on the south side of Palace Gardens close to its junction with Roebuck Lane within the built up area of Buckhurst Hill.

The bungalow is in an elevated position with steps up to it from the road. Vehicular access is via a drive off Palace Gardens that is shared with No 2, a similar bungalow that faces the application site from the east. No 2 is also at an elevated position in relation to the road but it is at slightly lower level than the application site. West of the application site at higher level fronting Roebuck Lane is Carinya, a wide fronted bungalow with a 12m deep back garden. A distance of 13m separates the rear wall of Carinya from the flank wall of 1 Palace Gardens. Carinya has a rear facing dormer window that looks onto the site. Immediately south of Carinya is a further bungalow, The Fossils, with a back garden 10m in depth. Opposite the site are a pair of two-storey detached houses, nos 9 and 11 Palace Gardens.

There are protected trees to the front and rear of the site. The site is relatively small and the property has a very small rear garden. The site is not within the Metropolitan Green Belt or a Conservation Area.

Description of Proposal:

It is proposed to raise the roof of the bungalow by 0.8m. The ridge height will be raised from 5m to 5.8m.

Since the submitted plans do not show any proposed room in the roof, roof lights or dormer windows they indicate the proposal is not intended to facilitate the formation of rooms within the roof. In order to clarify the purpose of the proposal this was queried with the applicant's agent at the time the application was checked for validity. The agent verbally confirmed there is no proposal to form rooms in the roof but did not go beyond that and clarify the purpose of the proposal.

Relevant History:

EPF/0866/13 – Certificate of lawful development for a proposed rear dormer window – Not lawful (Property does not benefit from permitted development rights for extensions or alterations)

EPF/0638/97 - Single storey side extension – App/Con

EPF/0399/90 - Retention of two detached bungalows and garages as erected but including elevational alterations – App/Con

EPF/0958/88 - Two detached bungalows and garages – App/Con

EPF/0538/84 - Outline application for the erection of 2 detached bungalows – App/Con

Summary of Representations Received:

BUCKHURST HILL PARISH COUNCIL: Objection – Increased loss of amenity to neighbouring properties, concern about potential future use as a residential unit which would be over development of the site and would overwhelm neighbouring properties.

10 Neighbours consulted:

CARINYA, ROEBUCK LANE – OBJECTION scale of development, loss of light, privacy, concern with regards to drains, congestion and visual appearance

2 PALACE GARDENS – OBJECTION – loss of light, outlook and overshadowing, visual impact of the development

45 PALMERSTON ROAD – OBJECTION – loss of light and sunlight, concern with regards to dormer (CLD application) overlooking and size.

THE FOSSILS, ROEBUCK LANE – OBJECTION concern with regards to CLD dormer and loss of privacy, visual impact of increase in height, traffic congestion

15 PALACE GARDENS – OBJECTION loss of light and issues with traffic congestion

11 PALACE GARDENS – OBJECTION impact on light, privacy and outlook, domineering position in the road, traffic congestion

43 PALMERSTON ROAD – OBJECTION - Scale of development, loss of light and sunlight,

9 PALACE GARDENS – OBJECTION to raised height and loss of light

6 THE MEADWAY – OBJECTION – loss of light, converting property to two storey house, loss of privacy, overdevelopment

41A PALMERSTON ROAD – OBJECTION – Loss of privacy, not in keeping with surroundings

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE9 - Impact on amenity

DBE10 - Extensions to dwellings

LL10 – Adequacy for the provision of landscape retention

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Impact of the proposal on the neighbouring properties
- Acceptability of the design
- Impact on the protected trees.

Amenity:

The closest properties and therefore those most affected are 2 Palace Gardens and Carinya. Some additional shadow would be cast at the beginning and end of the day but not to a degree that would amount to an excessive loss of light since the roof would retain its hipped design and the maximum increase in height at the ridge would be 0.8m. Although the pitch of the roof would increase, it would not do so to a degree that would be of consequence for light received at neighbouring houses. For the same reasons the proposal would not have an excessively overbearing impact that could be harmful to outlook when seen from either 2 Palace Gardens or Carinya. Other neighbouring properties are further from the house and therefore even less likely to be affected.

Although several neighbours have objected to the scheme with regards to loss of privacy, no windows have been proposed within the roof space and therefore there is no possibility for the proposal to give rise to any additional overlooking of neighbouring properties. The higher roof, if approved, would create the possibility of subsequently forming a room in the roof. The merits of a possible room in the roof are not for consideration when assessing this application since it is not part of this proposal. Should a room be formed in the roof and windows created in it that may lead to excessive overlooking therefore it is necessary, in giving any consent for this proposal, to remove permitted development rights for the formation of any window openings in the new roof. Similarly, it is necessary to remove permitted development rights for any roof enlargement. That will allow the District Council to exercise planning control over such development in the interests of safeguarding the living conditions of neighbours.

Design:

As a consequence of the increase in height and pitch of the roof the proposal will add additional bulk to the house at roof level thereby altering the proportions of the house such that the roof would become a more dominant feature. The application site is the first house in the road, and the road slopes down to the east. Although it is in an elevated position in relation to the road and one of a pair of similarly designed and proportioned houses, it is well screened by existing vegetation on the boundary with the road. It is therefore difficult to view both properties as a pair or indeed see the house itself clearly from most vantage points on Palace Gardens. The change in proportions of the house would not be so significant that the proposal would fail to complement it or that the relationship with no 2 Palace Gardens would be discordant. In the circumstances and having regard to the restricted visibility of the house from the street the proposal is found to be acceptable on design terms and in terms of its consequence for the character and appearance of the locality.

The Parish Council and some of the neighbours have commented that the application is overdevelopment of the site. While the site is compact, it would not result in the house having any additional ground area. In the circumstances and having regard to its acceptability in design terms for the reasons set out above the proposal is not found to amount to overdevelopment of the site.

Trees:

The Tree and Landscape Officer has objected to the proposal on the grounds that no information has been submitted regarding trees on, or adjacent to the site and in particular with regards to the protected trees to the front of the site. The application form states that no works to trees are required to facilitate this permission. Since the works proposed are at roof level and there is sufficient space between the house and trees to erect necessary scaffolding it is considered appropriate to secure such information pursuant to a condition on any consent given that is designed to ensure the preserved trees are protected throughout construction of the proposal. In addition, an informative can be added to any permission given, clearly stating that the planning permission does not give consent for works to any of the preserved trees.

Conclusion:

Subject to necessary conditions on any consent given, the proposed raising of the ridge height and associated change in pitch would complement the design of the existing house, appear acceptable in the street scene and safeguard the living conditions of neighbours. It is therefore recommended that planning permission be granted.

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 564371

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/0798/13
Site Name:	1 Palace Gardens, Buckhurst Hill IG9 5PQ
Scale of Plot:	1/1250

Report Item No: 7

APPLICATION No:	EPF/0909/13
SITE ADDRESS:	10 Russell Road Buckhurst Hill Essex IG9 5QJ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Mr Terence Hobbs
DESCRIPTION OF PROPOSAL:	Erection of front dormer window (together with permitted development rear dormer window). Revised application.
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549013

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 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.

This application is before this Committee since the recommendation is for approval contrary to an objection from the local council which is material to the planning merits of the proposal (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(g).

Description of Site

A two storey semi detached house located on the east side of Russell Road. The property is not listed nor does it lie in a conservation area

Description of Proposal:

Erection of front dormer window (together with permitted development rear dormer window).

Relevant History:

EPF/1254/12 was a refusal of a wider dormer window than the one currently proposed. It was refused on grounds that the size of the dormer would detract from the appearance of the house, its

neighbour, and the street scene. This decision was subject of an appeal which was dismissed – please see below.

Policies Applied:

DBE9 – Loss of amenity.
DBE10 – Residential extensions.

The above two Local Plan policies are compliant with the NPPF.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – The front dormer window is not in keeping with the existing street scene and would particularly affect the adjoining property.

NEIGHBOURS – 6 properties consulted and one reply received.

8, RUSSELL ROAD – Object - the addition of a front dormer to this property is out of keeping with other extensions made to other properties on Russell Road, and such a development would be incongruous on Russell Road. As I understand it, a similar application for a similar extension was unsuccessful last year and that this decision was upheld on appeal to the Planning Inspectorate in January this year.

Issues and Considerations:

Numbers 10 and 12 Russell Road are a pair of older style semi detached houses dating from the late nineteenth century. However, the pair are the only properties of this type in the road, and indeed other houses are varied in appearance. Those numbers 14 to 22 have high front gables facing the road, and some have accommodation at second or loft floor level.

The proposed front dormer has been reduced in width and now one 0.9m wide sash window is proposed whereas two such windows were proposed in the previous proposal refused last year. In dismissing the resulting appeal the planning inspector stated that in this type of Victorian style house windows traditionally reduce in scale on upper stories and hence in his view a dormer window that was wider than the first floor window beneath it was harmful to the appearance of the property. The current proposal addresses this concern in that the narrower dormer window is now proposed which is smaller than the first floor window below it. The proposed dormer has a hipped roof over, it has an appropriate design, and materials to be used will match those on the existing house. The size and design of the dormer is now acceptable and it will not detract from the appearance of the house and the street scene.

Comments on representations received.

In respect of the Parish Council's concerns the reduced size of the dormer improves its appearance in a street of houses of varied designs. The proposed dormer will have a very limited impact on the amenity of the neighbouring house.

Conclusions:

The proposed front dormer now complies with relevant local plan policies, and it is recommended that conditional planning permission be granted.

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: David Baker
Direct Line Telephone Number: 01992 564514

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	7
Application Number:	EPF/0909/13
Site Name:	10 Russell Road, Buckhurst Hill IG9 5QJ
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0941/13
SITE ADDRESS:	Land adjacent to 20 Ollards Grove Loughton Essex IG10 4DW
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	L & C Design
DESCRIPTION OF PROPOSAL:	New semi detached house and alterations to existing dwelling.
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549132

CONDITIONS

- 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 strictly in accordance with the approved drawings nos:
H.8.A
H.8.B
Existing streetscene
Proposed streetscene
Block plan
Site Plan
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that Order) no extensions, enlargements of the roof, or outbuildings generally permitted by virtue of Part 1, Classes A, B or E shall be undertaken to the house hereby approved without the prior written permission of the Local Planning Authority.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of parking provision (two spaces per dwelling), both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard

landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The site is a large plot that comprises the side garden and half the rear garden of a 2 storey detached house, no. 20 Ollards Grove. A detached garage is situated in the side garden and there is planting on the boundary but these are coniferous species and of no significant merit. There are no protected trees on site.

Ollards Grove rises steeply along the road, such that no. 22 is at a higher level and no. 16 is lower. There is no 18 Ollards Grove and it appears the site may historically have been a double plot.

The site is close to Loughton Town Centre but not within the Conservation Area and not in the Green Belt. The surrounding area is characterised by a range of houses designed at two storey, most of which are either detached or semi-detached. The nearest neighbour at 16 maintains 4 flank wall openings overlooking the site.

Description of Proposal:

The application seeks permission for a new semi-detached two storey dwelling. The new home would provide on ground floor, a lounge, kitchen, utility and study. At first floor two bedrooms with en-suites, a bathroom and landing and in the loft space a further two bedrooms and bathroom.

The new dwelling is designed to differ from the appearance of the attached donor property, but has a scale and form that reflects the location. The height is reduced due to changing ground levels, the roof form is designed to hip away from number 16, whilst pitching towards the ridge from the front projection adjacent to the donor property, again reducing impacts.

The property has mainly front and rear facing openings, with only utility and study areas on the ground floor being on the side of the proposed dwelling.

The plans have been revised as part of the application process and a side blind dormer has been removed and a front facing dormer serving the landing has been replaced with a roof light.

Relevant History:

EPF/0664/88 – Outline application, detached house – Refused. Dismissed at appeal

Policies Applied:

Epping Forest District Local Plan and Alterations

All of the policies listed below are compliant with the aims, objectives and policies contained within the NPPF.

CP2 – Protecting the Quality of the Rural and Built Environment

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

DBE9 – Loss of Amenity

ST4 – Road Safety

ST6 – Vehicle Parking

LL10 – Provision for Landscape Retention

LL11 – Landscaping Schemes

Summary of Representations:

10 neighbouring properties were consulted, 5 responses have been received in addition to the Town Council's comments. Comments are as follows:

12 OLLARDS GROVE – Object as infill development and overdevelopment, other semi-detached pairs have larger plots. Loss of trees and impact to street scene, potential for setting a precedent, impact to property value, issues relating to ground level and absence of detail in the submission.

14 OLLARDS GROVE – Object due to loss of open space, trees and over development for profit. Loss of character and impact to street scene.

16 OLLARDS GROVE – Object due to overdevelopment, issues relating to covenants, inaccuracies in the Design and Access Statement, object to 'infill' development, impact to street

scene, issues pertaining to ground level changes and retaining walls, sustainability issues, lack of amenity space and parking issues. The neighbour also requests an agreement concerning manner of construction between the owner, developer and neighbour be entered into and required by condition.

22 OLLARDS GROVE – Object due to the bulk and mass of the proposals, terracing impact and damage to street scene. Design and Access Statement is incorrect and makes assumptions. Large gaps between properties are a consistent theme in the road, property would be overbearing to number 16.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Object to this application due to the drop in roofline between the donor property and that proposed, the odd design and being out of keeping with the area. No information regarding trees and street scene fails to clearly illustrate surroundings. If approval is given LRA plans group request conditions for working hours and wheel washing.

LOUGHTON TOWN COUNCIL – The Committee expressed concern for the amenities of the adjacent neighbour at no.16 Ollards Grove as the proposed works were sited in the grounds of the existing property and would extend to within 1.5m of the boundary. Members commented that this garden grabbing development was located within a part that the Town Council had proposed to the District Council for consideration as an additional Conservation Area.

The Committee regretted the loss of the side gable feature from the existing dwelling as this was an interesting feature of the street scene. Members were additionally concerned over the loss of trees from the garden and commented that it appeared no tree survey has been submitted with this application.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Impact on existing Landscaping
- Highways and Parking

Principle of Development:

The provision of a dwelling in an urban location as infill development between properties is considered acceptable. Urban locations are more sustainable offering good transport links and access to facilities whilst making best use of urban land. Furthermore it is noted that the street numbering does not include a number 18 in this area, suggesting an original intention for a further property.

An outline application for a detached property in this location has historically been refused for the following reason:

The proposal would constitute an overdevelopment of the site, resulting in a cramped appearance, out of character with the spaciousness of the existing properties in this section of Ollards Grove and consequently detrimental to the amenity of the area.

This decision was appealed and the Inspector determined:

The proposal would constitute overdevelopment of this restricted site, which would be detrimental to the character and appearance of the area and to the setting of number 20 and is thereby unacceptable

The outline application that this decision relates to was a detached property as opposed to a semi, on a narrow plot, against the boundary with number 16. As the proposals now being considered are for a semi-detached property, the plot is increased in size, providing more space on the site and as setting for the dwelling. In addition the proposals do not incorporate front detached garages and now wholly incorporate number 20 into a proposed scheme. In the context of the NPPF which has since taken effect, and the revised design and plot size, this reason for refusal is considered overcome.

Design:

The proposed dwelling is designed differently to the attached donor as opposed to providing a symmetrical design. Asymmetrical pairs are not uncommon in the district and given the size of the plot, ground level differences and design of the donor property, this solution appears the most reasonable way forward. The relationship between neighbouring properties differs between the proposed property and the donor property and the most effective solution to this is an asymmetrical design.

The scale of the property is considered reasonable, the side wall is offset from the boundary by 1.5m and the footprint is similar in scale to the donor property albeit set forward slightly to enable a 45 degree angle of outlook from the rear of the neighbouring property at number 16.

Design improvements have been sought as part of this application, to remove a side 'blind' dormer and a front dormer that has appeared cramped. After these revisions Officers consider the design acceptable on its merits and in the context of the varied character in street scene.

Amenity:

The proposed dwelling and the donor property would both retain garden areas akin to the scale and depth of neighbouring properties, therefore garden areas are not considered uncharacteristic.

The property at number 22 would be well separated by the donor property and as such would suffer no significant adverse impacts to living conditions.

The donor property would be adjusted to relocate a current lounge window to the front elevation for light. The rear living area at ground floor already has a rear facing opening. The front bedroom also proposes a front window insertion given the loss of the side window, and the rear bedroom already maintains a rear window. Once completed these minimal alterations provide sufficient light to all habitable rooms. To the rear there would be no loss of outlook with the 45 degree rule of thumb easily achieved.

The front of the proposed dwelling does extend forward of the lounge of the donor on the boundary. This would ordinarily raise a concern in respect of amenity, however, in this instance due to ground level changes and the proposed design pitching back the roof from ground floor, any impact to outlook and light would not be significant, particularly as this is a north facing window. Similar relationships are not uncommon between staggered properties often as they follow the curve in the road.

The property at number 16 maintains four flank windows, the front two it would appear are secondary windows given the proximity of the front elevation, and the same may be true of those at the rear. The neighbour has raised no objection regarding loss of light or outlook in the very detailed letter supplied to the Council as outlined above. Therefore, with a separation distance

between properties of around 3.5m, it is considered that this is sufficient to provide adequate light to these openings. The proposed property whilst being at a greater height than number 16 (due to ground level changes) provides a hipped roof that tips away from the neighbour, permitting light penetration.

In respect of the front and rear elevations, these allow for the aforementioned 45 degree angle of outlook. Whilst mindful that the proposed new dwelling would be clearly visible to the neighbour at number 16, and would alter the views from the property, the impact is not considered so significant as to justify refusal given the degree of separation provided.

Other properties would be separated by a significant distance and as such would suffer no significant impacts on living conditions.

Many objections are raised regarding construction issues. Whilst many of these fall beyond the scope of planning to enforce, and certainly the Council is unable to require a legal agreement between third parties regarding construction methods, a condition is suggested requesting a construction method statement (including wheel washing) and a standard hours of construction condition. These conditions would go some way to addressing neighbouring concerns.

Landscaping:

No tree or landscaping report has been supplied and from site inspection it is clear that landscaping is in place, albeit not of particular merit. For this reason a standard landscaping condition is suggested.

Highways and parking:

The additional crossover raises no concerns and the dwellings would retain sufficient front garden area to provide parking for two vehicles and landscaping with ease. However to minimise concerns the standard landscaping condition has been revised to include details of car parking for two vehicles on each property.

Conclusion:

The proposal is considered an acceptable scheme given the circumstances outlined above and the proposal is recommended for approval.

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:

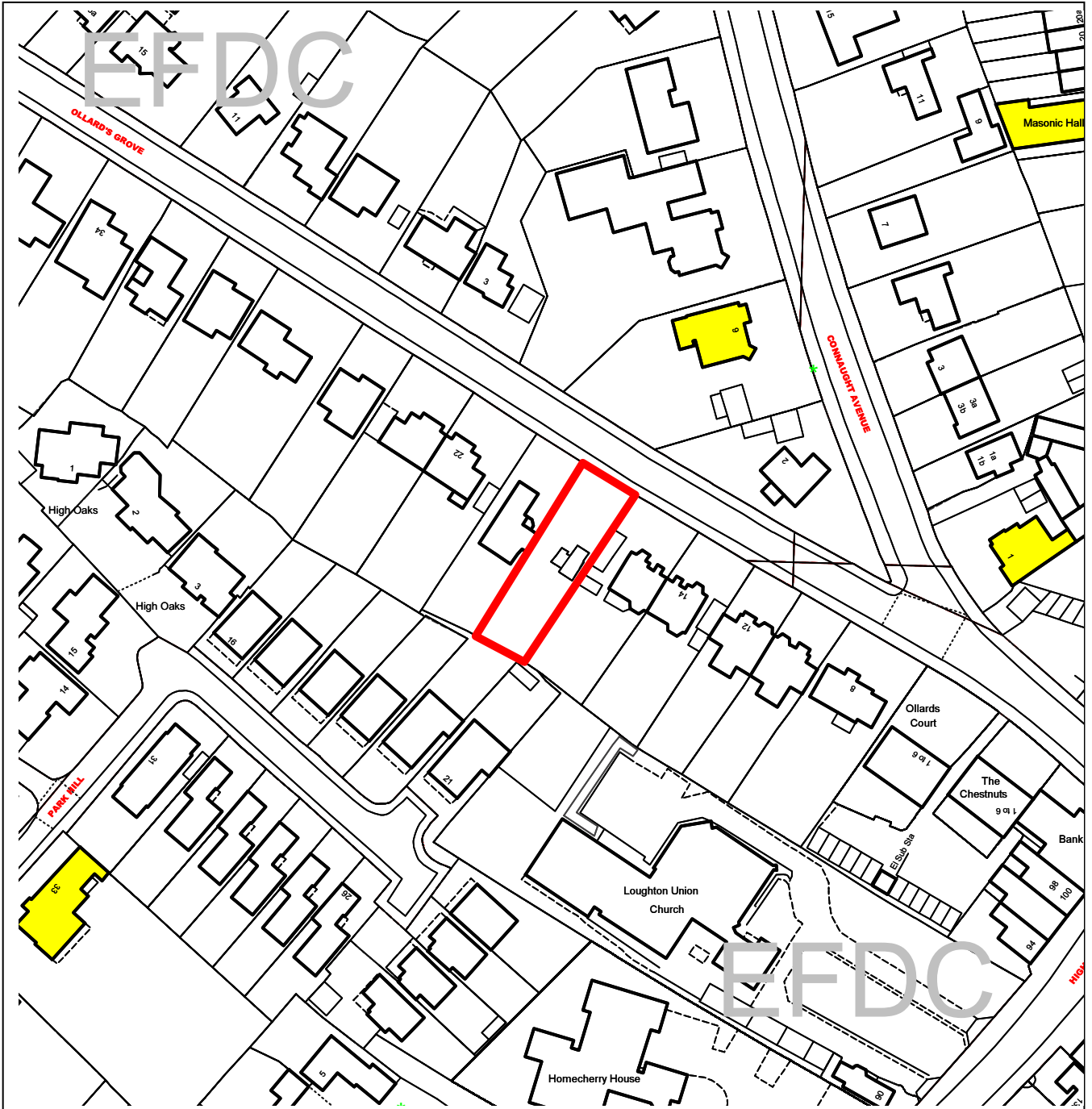
***Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 564481***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	8
Application Number:	EPF/0941/13
Site Name:	Land adjacent to 20 Ollards Grove Loughton, IG10 4DW
Scale of Plot:	1/1250

Report Item No: 9

APPLICATION No:	EPF/1042/13
SITE ADDRESS:	Loughton Baptist Church High Road Loughton Essex IG10 4QU
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Rev Wayne Dulson
DESCRIPTION OF PROPOSAL:	Erection of two storey detached dwelling in connection with the use of church and formation of four car parking spaces to front of premises
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549755

CONDITIONS

- 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 strictly in accordance with the approved drawings nos: Site Location Plan, 13001_001, 13001_002 and 13001_003
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed window openings in the flank elevation shall be entirely fitted with obscured glass and shall be permanently retained in that condition.
- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where

appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 7 No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 8 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 9 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 10 The occupation of the dwelling hereby approved shall be limited to a Minister solely working in connection with the adjacent Loughton Baptist Church and to any resident dependants and the site shall not be sold or let separately and remain in the ownership of the Church.

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

Description of Site:

The site is a two storey in height church building with associated meeting rooms and ancillary rooms to the rear of the building. The main building is set some distance back from the road edge behind an attractive grassed lawn area, and is a 1970's, modern in style building with a flat roof. The area the subject of this application is to the rear of the site, not visible from the High Road and is to the rear of properties in Ollards Grove. The land rises steeply up to the rear and side, up to the houses on Ollards Grove and Park Hill. There are protected trees to the front of the site, the site is within the Loughton Town Centre (but not the key frontage) and is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal is to erect a 4 bedroom two storey detached dwelling in connection with the use of the site as a church and four car parking spaces to the front of the main church. The house will have a maximum depth of 12.6m, width of 9.2m and maximum height of 8m. It would provide accommodation for the minister of the church (such a dwelling is known as a Manse), following the sale of the existing Manse in Connaught Avenue. It is intended that the funds from the sale of the Connaught Avenue Manse will fund the development and the refurbishment of the existing church. The proposal also includes the replacement of 4 car parking spaces, lost as a result of the proposal with proposed new parking to the front of the site.

Relevant History:

EPF/0021/13 - Single storey extension, covered entrance, window alterations and external landscaping including new external play area with canopy cover – App/Con

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE3 – Design in Urban Areas
DBE8 – Private Amenity Space
ST4 – Road Safety
ST6 – Vehicle Parking
LL10 – Provision for Landscape Retention

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee had NO OBJECTION to this application. However, members drew the District Council Arboricultural Officer's attention to the existing positions of the trees, as they were concerned that adequate screening to the rear of the proposed development is retained to protect the amenities of the adjacent dwelling in Park Hill. The Committee also asked for the withdrawal of permitted development rights, as this was the maximum that could properly be accommodated on such a small plot – there was little private amenity space. Members further asked for a condition for the dwelling to be used only in connection with the church. They also enquired whether it was necessary for the proposed perimeter fence to be 2 metres in height. If the District Council was minded to grant permission, the Committee also asked for conditions on working hours to avoid disturbance to neighbouring residents.

NEIGHBOURS

21 neighbours were consulted, the following responses have been received:

(Prospective Purchasers of) 10 OLLARDS GROVE – Objection - overlooking will increase from properties in Park Hill due to loss of trees, garden grabbing, overdevelopment, unattractive visual impact, set a precedent for future development

12 OLLARDS GROVE – Objection – Alter existing aspect and significant affect privacy, loss of trees will reduce privacy and make buildings appear more overbearing, overdevelopment, Church has already sold one building, loss of parking area, out of keeping, concern with regards to construction methods

14 OLLARDS GROVE – Objection – loss of privacy and overbearing, unsatisfactory appearance, concern with regards to cutting of land, loss of wildlife and damage to trees

16 OLLARDS GROVE – Objection – unnecessary as there is an existing Manse, concern that the building will not be used as a Manse but sold separately, out of keeping, loss of wildlife and impact on protected species.

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Principle of Development
- Design
- Impact on Neighbouring Amenity
- Impact on existing Landscaping
- Highways and Parking

Principle of Development:

The proposal is in an unusual location for a proposed residential dwelling, however it is proposed that it will be occupied solely in connection with the use of the adjacent building as a church and this is explained explicitly within the Design and Access Statement. There is an existing Manse for this church but as stated above (and within the Design and Access Statement) this is to be sold to fund the build and to use the surplus funds to refurbish the church. Due to the unusual siting of the proposal within the grounds of the existing church, if granted planning permission a condition could be added ensuring the dwelling is only occupied by someone associated with the church.

The proposal allows for 2 parking spaces for the proposed dwelling (other parking issues discussed below) which complies with the Essex Parking Standards and is therefore acceptable.

The private amenity area proposed falls very short of the suggested 20m² per a habitable room as outlined by DBE8 which would suggest a minimum of 140m², whereas this proposal only proposes 60m². Although this falls short, given this is not proposed to be market housing as such, and that there is ample green space located to the front of the site and in the locality this is considered acceptable in this case.

Given the justification put forward by the Applicant that the house will only be used in connection with the use of the church it is not considered that this proposal will set a precedent for further development on this site as it would be difficult to prove a need.

Design:

The design of the proposal is for a relatively standard plan form and the design is a common type of house design. Concern has been raised by neighbours with regards to the design of the proposal, particularly if it looks like the church, however this is not the case as clearly the pitched roof creates a more traditional style building and submission of external materials can be conditioned to ensure an appropriate material choice. In any event, the rear part of the main church building is a more traditional red/brown brick and, if desirable, this type of colour could be carried across to the proposed dwelling rather than the very pale yellow brick of the main church.

Given the relatively small site area and proximity to neighbouring properties, it is considered acceptable to remove permitted development rights for the proposed house such that any extensions or outbuildings which may subsequently be proposed would be the subject of planning control by the District Council.

The Town Council has suggested that the 2m high fence proposed around the site could be lowered. Although it is agreed that this is a high fence within a semi-enclosed site, it is understandable that a level of separation and privacy would be required between the car park area and the proposed house. In addition as the proposed property is set so far back it is not considered to disrupt the appearance of the streetscene and is therefore considered acceptable.

Amenity:

Several of the neighbours have objected to the proposal on the grounds that the loss of the trees to the rear will result in a loss of privacy from the proposed building and from the existing properties in Park Hill. The trees to the rear of the site are not protected and therefore could have been removed at any time. Therefore, although there may be some new views from Park Hill to Ollards Grove and vice versa, given the 40m distance across the church grounds between Park Hill and Ollards Grove this distance is considered acceptable to retain an appropriate level of amenity.

With regards to any potential loss of privacy for occupiers of properties on Ollards Grove, this again is not considered a significant issue particularly since the orientation of the proposed house is such that it sides onto Ollards Grove and a single side facing window would serve an en-suite and consequently be obscure glazed. The obscure glazing can be secured by condition.

In addition, the 3.1m change in level between the properties in Ollards Grove and the proposed site (as shown on the section plan) serves to further mitigate the impact of the proposal. This results in the ground floor of the properties in Ollards Grove, being approximately on the same level as the first floor of the proposed house. That reinforces the finding that potential loss of privacy is not a significant issue in this case.

The rear gardens of the nearest properties on Ollards Grove are also in excess of some 22m in length. That degree of separation together with a favourable change in levels is significant since it would ensure no loss of light to or outlook from these properties. In terms of the concerns with regards to the proximity of the proposal to the rear boundary of properties in Ollards Grove, the Essex Design Guide does suggest that a minimum 1m from a rear boundary is acceptable providing a new house is at right angles to the existing, as is the case here.

With regards to the properties in Park Hill, these are some 4m higher due to the very steep slope at this point. Although Park Hill properties, particularly No. 21, will be able to overlook the proposed house, given the relatively extreme change in levels this is not considered to be reciprocated from the proposal. This potential overlooking of the proposed house from No. 21 Park Hill is not ideal, even given the change in levels. However, since the house is required in connection with the church and its occupation linked to the use of the wider site as a place of worship the relationship is considered acceptable in this case.

Landscaping:

A Tree Report and Landscape Plan have been submitted at the request of the Council's Tree and Landscape Officer. The Tree and Landscape Officer has no objection to this proposal as it will be in compliance with policy LL10 subject to condition.

Highways:

The Essex County Council Highways Officer has no objection to the proposal as it is not contrary to policy. As mentioned above the parking for the proposed house meets the Essex Parking Standards and the four church parking spaces lost by the proposed development are re-located elsewhere within the site which is considered acceptable.

Other Issues:

Neighbours have suggested that stag beetles and bats may be present on the site. An informative can be added to remind the applicant that should any protected species be found all work should cease and an ecological consultant contacted as per Natural England standing advice.

Conclusion:

The proposal is considered an acceptable scheme given the circumstances outlined above and the proposal is recommended for approval.

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:

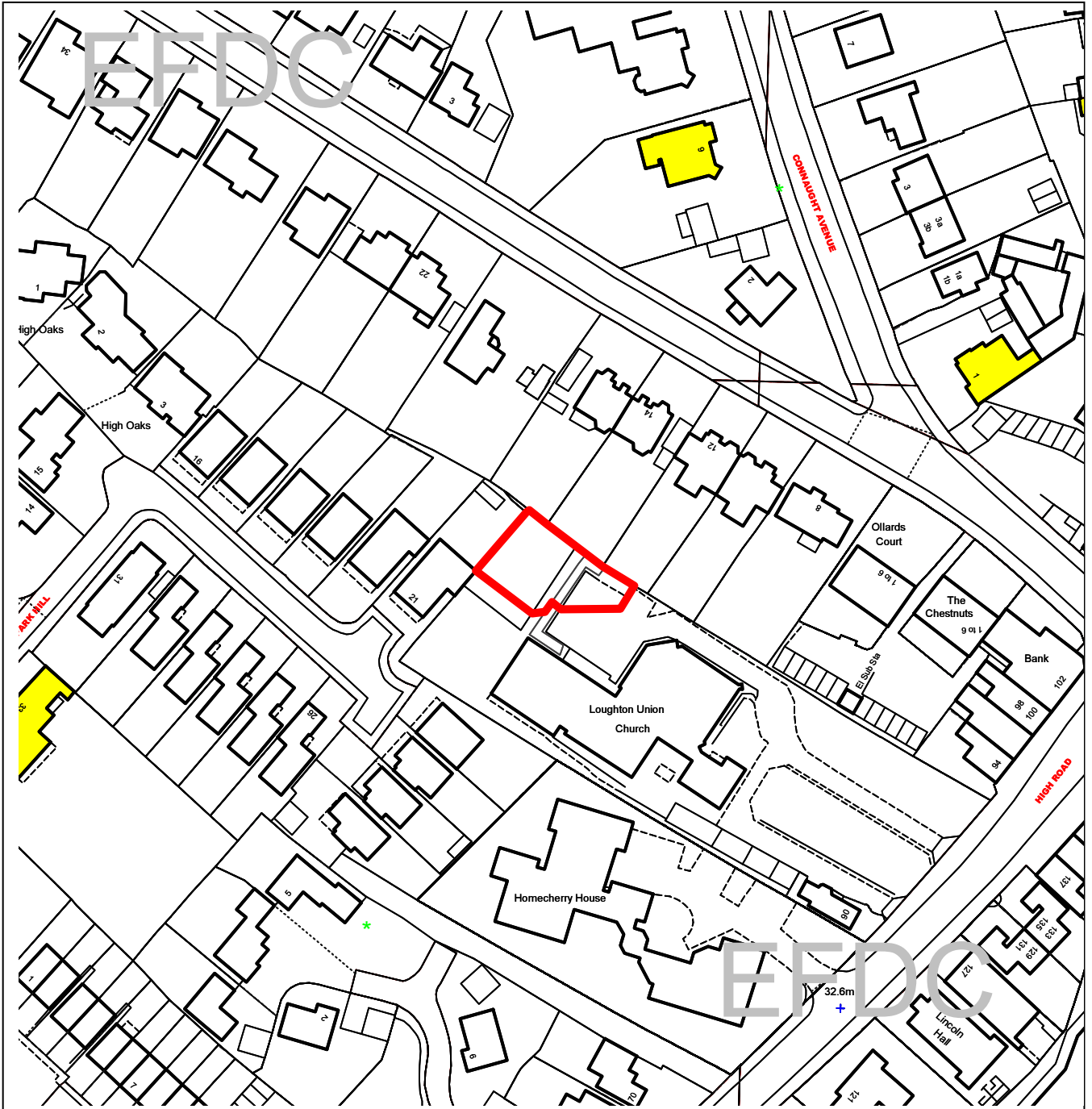
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	9
Application Number:	EPF/1042/13
Site Name:	Loughton Baptist Church, High Road Loughton, IG10 4QU
Scale of Plot:	1/1250

Report Item No: 10

APPLICATION No:	EPF/0979/13
SITE ADDRESS:	36 Stradbroke Drive Chigwell Essex IG7 5QY
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr George Singh
DESCRIPTION OF PROPOSAL:	Erection of single storey rear extension with swimming pool. (Revised application)
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549370

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Existing trees on or close to the side boundary with number 38, Stradbroke Drive, and climbers on this boundary, shall be permanently retained - or replaced as appropriate if their health warrants their removal.
- 3 The green grass sedum covering to the roof of the building hereby approved shall be provided before the building hereby approved is first brought into use.
- 4 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from the local council which is material to the planning merits of the proposal (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A.(g).

Description of Site

A newly built two storey house on the site is nearing completion. The road is characterised by large detached houses on wide plots. The property is not listed nor does it lie within a conservation area.

Description of Proposal:

Erection of single storey swimming pool extension at the rear.

Relevant History:

EPF/1120/12 was a refusal of a rear extension, to also house a swimming pool, on grounds that its height and size would impact on the amenity and outlook of the neighbour at no.38. This refusal was subject of an appeal which was dismissed by the planning inspector on grounds that the long extension would be viewed from the neighbouring garden and would cause a loss of visual amenity to neighbours in no.38.

Policies Applied:

DBE9 – Loss of amenity.

DBE10 – Residential extensions.

The above two Local Plan policies are compliant with the NPPF.

Summary of Representations:

CHIGWELL PARISH COUNCIL – Object to this application as it is too large for the area, and the angle of the roof line does not make a material difference.

NEIGHBOURS – 4 properties consulted and no replies received.

EFDC TREES AND LANDSCAPE SECTION – No objection subject to conditions requiring details of hard and soft landscaping, and excavated material to be removed from the site.

Issues and Considerations:

The proposed length of the pool building is 13.4m long compared to the 14.5m length of pool refused under the previous EPF/1120/12. However, significant other amendments have been made which reduce the visual intrusion to the neighbour at no.38. The pool extension will be partly sunk into the ground, and on the side nearest the boundary with no.38 its height will now be just 1.7m above ground level. The height of a curved roof will then increase towards the middle of the garden where its maximum height will be 2.8m. The pool building would be sited 1.5m to 2m away from the side boundary with no.38, a boundary that is formed by a fence with climbers of some 2.5m in height. Although the neighbouring no.38 stands on slightly lower land the reduction in height of the pool building, and the retention of a 1.5/2m gap between it and the boundary, will mean that the pool building will hardly be viewed from the neighbours' garden. By contrast the previous proposal had an eaves height of 3m rising to 4m at ridge level, and the inspector felt that this long building would be easily observed from the neighbours' garden thus detracting from their amenity. In conclusion, the revisions to the profile and height of this amended pool proposal are substantial, and the pool extension will only have a limited effect on the outlook from the neighbouring garden. It is also noted that no objection has been received from the neighbour.

With a length of 13.4m and a width of 6.2m this is a large outbuilding to be erected close to the rear of the house – to which it will be connected by a 2m length corridor. As viewed from the first floor of the adjoining no.38 a normal tiled or flat roof over this size of outbuilding would be likely to reduce visual amenity. However, the curved roof will be a sedum one in that it will have a green grass finish. This will soften the impact of the building when viewed from the upper floor windows of no.38.

Comments on representations received.

In respect of the Parish Council objections it is agreed that this is a large outbuilding close to the rear of the house. However, these gardens are wide and long and the proposed building itself does not represent an overdevelopment. Moreover, the reduced height of the proposed building, plus provision of a green sedum roof, significantly reduces the bulk and impact of the building, and it will not now impact unduly on the amenity and outlook of the neighbour at no.38.

With regard to landscaping the plans and associated submissions state that existing boundary trees and climbers are to be retained, and that new planting is proposed between the outbuilding and the boundary. In this context a condition requiring details of landscaping to be submitted and approved is not expedient, but a condition requiring retention of boundary trees and climbers is proposed.

Conclusions:

As revised this swimming pool rear extension is now acceptable and complies with relevant local plan policies. Conditional planning 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:

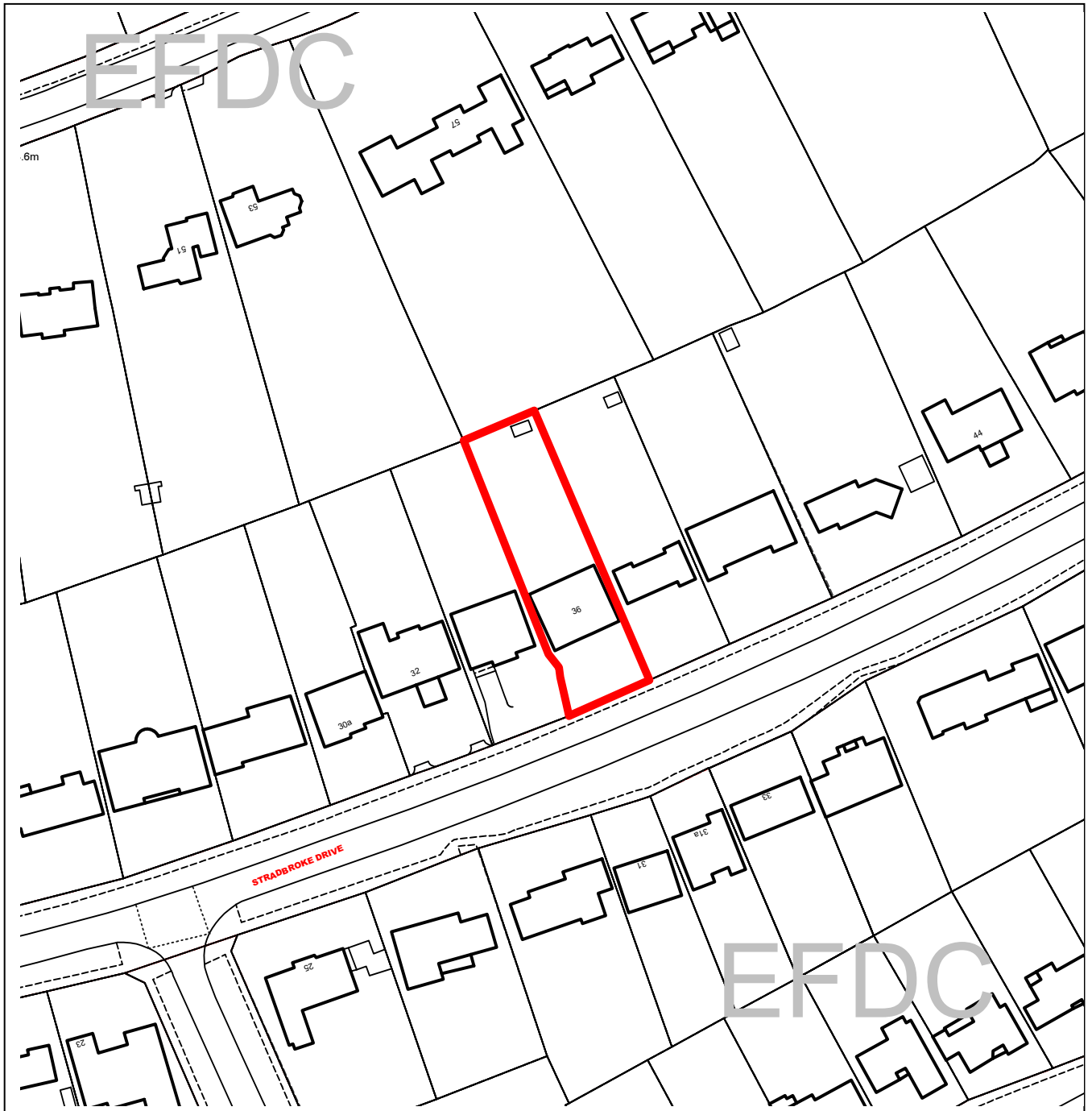
***Planning Application Case Officer: David Baker
Direct Line Telephone Number: 01992 564514***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	10
Application Number:	EPF/0979/13
Site Name:	36 Stradbroke Drive, Chigwell IG7 5QY
Scale of Plot:	1/1250

Report Item No: 11

APPLICATION No:	EPF/1091/13
SITE ADDRESS:	57 Oak Lodge Avenue Chigwell Essex IG7 5JA
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Warren Cimerman
DESCRIPTION OF PROPOSAL:	Erection of outbuilding in rear garden.
RECOMMENDED DECISION:	Grant Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549955

CONDITIONS

NONE

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: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of Site

Oak Lodge Avenue forms part of the built up area of Chigwell. The existing dwelling at the site is a semi detached house. The rear garden of the application site is 30m long. The neighbour that backs onto the site, 53 Grange Crescent, has a rear garden measuring 27m in length. This neighbour also has an outbuilding near to the boundary of the application site. There is large and well established vegetation surrounding the application site which acts as a screen between the neighbouring properties. The adjacent neighbour of 55 Oak Lodge Avenue has a similar outbuilding on the boundary with the application site. The site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

This is a retrospective application for the erection of an outbuilding in the rear garden of 57 Oak Lodge Avenue. The outbuilding is sited 1.2m from the boundary with 53 Grange Crescent and 0.8m from the adjacent neighbour of 59 Oak Lodge Avenue. The outbuilding is 2.3m high to the eaves, with a pyramidal roof that has a maximum height of 3.8m.

Relevant History

No relevant history

Policies Applied

The policies below are all compliant with the NPPF

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Adjoining Properties
DBE9 – Loss of Amenity

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 214 states that due weight should be given to the relevant policies in existing plans according to the degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight

Consultation carried out and summary of representation received

53 GRANGE CRESCENT – OBJECTION – The outbuilding is of a very poor design which looks like a public lavatory. Site plan is incorrect as fencing has been removed behind our shed so it is much closer than shown on the plan. Drawings are incorrect they do not show the outbuilding built on a sub base of at least 200-300mm. Section 7 of the application form is also incorrect. A mature oak tree is within centimetres of the outbuilding and they have had it pruned within the last month. I strongly object to this eyesore and it should be reduced to the correct height of 2.5m or removed completely.

59 OAK LODGE AVENUE – OBJECTION - Strongly objects to this proposal. It's an eyesore, too high and there are too many over height outbuildings being built in Oak Lodge and Grange Crescent without action being taken against them. It should be reduced in height as it's too near boundary fence.

CHIGWELL PARISH COUNCIL – OBJECTION – The pitched roof is too high and overbearing for neighbour amenity

Issues and considerations

The main issues to consider when assessing this application are the effects of the development on the amenities of neighbours and the merits of its design.

Neighbour Amenity

It is acknowledged that the proposed outbuilding has a large pitched roof within this residential garden. The rear gardens of 51 and 53 Grange Crescent back on to the application site and they are some 28m in length. Both nos. 51 and 53 have substantial existing outbuildings on their boundary with the site. Views of the outbuilding, the subject of this application, from 51 and 53 are partially screened by the outbuildings at 51 and 53 and by a large tree in the rear garden of the application site adjacent to the outbuilding. Having regard to the relationship of the outbuilding to 51 and 53 Grange Crescent described above it is found to cause no harm to the amenities of those properties. Specifically, the outbuilding does not appear excessively overbearing when seen from their rear gardens and causes no excessive overshadowing of them.

The neighbours either side of the application site, 55 and 59 Oak Lodge Avenue, both have rear gardens the length of that at the application site, some 30m, and both have sheds on the site boundaries in alignment with the outbuilding. There is also a well established screen of vegetation on the rear garden boundaries with those neighbours. Having regard to this relationship the

outbuilding does not appear excessively overbearing when seen from the rear gardens of 55 and 59 Oak Lodge Avenue and causes no excessive overshadowing of them.

On the matter of amenity, it is concluded the building causes no harm to the amenities of any neighbouring property.

Design

The outbuilding is of a conventional design of modest scale. Although relatively high, the pitched roof slopes away from the neighbours on all sides and as such does not appear over dominant within its setting. The outbuilding is small and easily accommodated within this site given the long garden. As such the outbuilding appears appropriate within its context and consequently respects its setting.

Conclusion

From the above appraisal, it is concluded that the outbuilding will not cause harm to the living conditions of neighbours. The design of the outbuilding is appropriate to the surrounding area and constitutes a proportionate development on this site. Therefore it is recommended that planning permission be granted.

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:

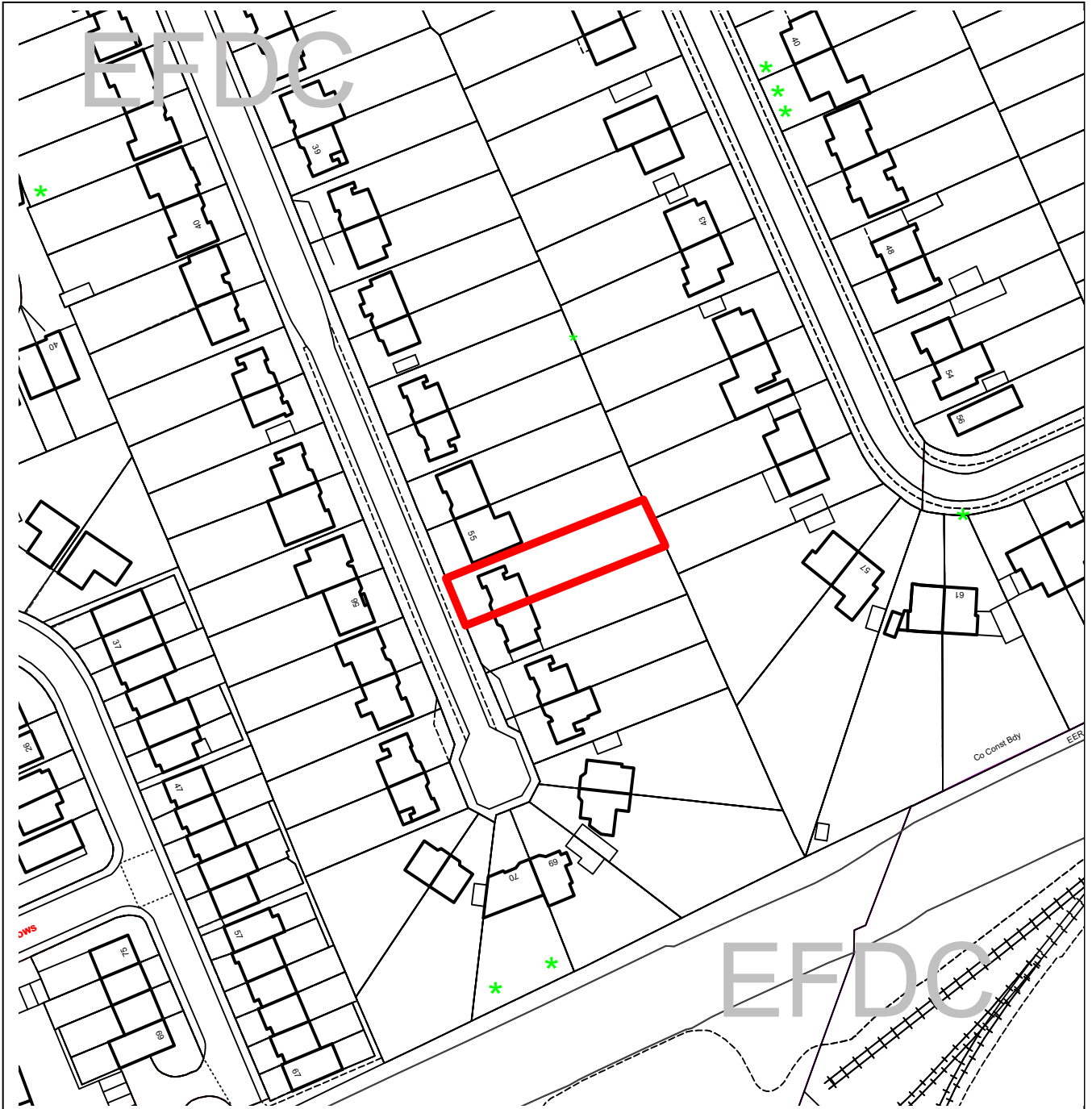
***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 103***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	11
Application Number:	EPF/1091/13
Site Name:	57 Oak Lodge Avenue, Chigwell IG7 5JA
Scale of Plot:	1/1250

Report Item No: 12

APPLICATION No:	EPF/1135/13
SITE ADDRESS:	Mulberry Woodbury Hill Loughton Essex IG10 1JB
PARISH:	Loughton
WARD:	
APPLICANT:	Mr & Mrs J & S Bell
DESCRIPTION OF PROPOSAL:	Demolition of existing detached house and car port and construction of replacement dwelling on two levels with an attached car port, terracing and balconies, together with a storage basement below ground at the northern end of the property.
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550196

CONDITIONS

- 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 strictly in accordance with the approved drawings nos: 0484/0884/01, 0484/0884/02A, 0484/0884/03, DP01, DP02, DP03 and DP04
- 3 No development shall take place until samples of the types and colours of the external finishes, including the design and material of the proposed motifs, have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 4 Additional drawings showing the new windows, doors, and balustrades in section and elevation at scales between 1:2 and 1:20 as appropriate shall be submitted to and approved by the Local Planning Authority prior to the commencement of works.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 7 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.
- 8 No development shall take place until details of levels have been submitted to and approved in writing by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B, C and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 11 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 08.00 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local

Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

Following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.

- 13 All construction and service traffic shall arrive and leave the site only by entry from Pump Hill direction and by no other means, including no use of York Hill or Kings Hill. All construction and service vehicles shall park within the site only and all materials shall only be stored within the site.

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: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of Site:

Mulberry is a large detached 1960's dwelling situated within extensive grounds located to the north of Woodbury Hill. The property is broadly 'L' shaped with a single storey wing extending out to the rear. The site is within the York Hill Conservation Area and within the neighbouring property there are several preserved trees close to the shared boundary. Due to the changes in level, only the roof of the property is really visible from Woodbury Hill, and the property appears as a bungalow from the front. The land slopes very steeply to the north and west so that the property is two storey to the rear and side. Due to the steep slope of the land at this point, Dryads Hall, the nearest neighbour to the east is on much higher ground and Mulberry House, the nearest neighbour to the west on much lower ground. As stated the land slopes away to the rear with forest land behind. The site is within the Metropolitan Green Belt.

Description of Proposal:

The proposal is for a replacement house on this site. Due to the extremes of level on the site, the proposal will take a similar form as the existing building with a bungalow appearance to the front but two-storey to the side and rear. The new building will have an 'L' shape with a balcony to the front and rear. The maximum width of the proposal is 15.2m; depth is 19m and maximum height of 9.2m.

Relevant History:

CHI/0247/59 – Detached house and garage – App/Con

EPF/0867/78 – Single storey rear extension – App/Con

EPF/1129/83 – Single storey extension – App/Con

EPF/1347/13 - Conservation area consent for the demolition of existing detached house and car port and construction of replacement dwelling on two levels with an attached car port, terracing and balconies, together with a storage basement below ground at the northern end of the property – Concurrent application

Policies Applied:

NPPF

The following policies of the Epping Forest District Local Plan and Alterations are relevant and compliant with the NPPF:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
GB2A – Development in the Green Belt
GB7A – Conspicuous Development within the Green Belt
GB15A – Replacement dwellings in the Green Belt
HC6 – Character, Appearance and Setting of Conservation Areas
HC7 – Development within Conservation Areas
HC9 – Demolition in Conservation Areas
LL10 – Provision for Landscape Retention

Summary of Representations:

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the basis that the proposed design did not improve the ambience of this most sensitive part of the conservation area, which the Local Planning Authority had a duty to enhance and conserve. Members considered that a more traditional design would be more appropriate in this location rather than the proposal for a post-modern house.

The Committee also drew the Planning Officer's attention to the detrimental effect on the amenities of the neighbour at Woodbury House.

NEIGHBOURS

8 neighbours were consulted and a site notice erected, the following responses have been received:

THE HILL'S AMENITY SOCIETY – Originally Objected to the application, but a second letter raises concerns - design out of keeping with the cottage design of the 'Hills', glass balconies resulting in overlooking and invasion of privacy, concerns with regards to construction method with regards to lorries damaging hedges.

WOODBURY HOUSE, WOODBURY HILL - Objection – concern with regards to overlooking and loss of privacy with particular concern regarding the new windows and balconies.

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Objection – fails to improve ambience of conservation area, a more traditional design would be more appropriate, concerned about the potential detrimental effect on amenities of Woodbury House

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Impact on the Green Belt
- Design in the Conservation Area
- Impact on Neighbouring Amenity
- Impact on existing Landscaping

Green Belt:

The NPPF and policy GB15A allows for replacement dwellings within the Green Belt on a one for one basis provided the proposal is not materially greater in volume than that it would replace and would not have a greater impact on the openness of the Green Belt. Openness is the most important attribute of Green Belts.

The existing house has a volume of approximately 1030m³; the proposal will add an additional volume of approximately 22% but nonetheless is found to have no harmful consequence for openness. This proposal replaces a large dwelling in the Green Belt with one of a smaller footprint. The resulting house would have a more compact and cohesive design than the existing house, primarily by removing the depth of the footprint to the rear, and consequently would have no greater impact on the openness of the Green Belt than the existing house.

Moreover, the proposal will be viewed within the context of the line of properties along this ridge and with the urban built up area of Loughton beyond. This reinforces the finding that the proposal would not be harmful to openness as does the fact the proposal would not result in any enlargement of the curtilage of the existing house.

Since the proposal would not be harmful to openness or the purposes of including the land in the Green Belt the degree of increase in volume above that of the existing house is found to not be material. Accordingly, the proposal is not inappropriate development in the Green Belt and is found to comply with policies GB2A and GB15A

Conservation Area and Design Issues:

The Parish Council, Hills Amenity Society and Loughton Resident's Association all consider the proposal out of keeping with the Conservation Area and all consider a traditional design would be more in keeping.

The design of the proposal is overall considered acceptable and the relative isolation of the plot and the fact that the existing building dates from the 1960s and is of modern construction provides a unique opportunity within the conservation area to create a building of a contemporary design without over-dominating the more traditional building stock.

The submitted proposal followed pre-application advice being sought from the Conservation Officer and various comments and advice have been taken on board with this current design. Original pre-application proposals included an unashamedly contemporary house with a flat roof and large expanses of glazing, as this was considered inappropriate in the conservation area the use of a pitched roof was strongly advised by the Conservation Officer. Following this pre-application discussion, an Art Deco approach to a contemporary design was adopted which allowed a pitched roof to be incorporated into the design whilst sitting comfortably with other contemporary elements.

Within the 'Hills' area of Loughton there is a prominent example of striking Art Deco architecture at no.9 Baldwins Hill which stands within the Baldwins Hill Conservation Area and is locally listed because of its architectural quality. The use of modern design, especially with an Art Deco influence, is, therefore, not something which is considered out of keeping with the architectural history of Loughton.

Art Deco architecture is a distinctly English approach to modern architecture in which the hard lines and starkness of Modernism were softened slightly through the use of motifs, adding decoration to the elevations, and the occasional use of more traditional building forms, including pitched roofs and classical elements. In the context of the York Hill Conservation Area, the architectural interest of the proposed house, which derives from its simple, clean lines, maintains

the quality of the built environment within the area, adds to its interest by expanding the range of styles, and enhances the pattern of historical development by adding a 21st century building to the story of the area without creating a 'pastiche' of the Arts and Crafts architecture which is dominant.

The draft character appraisal for York Hill Conservation Area outlines eight key factors which contribute to the character of the area, one of which reads; 'Victorian and 20th century houses, many with unique designs for the area'. The construction of a contemporary dwelling, which takes account of its landscape setting and the scale and massing of its neighbouring properties, is considered to perpetuate this characteristic, thereby enhancing the area by adding to its rich architectural quality, especially as the proposed building will replace an uninspiring 1960s house which is identified in the draft appraisal as only making a 'neutral' contribution to the character and appearance of the area.

The slack pitched, hipped roof takes account of the building's context by nodding to the traditional character of the surrounding buildings and allowing the proposed building to sit low within the landscape, in particular in views from Woodbury Hill, by minimising its overall visual bulk. The rendered finish, although distinctly modern when combined with the horizontal emphasis of the fenestration, is a traditional facing material for domestic properties in this area.

Given the above the Conservation Officer has therefore raised no objections to the proposed replacement dwelling or the demolition of the existing property. The contemporary design approach is considered to root the building firmly in the 21st century and will enhance the area by replacing an uninspiring 1960s house, which contributes little to the area, with another example of unique building design reflecting one of the identified key characteristics of the area discussed above. The fact that the building also takes account of its context in terms of building height, scale and massing means it adheres to the design principles set out within the Council's Conservation Area policies.

The Conservation Officer has noted that the application form lists pantiles as the proposed roof covering, the exact colour of which is to be agreed. On this style of building, green glazed pantiles are common and would be considered an acceptable element of the overall design, however, other roof coverings could also be considered including slate, given the particularly slack pitch of the roof and this can be conditioned to ensure materials are submitted. The Conservation Officer has also requested a condition requesting further details on all external material, including the motifs and further details regarding the windows, doors and balustrades and this is considered acceptable.

Amenity:

Given the large change in levels it is considered that with regards to impact on amenity there will be no undue impact on the occupiers of Dryads Hall, particularly as this property is some 30m away and at a higher level.

The occupiers of Woodbury House to the south west have objected to the proposal on the grounds of overlooking and loss of privacy. It is not considered that there will be any loss of light or outlook to this property due to the distance between the two and therefore the amenity issues raised are considered to be overlooking and privacy.

Although a large amount of fenestration is proposed with this application, including floor to ceiling windows and a large balcony terrace area, it is not considered that the proposal will change to a significant degree the existing relationship between the two properties. Due to the orientation of both properties, angled slightly away from each other, coupled with the distance between the two properties (23m), the substantial difference in land levels and the high evergreen trees at the shared boundary it is currently very difficult, if not impossible, to view the private garden area of

Woodbury House. It is only the far end of the garden that is visible and this was clearly evident from the site visit from both the existing nearest side facing window and balcony.

Although it is appreciated that the perception of overlooking may increase, there is an existing window in this flank wall and this perception is therefore in existence at present. It is not considered that the effective enlargement of this glazing (albeit in a new house, but on the same building line) is such that would increase this existing relationship to such a detrimental level to justify a refusal on this basis given the specifics of the site as described above.

Landscaping:

At the Tree and Landscape Officer's request a tree report was submitted as part of this application. The Tree and Landscape Officer has no objection to the proposal subject to conditions to ensure existing trees are protected and a landscaping scheme is submitted.

Conclusion:

The proposal is not inappropriate development in the Green Belt. The contemporary design of the house is unique within the Conservation Area but is found to be of a quality that would enhance this part of it. Moreover it would safeguard the living conditions of neighbouring dwellings such that it would not have an impact any greater than that of the existing house. It is therefore recommended that conditional planning permission be granted.

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:

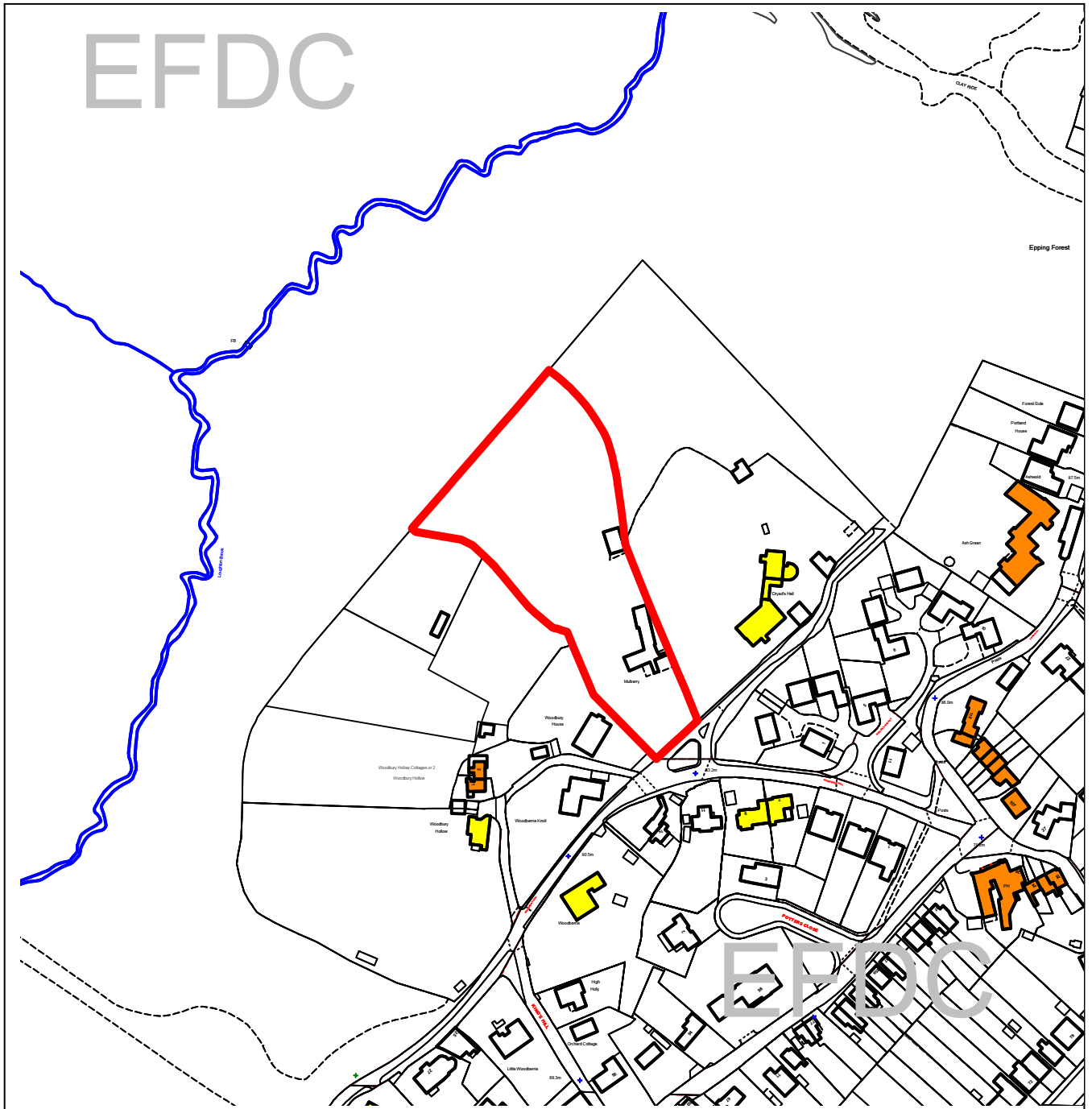
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	12 and 13
Application Number:	EPF/1135/13 and EPF/1347/13
Site Name:	Mulberry, Woodbury Hill Loughton, IG10 1JB
Scale of Plot:	1/2500

Report Item No: 13

APPLICATION No:	EPF/1347/13
SITE ADDRESS:	Mulberry Woodbury Hill Loughton Essex IG10 1JB
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr & Mrs J & S Bell
DESCRIPTION OF PROPOSAL:	Conservation area consent for the demolition of existing detached house and car port.
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=551010

CONDITIONS

- 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 strictly in accordance with the approved drawings nos: 0484/0884/01, 0484/0884/02A, 0484/0884/03 and DP01
- 3 Prior to commencement of demolition, a schedule and timetable of works including details of the means and timescale of demolition together with proposals for clearing all waste from the site arising from demolition works and associated timescale shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be completed in accordance with the approved details and timetable.

This application is before this Committee since it is the concurrent Conservation Area Consent application to a planning permission which 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: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

Description of Site:

Mulberry is a large detached 1960's dwelling situated within extensive grounds located to the north of Woodbury Hill. The property is broadly 'L' shaped with a single storey wing to the rear. The site is within the York Hill Conservation Area and within the neighbouring property there are several preserved trees close to the shared boundary. Due to the changes in level, only the roof of the property is really visible from Woodbury Hill, and the property appears as a bungalow from the

front. The land slopes very steeply to the north and west so that the property is two storey to the rear and side. Due to the steep slope of the land at this point, Dryads Hall, the nearest neighbour to the east is on much higher ground and Mulberry House, the nearest neighbour to the west on much lower ground. As stated the land slopes away to the rear with forest land behind. The site is within the Metropolitan Green Belt.

Description of Proposal:

This proposal seeks Conservation Area Consent for the demolition of the existing house. Such consent is sought in connection with a proposal for the erection of a replacement house that is the subject of planning application ref EPF/1135/13, which is reported elsewhere on this agenda.

Relevant History:

CHI/0247/59 – Detached house and garage – App/Con
EPF/0867/78 – Single storey rear extension – App/Con
EPF/1129/83 – Single storey extension – App/Con
EPF/1135/13 - Demolition of existing detached house and car port and construction of replacement dwelling on two levels with an attached car port, terracing and balconies, together with a storage basement below ground at the northern end of the property – Concurrent application

Policies Applied:

Epping Forest District Local Plan and Alterations
HC9 – Demolition in Conservation Areas

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee NOTED its objection to application EPF/1135/13 for a replacement dwelling, but had NO OBJECTION to the removal of the existing house.

NEIGHBOURS

8 neighbours were consulted and a site notice erected, the following responses have been received:

HILL'S AMENITY SOCIETY – Concern with regards to proposed development

LOUGHTON RESIDENT'S ASSOCIATION PLANS GROUP – Object to proposed development

Issues and Considerations:

The main issue raised by the proposal is whether the demolition of the house would preserve the character and appearance of the York Hill Conservation Area.

The proposal seeks demolition of a 1960's dwelling. The dwelling is proposed to be replaced by a new house for which planning permission has been sought under reference EPF/1135/13. The Council's Conservation Officer has no objection to the demolition as the existing property has no architectural or historic merit. The existing house is considered an uninspiring 1960's house which is identified in the draft character appraisal for York Hill Conservation Area as only making a 'neutral' contribution to the character and appearance of the area. Moreover, a strong element of the character of this part of the conservation area, which is adjacent to Epping Forest, is its relative openness. In this particular case, therefore, it is considered the demolition of the house of itself would preserve the character and appearance of the conservation area, subject to a schedule of

works being conditioned to ensure the site is either restored to an acceptable condition or redeveloped in accordance with a planning permission.

Conclusion:

As outlined above the proposed demolition within the Conservation Area is considered acceptable and 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 564371***

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

Report Item No: 14

APPLICATION No:	EPF/1267/13
SITE ADDRESS:	Buckhurst Hill Football Club Roding Lane Buckhurst Hill Essex IG9 6BJ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Mr Graham Baldwin
DESCRIPTION OF PROPOSAL:	Replacement of the existing palisade fencing and gates with metal framework and chain link fencing (to match existing gated access/egress points installed on adjoining open areas).
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/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550652

CONDITIONS

- 1 Within 3 calendar months of the date of this decision, the fence/gates hereby approved shall replace those which are currently erected onsite without consent. The approved gates shall then be retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(i))

Description of Site:

The site is on the southern side of Roding Lane. It forms one of two open fields demarcated by a ditch/ channel. The east side is used as a football ground with a pavilion and the west side is used as a playing field.

Immediately east of the site is the River Roding. The surrounding area is predominantly used for recreational purposes. Across Roding Lane to the north is a designated public footpath; however, there is no designated public footpath across the subject site. There are new entrance gates that front onto Roding Lane with a thick hedgerow that runs along part of the front boundary to the road.

The site is within Flood Zone 2 and 3 and is within the Green Belt. There is no Public Right of Way through the site.

A section of palisade fence (containing gates) has been erected at the vehicle access point from the site into Roding Lane, without planning permission having been granted. This site has been subject to a number of applications on this matter as outlined below.

Description of Proposal:

This application seeks planning permission to retain four posts from the present palisade fencing and to insert new gates whilst retaining existing chain link fencing.

The proposed new gates have been designed to be similar to those on the main entrance to Buckhurst Hill Football Club. The gates would be 2m high and be constructed in a tubular frame to match the existing gates further along the site boundary. The gates would incorporate a double panel to provide vehicular access and a separate pedestrian gate.

The Club advises that the retention of a secure fence is necessary to safeguard all users of the site. They explain that the site provides essential training sessions for local boys and girls ranging from 4-18 years and also senior football and that dog faeces and other litter have to be removed from the site frequently to allow safe use of the recreational pitches.

Relevant History:

EPF/1185/11. Creation of an access bridge. Approved 22/08/2011.

EPF/2027/11. Replace existing entrance gates. Withdrawn prior to decision.

EPF/2342/11. Retention of the erection/installation of palisade fencing and gated entrance/exit to Football pitch area. Refused planning permission for the following reason:

The fencing and gates, due to its inappropriate height, design and position is unsightly and therefore harms the openness of this part of the Metropolitan Green Belt, contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan.

The above decision to refuse planning permission was subsequently upheld at appeal.

EPF/1538/12. Provision of new first team pitch, including fencing, floodlighting and spectator stands, improved car parking provision and refurbishment of existing changing pavilion. Withdrawn prior to decision being taken.

EPF/1984/12 – Replacement of the existing palisade fencing and gates with metal framed infill panels. Refused planning permission for the following reasons:

- 1) The proposed alterations to the gate would be unlikely to resemble the finish of the purpose built gate pictured within the application submission, by reason of the existing structure being altered rather than replaced. As a consequence the altered structure may have an unattractive appearance, harmful to the visual amenities of the locality, contrary to policy DBE1 of the Adopted Local Plan and Alterations which is consistent with policies contained within the National Planning Policy Framework.
- 2) Notwithstanding the alterations proposed to the structure, it would remain of utilitarian design, better suited to an industrial setting rather than the semi-rural character of the application site, contrary to policies CP2, GB2A and GB7A of the Adopted Local Plan and Alterations which are consistent with the policies contained in the National Planning Policy Framework.

Policies Applied:

Adopted Local Plan and Alterations

The following policies have been found to be compliant with the NPPF. Policy GB2A is generally compliant with the NPPF except we should now consider impact to the openness of the Green Belt when assessing agricultural buildings in addition to the usual criteria.

GB2A – Development in the Green Belt
GB7A – Conspicuous Development
CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
ST4 – Highways Considerations
LL11 – Landscaping Schemes

Also relevant are the policies and planning principles contained within the National Planning Policy Framework ('The Framework').

Summary of Representations:

Notification of this application was sent to Buckhurst Hill Parish Council and to 6 neighbouring properties.

At the time of writing this report no responses have been received. Any late submissions will be read aloud for the Committee.

Issues and Considerations:

The main issues to be considered are the impacts of the altered gates and fence on the character and appearance of the area, in particular in relation to the open character and appearance of the Green Belt. There is also extensive recent history relating to this application, and due regard must be given to the recent reasons for refusal. Consideration will be given to the recent Inspector's decision, which must be afforded weight when considering this application for a similar proposal. For ease of reference, the Inspector's decision is appended to this report.

Appearance and impact on the Green Belt:

At paragraph 8 of the Inspector's Decision, he clearly states that any form of gateway or fencing leading into the site would be bound to have some impact on openness, even if that impact was very limited. The development is, therefore, defined as one which is inappropriate within the Green Belt. Accordingly, for it to be approved it must be demonstrated that very special circumstances exist.

The Inspector concluded at paragraph 13 that 'the harm by reason of inappropriateness and loss of openness might well be outweighed by the need to secure the site'. The Inspector did accept the need for the site to be kept secure from trespassers and damage. At paragraph 10, the Inspector is specific regarding his concerns with his objections to the design of the boundary treatment in the application at that time – 'it is neither their height, of itself, nor their position, which makes them unacceptable however, so much as their design, which is utilitarian at best and of a kind that might be expected around a secure compound, for example, or on an industrial estate...'.

Since this application was determined and dismissed at appeal the applicants have sought revisions to the existing gate, this was also refused under EPF/1984/12. Members considered that the proposed alterations would still leave a visually harmful structure that was utilitarian in

appearance and out of character with the local area. Since this decision the applicants now proposed the retention of only the posts that would mount the gate, and now propose to have a bespoke gate provided to reflect the design of the existing gate at the other end of the site. This design allows views through the gate, whilst providing security and in a design that has been established as acceptable. The use of the same design gate also adds to the branding of the site, making the premises clearly identifiable. The height is reduced to 2m and the gate design is now akin to many domestic designs in the District. Accordingly the proposals would have the least possible impact on character and appearance of the locality whilst providing security to the grounds within.

Conclusion:

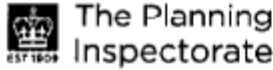
In light of the above appraisal, it is considered that the proposed gates/fence in the altered form proposed would be acceptable. It is, therefore recommended that planning permission be granted.

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: Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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

Appendix 1: Appeal Decision – EPF/2342/11



Appeal Decision

Site visit made on 21 August 2012

by **R O Evans BA(Hons) Solicitor MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2012

Appeal Ref: APP/J1535/A/12/2174057

Buckhurst Hill FC, Roding Lane, Buckhurst Hill IG9 6BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Pelley House Sports and Social Club against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2342/11, dated 10 November 2011, was refused by notice dated 29 February 2012.
 - The development proposed is the erection / installation of palisade fencing and gated entrance to football pitch area.
-

Decision

1. The appeal is dismissed.

Reasons

2. *Preliminary Matters.* The appeal site is a playing field on the southern side of Roding Lane, a short distance to the east of the built up area of Buckhurst Hill. The subject gates and fencing were erected before the application was made so the appeal falls to be treated as one in relation to development already carried out. For the sake of clarity, whether any public right of way runs across the site, and if so, whether it runs through this gateway, are not questions which I can determine in this appeal. On the evidence before me however, the land appears to be in private ownership and I know of no reason why the appeal should not be determined on its planning merits.
3. As a preliminary issue, the Appellants rely on a 'fallback' position based on Schedule 2, Part 1, Class A of the Town and Country Planning (Permitted Development) Order 1995 (as amended). This permits the erection of a gate, fence or other means of enclosure, subject to an overall maximum height of 2m, or 1m if erected "adjacent to a highway used by vehicular traffic".
4. The structures in this instance consist of 2 sections of steel palisade fencing and a pair of gates, with a combined width shown on the plans as some 9m but said by the Council to be about 11m. I was not able to verify either measurement but the Council's has not been challenged in the Appellants' 'Final Comments'. There are also return sections projecting in front of the gates by some 2.7m. There is no dispute over their height, at 2.4m, nor over the fact that the gates are some 11m from the edge of the road. They form not only part of the overall boundary treatment however but also a barrier at the site entrance between the main body of the site and the road. The term "adjacent" in its ordinary usage does not necessarily imply 'touching' or 'contiguous' but can equally mean 'close to' or 'nearby'. Despite the depth of

the entrance, itself partly the result of the ditch running along the boundary, I consider the gates and fence to be "adjacent" to the road for this purpose. If proposed as 'permitted development' therefore they would be subject to the 1m limit.

5. *Main Issues.* There is no dispute that the site lies within the Metropolitan Green Belt. The main issues are thus first, whether the gates and fencing are an inappropriate form of development in the Green Belt, and second, if so, whether 'very special circumstances' exist such that permission should nevertheless be granted.
6. *Inappropriateness.* Saved policy GB2A of the 2006 Epping Forest District Local Plan ("the LP") sets out categories of development considered appropriate within the Green belt. These include the construction of new buildings for outdoor participatory sport and recreation, including "associated essential small scale buildings." The recently published National Planning Policy Framework ("the NPPF") provides that the construction of new buildings should be regarded as inappropriate in the Green Belt unless for specified purposes, including the "provision of appropriate facilities for outdoor sport ... as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it." The statutory definition of a "building" includes "any structure or erection"¹. I see no reason therefore not to treat the gates and fencing as such for present purposes.
7. As the case is put, the Appellants granted a 25 year lease shortly before the fencing and gates were erected to the Buckhurst Hill FC, who occupy adjoining land to the east. In summary, that club organises some 25 football teams covering all age groups and wish to use (if they are not already doing so) the appeal site as part of their Youth Development Centre. Where before there was a small gateway and pedestrian access, the new structures are intended to control both pedestrian and vehicular access and to provide security from trespassers and damage. That, it is said, would also allow the club sufficient security to construct a bridge over the stream running between the two playing fields, thereby enabling children in particular to avoid having to cross and walk along Roding Lane in order to go from one field to the other.
8. The Council have specifically accepted the "need for the site to be kept secure from trespassers and damage." Given the reported and undisputed history, and however regrettable, I share that view. Indeed, I saw evidence of graffiti on a building in the park opposite. The purpose of providing the gates and fencing can thus be said to enhance the beneficial use of the Green Belt by improving the opportunities for outdoor sport and recreation. They are not therefore in principle in conflict with the purposes of including land within the Green Belt, but rather the opposite and thus amount to an "appropriate facility"². Any form of gateway and/or fencing around the site entrance is bound however to have some impact on openness, even if limited, and cannot therefore be said to "preserve" it. The first NPPF proviso therefore renders the development inappropriate for present purposes.
9. *'Very Special Circumstances'.* As the NPPF now advises 'very special circumstances' will not exist "unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by

¹ Section 336, 1990 Act

² NPPF paras 81 & 89.

other considerations." Further, saved LP Policy GB7A provides that permission should be refused for development within the Green Belt that would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt, while Policy CP2 seeks to maintain and improve the quality of the rural and built environment.

10. The gaps between the upright sections of the fencing and gates allow for views between them and for vegetation, at least in the summer months, to grow up around and between them. They are also set at a slightly lower level than the road and are now painted green, all factors which serve to mitigate their visual impact but not to avoid it. It is neither their height, of itself, nor their position, which makes them unacceptable however, so much as their design, which is utilitarian at best and of a kind that might be expected around a secure compound, for example, on an industrial estate, or at least where an overriding need exists for such treatment. With an open field beyond and hedgerows and trees either side of it, the structure as a whole is thus an incongruous, obtrusive and alien feature in this semi-rural setting.
11. The need for security, and the benefits to the club of providing it, do not mean that these structures are the only or best way of achieving it. That equally does not mean the gates and fencing should be replaced with something ineffective just because it 'looks nice'; that would be to defeat their purpose. Other types of fencing materials appear not to have been explored however, nor other possibilities, so that I am not satisfied that the case for a barrier of such harsh design and appearance has been made out. Indeed, if permission has been given for the erection of a bridge, the question might be asked why this entrance is needed at all. Something more extensive than for example, the gate to the club's entrance may be needed but that serves as a less obtrusive example.
12. Replacing the gates and fencing is likely to have financial consequences for the club, but the risk in carrying out development without first obtaining planning permission is that permission will be refused. The fact that the club is a charity providing facilities for children can carry little weight on this point, where it is not the principle of the development that is in issue so much as the manner in which it has been executed. Indeed, I know of no reason why dismissal of this appeal, on that ground, should prevent the club carrying on any of its activities.
13. *Conclusion.* The harm by reason of inappropriateness and loss of openness might well be outweighed by the need to secure the site. The harm caused to the rural character and visual amenities of this part of the Green Belt by reason of the design of the gates and fencing places them however in conflict with the above development plan policies. While I have taken account of all other matters raised, it is that harm which is not outweighed by other considerations, so that the 'very special circumstances' necessary to a grant of permission have not been made out.

RO Evans

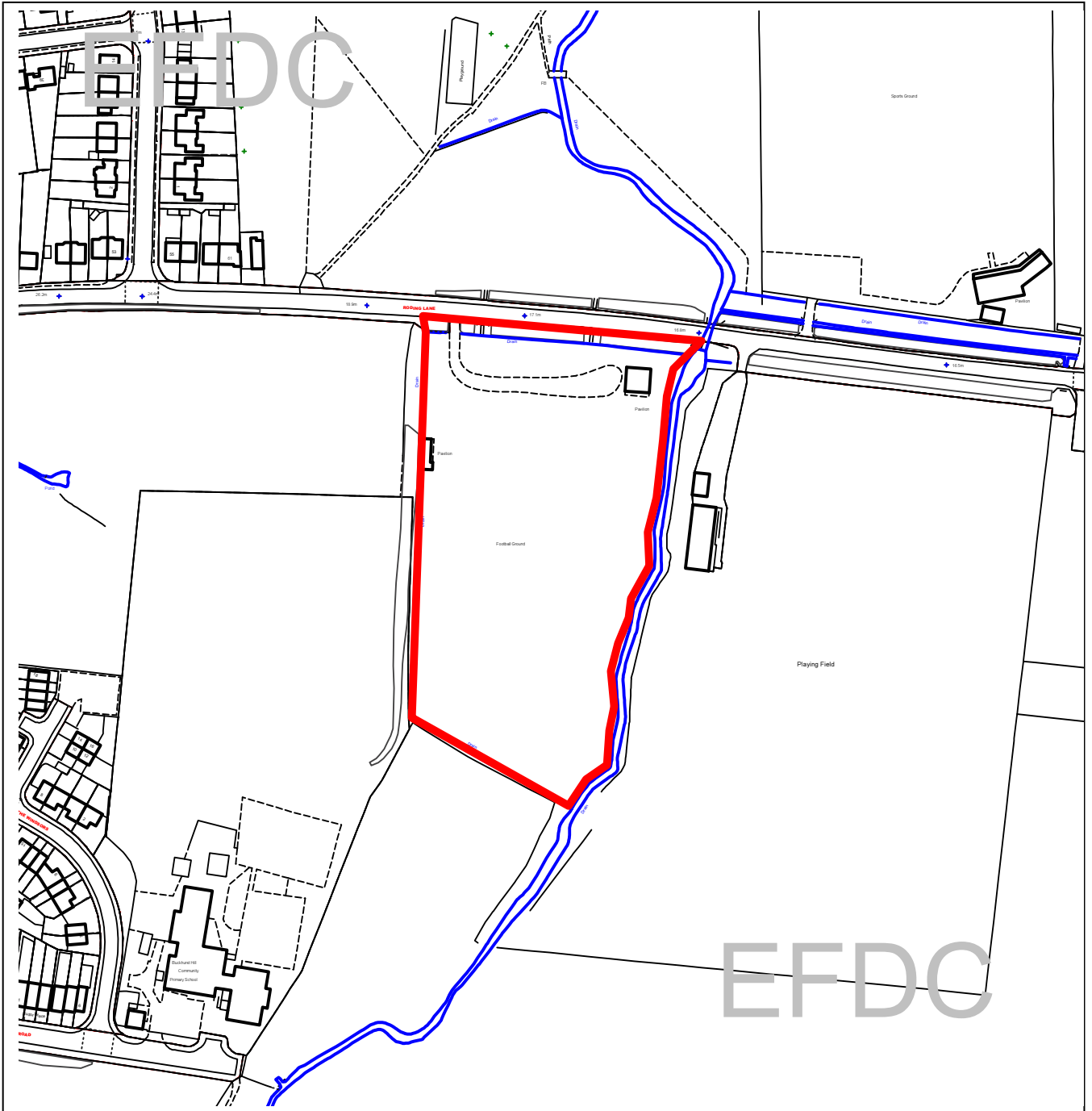
Inspector





Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	14
Application Number:	EPF/1267/13
Site Name:	Buckhurst Hill Football Club Roding Lane, Buckhurst Hill, IG9 6BJ
Scale of Plot:	1/2500