

## AREA PLANS SUB-COMMITTEE 'EAST'

13 August 2014

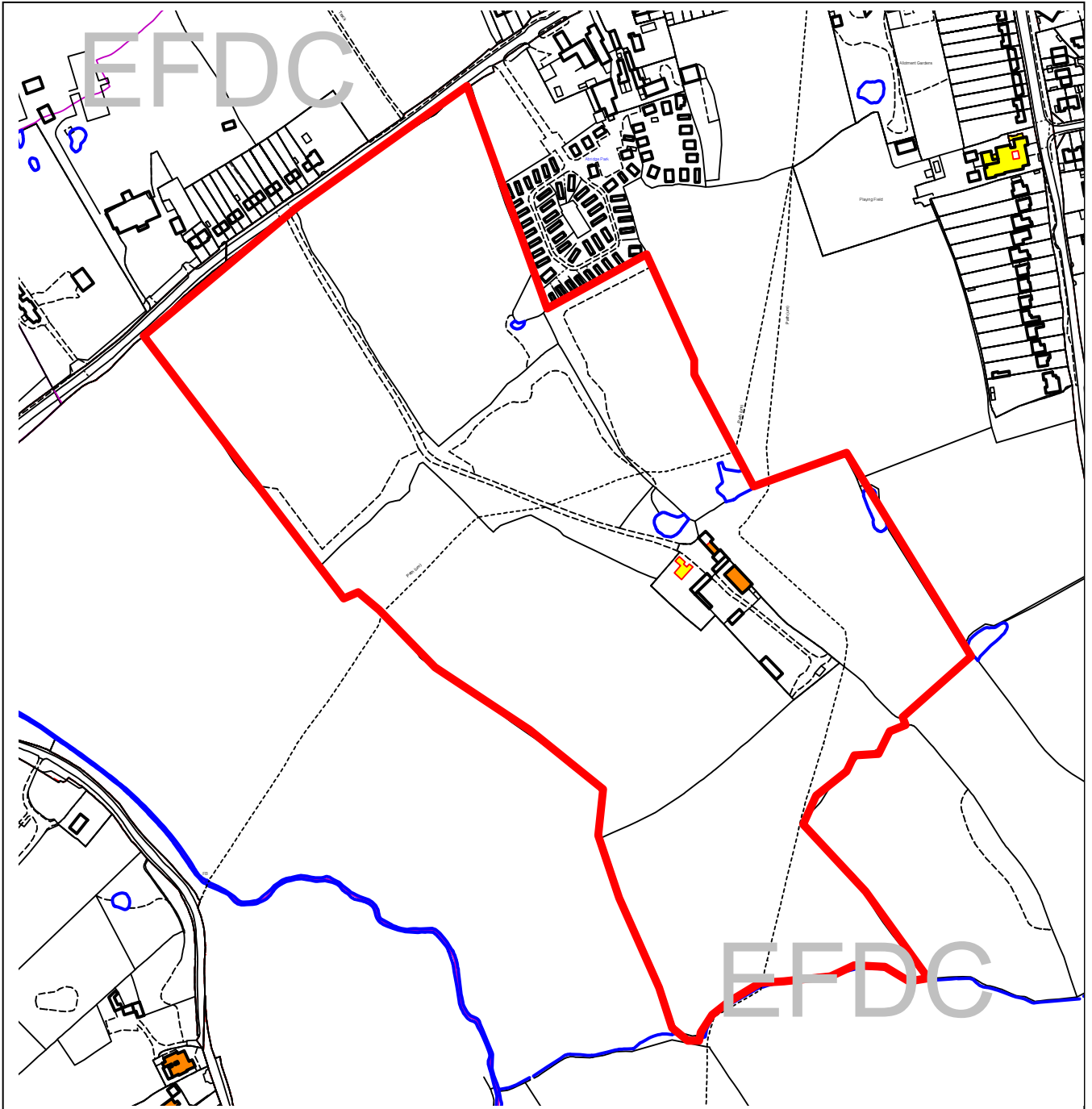
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# Epping Forest District Council

## AGENDA ITEM NUMBER 1



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Application Number:	EPF/0300/14
Site Name:	Great Downs Farm, London Road Abridge, RM4 1XU
Scale of Plot:	1/5000

**Report Item No:**

<b>APPLICATION No:</b>	EPF/0300/14
<b>SITE ADDRESS:</b>	Great Downs Farm London Road Abridge Romford Essex RM4 1XU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr/Miss S S B K P S And SK Gill
<b>DESCRIPTION OF PROPOSAL:</b>	Revised Description: Retrospective application for replacement dwelling incorporating further revisions to roof and dormers and provision of landscaping. (Amended from EPF/2414/09 and EPF/1737/11)
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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=559911](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=559911)

**CONDITIONS**

- 1 The changes to the existing dwelling hereby approved shall be completed in full within 12 months of the date of this decision. The changes comprise the increase in the height of the ridge on the wings of the dwelling, the revisions to the dormer windows, the revisions to the soffits, eaves and bargeboards and the erection of a wall of enclosure adjacent the dwelling opposite the listed barn.
- 2 Within 12 months of the date of this decision the external finish of the roof of the dwelling, currently an imitation slate, shall be removed in its entirety and replaced with a natural slate as agreed with the Local Planning Authority as part of this application.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos:
  - 13/0099/PL-100 - Existing floor plans
  - 13/0099/PL-102 - Proposed roof plan
  - 13/0099/PL-104 - Proposed floor plans
  - 13/0099/PL-110 - Existing elevations
  - 13/0099/PL-130 - Proposed elevations
  - 13/0099/PL-140 - Cross sections
  - 13/0099/PL-141 - Window detail
  - 13/0099/PL-142 - Soffit, eaves and bargeboard details
  - 13/0099/PL-143 - Entrance door detail
  - 13/0099/PL-144 - Chimney detail
  - 13/0099/PL-145 A - Dormer window detail
  - 13/0099/PL-151 A - Proposed Block plan and landscaping

13/0099/PL-160 A - Site plan and landscaping  
13/0099/PL-161 - Courtyard wall elevations  
13/0099/PL-500 A - Construction signage  
13/0099/PL-510 - Traffic access safety arrangements  
13/0099/PL-520 A - Fire engine turning circle  
21-403-L1-A - Landscaping arrangements  
21-403-T2-A - Site level plan and elevation  
and 13/0099/PL-540 - Proposed drainage plan (notwithstanding the outline of the barn which is no longer part of the application).

- 4 No meter boxes, vent pipes, flues, ducts, or grills shall be fixed to the fabric of the building without the prior, written approval of the Local Planning Authority.
- 5 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.
- 6 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 Schedule 2, Part 1, Classes A, B and E and Part 2 Class A shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 8 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the nearside edge of the carriageway.
- 9 The public's rights and ease of passage over public footpath no.13 (Lambourne) shall be maintained free and unobstructed at all times.
- 10 No surface water from the development shall discharge onto the highway.
- 11 Within 6 months of the date of this decision the applicant shall provide the foul drainage in accordance with drawing 13/0099/PL-540, but the indicated foul drainage run shall not pass through the pond indicated and the barn proposed for reinstatement shall be omitted.
- 12 Within 3 months of the date of this decision the applicant shall submit an application for land drainage consent due to the proximity of the development to an open watercourse.
- 13 The existing hedge which is to be retained along the site boundary with London Road in addition to new planting along the access driveway into the site shall be permanently retained in full. If the hedging is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

14 Within 6 months of the date of this decision the agreed landscaping and planting shall be carried out in full in accordance with drawings;  
13/0099/PL-151 A Proposed Block plan and landscaping  
13/0099/PL-160 A Site plan and landscaping  
21-403-L1-A Landscaping arrangements

15 Prior to the commencement of revisions to the roof, the Horse Chestnut tree to the front of the site shall be protected by barriers before any roof works commence. These fence barriers will remain for the duration of works.

The Main Contractor will be responsible for supplying all materials, erection and removal of all tree protection barriers.

The barrier will be erected consisting of 2 metre tall welded mesh panels joined together using a minimum of two anti tamper couplers per panel, installed so that they can only be removed from inside the fence. The fencing will be securely fixed to the ground by means of metal ground pins of a minimum of 300 mm in length, driven into the soils at a minimum of 2 metre intervals and 2 pins per panel. The barrier should be securely braced to resist impacts by machinery or high winds by means of a stabilizer strut with a base plate and securing ground pins.

The exact position of the barrier will be at a radius of 8 metres from the tree stem, unless hard surfacing provides suitable ground protection within this root protection area. In this case, the barrier will abut the hard surface and be fixed into the soil by pins, as described unless otherwise agreed in writing by the Local Planning Authority.

16 The provision of new tree planting shall be carried out in strict accordance with the following methodology unless otherwise agreed in writing by the Local Planning Authority:

All trees and hedges that are to be new planted on site must have a ground assessment prior to planting. Soil characteristics including structure, texture and depth of topsoil must be assessed and improved if necessary by the addition of structural soil or topsoil to achieve as ideal soil conditions as possible with 45% mineral, 5% organic matter, 25% water and 25% air. Once soil characteristics have been confirmed with a suitably qualified arboriculturalist, the planting process should proceed, as follows:

Design and preparation of each tree/ hedge planting pit should ensure that its depth is no deeper than the tree's rootball or container, with the root stem transition or root flare clearly visible and level with the existing soil surface.

The diameter of the pit should be at least 75 mm wider than that of the root system and square in shape.

The pit sides should not be glazed or smeared but decompacted or scarified.

During excavation the soil dug out should be placed to one side to be reused as backfill as far as is practical. The base of each pit should be left undisturbed.

Before a new tree is planted its root system should be wetted. At no time should trees be left to dry out on site.

Tree stakes shall be provided. All tree stakes used must be driven into the ground to

a sufficient depth and location to provide full support for the tree.

Once a root balled tree is placed in its pit, any hessian or wire cages should be loosened and cut away from the stem.

Backfill should be gradually added while the tree is held upright and firmed in to eliminate air pockets without compacting the soil. The final layer of backfill should not be consolidated but should be deep enough to allow for settlement and mulching.

Immediately after planting the tree pit should be saturated to field capacity and mulch added to a depth of 100 mm and 1 metre radius, avoiding build up directly against the tree stem.

Tree ties attached to suitable batons should be fixed to the stake to ensure stability.

Irrigation should take account of prevailing weather conditions and soil characteristics and be based on a regular small amount rather than high but infrequent volumes. Watering is required where there are 10 consecutive days at more than 25 degrees Celsius.

Formative pruning of damaged or dead small branches is recommended and where branch structure is congested or poorly formed.

A formal assessment of young tree health and development must be carried out by a suitably qualified arboriculturalist annually for the first 5 years, where stakes and ties are checked and removed if the root system is strong enough to support the tree. Additional mulching and weeding is necessary annually and soil must be checked for compaction and remedial actions taken accordingly.

Damage from browsing animals may require guards to be fitted and all trees must be checked for pests and diseases.

- 17 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 18 Within 3 months of the date of this decision a revised Phase 1 Land Contamination shall be carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11",

or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]

- 19 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, a Phase 2 site investigation shall be carried out within 3 months of the approval of the Phase 1. A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]
- 20 Should Land Contamination Remediation Works be identified as necessary under the above condition, a detailed remediation scheme to bring the site to a condition suitable for the intended use shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the approval of the phase 1 or phase 2 (if required) report. The approved remediation scheme shall be implemented in full within 3 months of its approval unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 21 Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to and approved in writing by the Local Planning Authority. The approved monitoring and maintenance programme shall be implemented.
- 22 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in

writing of the Local Planning Authority in accordance with the immediately above condition.

*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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

### **Description of Proposal:**

This application seeks planning permission retrospectively in part, for revisions to an approved replacement dwelling. The proposed dwelling would have an 'H' shaped footprint and would have accommodation spread across three storeys. The dwelling would also have a basement level.

The site has a complex history, and two approvals for a replacement dwelling, however the building constructed differs from both consents. The current scheme seeks in part to regulate the existing building and in part seeks permission to make further changes at the request of Officers. These changes would be to make visual enhancements to the scheme and to mitigate construction issues, which will be outlined more fully in the main body of the report.

In summary, the changes that seek consent are as follows:

Those that have already taken place;

- An increased height to the eaves of the building, altering the angle of pitch to the gable features.
- A revised roof form, from a traditional pitch as originally anticipated to a crown roof (change sought retrospectively but no roof plan for historic consents available).

Those that are yet to take place;

- An increase in ridge height to the side wings of the building (increasing from 10.75m as approved in 2009 and 2011 to 11.75m at the request of Officers to restore a higher pitch to the wing elevations as intended in the original design).
- Revision to the glazing of the dormers, the construction of the roof has led to these appearing as bolt on features as opposed to an integral part of the roof space.
- Revision to the chimney detailing
- Revision to eaves detailing
- Contribution of £3000.00 towards local ecology enhancements.
- Proposed provision of three large tree specimens to the rear of the site in an arc to provide meaningful landscaping enhancements.
- Revision of roof slate. The dwelling has currently been covered in an imitation slate, given the proximity to the Listed Barns, Officers consider this slate inappropriate. A natural slate has been proposed instead.

In addition the applicant has supplied contamination and landscaping details in an effort to address conditions still outstanding from the previous applications. The intention being to ensure there are no unresolved matters outstanding after this Committee's assessment.

The application originally included the reinstatement of the barn structure to the rear. Officers have now required that the barn addition be omitted from the application for reasons outlined in the main body of the report.



## **Description of Site:**

The application site forms part of an isolated disused farm complex to the south side of the London Road on the western side of Abridge. Abridge Park Mobile Home Park is to the north of the buildings which are some 450m south west of the London Road. The site is accessed via a single lane track, which is in poor condition. The site was originally occupied by a detached dwelling and a number of barns. The dwelling and barn immediately to the rear suffered fire damage prior to the submission of applications.

A dwelling has been in the most part, constructed on site following a previous grant of planning permissions, although the dwelling constructed deviates from the approvals, to the degree that it is considered to be an unauthorised structure.

To the north of the house is a Grade II listed farm workers cottage with attached non listed barn elements to either end. This building is presently being renovated. The barn immediately to the rear of the original dwelling was removed during construction due to fire damage and timbers that were salvageable from the building have been retained.

There is a mature Horse Chestnut tree located to the front of the site subject to a Tree Preservation Order. Two public footpaths cross the land within the applicant's ownership (including across the access road). The site has been cleared to a significant degree in association with construction works.

## **Relevant History:**

EPF/2414/09. Erection of a replacement dwelling, rebuilding of existing barns, glazed link between barns and dwelling, and ancillary use to the dwelling at Great Downs Farm, London Road, Abridge. (Revised application). Approved (Delegated decision).

ENF/0349/10. Breach of conditions. Enforcement Notice served and now effective. Time period for compliance lapsed.

EPF/1737/11. Amendment to approved planning application EPF/2414/09. (Erection of a replacement dwelling, rebuilding of existing barns, glazed link between barns and dwelling, and ancillary use to the dwelling at Great Downs Farm.) Approved (Delegated decision).

## **Policies Applied:**

### Local Plan

The relevant saved policies are detailed below. A number of policies may be considered in conflict with the NPPF objectives to varying degrees, however they remain adopted and saved and should be referred to.

CP2 - Protecting the Quality of the Rural and Built Environment

CP3 – New Development

GB2A – Green Belt

GB7A – Conspicuous development

GB8A - Conversion of Buildings

GB15A - Replacement Dwellings

DBE 1, & 4 - Design

DBE 2, 9 - Amenity

DBE8 – Amenity Space

HC12 - Development affecting the setting of listed buildings

LL1 – Landscaping

LL10 – Landscape retention

NC4 - Nature Conservation  
ST6 - Highway Safety  
RP4 – Development of Contaminated Land

### **Summary of Representations:**

Notification of this application was sent to Lambourne Parish Council and to 96 neighbouring properties. A site notice was also displayed close to the site access onto London Road.

The following representations have been received:

NEIGHBOURING PROPERTIES: no comments received.

LAMBOURNE PARISH COUNCIL. LPC supports the proposed changes in relation to the roof which is to be lowered, and that the materials of the original specification, i.e. Natural slate, are to be used.

However we do not support, in relation to the rebuilding of the barns, that there is a new proposed layout in a different position from the approved. The proposed barn plan is rather confusing, as the original kitchen in the main house off the dining room has been omitted and relocated in the proposed barn.

The landscaping is totally different and they have demolished the barns that they are proposing to rebuild in a different position.

The original farm setting which was being preserved on the original plans has now been destroyed

### **Issues and Considerations:**

The main issues to be considered are  
The history relating to the site  
Green Belt (in principle and impact to openness)  
Listed Buildings and design  
Neighbouring amenity  
Trees and landscape  
Ecology  
Highways

#### **Details of the original property, previous consents, built property and proposals**

The original building on site was a three storey detached property with extensions. In 2009 an application was approved for a replacement dwelling following a fire. This consent included the removal and reinstatement of the listed barn immediately to the rear of the building.

In 2010, part way through construction it became apparent changes were taking place to the approved scheme, namely the enlargement of the footprint. These revisions were subject to an enforcement investigation, and following an enforcement notice being served, an application was submitted. In 2011 this application was approved by Officers.

As construction progressed towards roof height, further variations from the new approval occurred and have been investigated and as a result this application has been provided. Changes mainly relate to the height of the eaves on the wings to the building. The revision to this height results in a slacker angle of pitch than is usual in the context of listed buildings. The barns on site and in the area are typically characterised by steeper pitches to the roof. The dwelling constructed also

includes a crown roof and faux dormer windows, a lesser quality roof tile and changes to the size and scale of windows and doors throughout.

In addition to variations from the approved dwellings, the conditions attached to the permissions have also not been fully complied with. The current application seeks to mitigate potential harm caused by not complying with conditions by providing further information, an ecological contribution and significant on-site landscaping.

Due to the complexities of this application, the changes in dimensions approved and in place over time are summarised below:

	Original Dwelling	As per EPF/2414/09	As per EPF/1737/11	As Built	As Proposed
Wing ridge	9.6m	10.75m	10.75m	10.75m	11.75m
Wing eaves	7.2m	7.6m	7.6m	9m	9m
Reduced ridge	4.8m	9.8m	10.2m	10.2m	10.2m
Reduced eaves	2.3m	5.3m	5.7m	5.8m	5.8m
Width footprint	19.6m reducing to 13.5m	21.3m	21.3m	21.3m	21.3m
Depth footprint	17.9m	14m	14m	14m	14m
Lesser depth footprint	14.2m	8.2m	8.9m	8.9m	8.9m
Floor space	568sqm	714sqm	732sqm	732sqm	732sqm
Floor space barn to be replaced	132sqm	144sqm	No change but not on approved plans	Barn in storage	Removed and wall provided in lieu
Floor space in basement	0sqm	94sqm	244sqm	244sqm	244sqm

Please note floor space figures provided are total floor space, measured externally with no reduction for internal walls or non-habitable areas or circulation space.

Please note that there would appear to be a conflict in the 2011 approved drawings. The approved elevations suggest dormer windows and a sloping roof, however the floor plans provided for this floor are the same as those below, when in practice you would expect a loft space floor plan to be reduced in size and to incorporate projections where dormer windows are incorporated.

The departures currently being assessed are a 0.6m increase in the main eaves height, altering the gable projections to a slacker pitch and the 0.1m increase in the lower eaves height. Also the crown roof was not previously approved, but Members should note no roof form was approved due to the absence of roof plan. The current application includes no increase in floor space from that previously approved, however the barn previously to be reinstated would now be omitted.

### Green Belt

The original applications were considered prior to the adoption of the NPPF when planning regulation nationally was more rigid. The objectives behind Green Belt policies are unchanged in the NPPF, however the general tone of the policy is designed to enable sustainable development.

Policy GB15A of the Local Plan provides for the replacement of dwellings within the Green Belt where:

- i. they are not materially greater in volume than that which they replace,
- ii. they do not have a greater impact on the Green Belt than the original dwelling; and
- iii. they would not result in the size of garden exceeding that which is replaced.

On the submission of the previous planning applications the proposed dwelling was found to accord with this policy. The dwelling proposed in 2011 was larger, due to an enlarged footprint and provision of a full, as opposed to part, basement, but this was still considered acceptable.

In terms of floor space, the currently proposed dwelling is no larger than that approved in 2011. In respect of height, the eaves heights vary, but this has little bearing on mass, with concerns regarding this change relating to design. Design is explored in more detail later in this report. In order to improve the design, Officers have suggested the main ridge to the wings be increased by 1m. This would revise the angle of pitch and provide for a better design relative to the Listed Buildings.

In Green Belt terms, Officers consider the increase in the ridge height of the wings would provide significant design benefits without significant harm to the Green Belt. The dwelling is viewed in isolation, the increase in height would not alter views from across the area, with the dwelling already visible. The revision makes no greater provision for internal floor space and serves only to improve the design. Thus in principle, Officers see no reason to reach a decision differing from that provided in 2011.

### Listed Buildings and design

In design terms the main changes from the previous approval to the current application relate to finer detailing around finishes and the angle of pitch of the gable wings due to the revised height of the eaves. The application has also been revised to omit the reinstatement of the barn.

The Historic Buildings Advisor at Essex County Council has previously made recommendations for improvements to the dwelling, however this has been in the context of the site, the history and previous approvals. The view reached has previously been the house would not cause materially greater harm to the setting of the listed building. This view remains, subject to design revisions as follows:

- Little concern regarding the roof pitch of the wings
- Issue with overhang of central roof and recessed nature of the dormer windows
- Eaves, Soffit and bargeboard detailing requires revision
- Artificial slate roof is not appropriate
- The location and orientation of the L-plan outbuilding, now dismantled, was significant to the setting of the listed barns as it contributed to the traditional farmyard arrangement. Without the outbuilding, the historic farmyard setting lacks coherence, and the listed barns now stand in isolation.

- As it is not possible to reconstruct the L-plan outbuilding in its historic location, I would advise, but regrettably so, that the building is recorded, but not reinstated. I believe it is still important to try to restore a sense of the setting to the listed barns, which might be achieved by constructing a brick wall at the entrance to the courtyard, where the outbuilding was historically sited.

The applicant has submitted revisions to overcome most issues raised by the Historic Buildings Advisor. There is still some discussion over the location of the wall and the original barn, however aerial photography shows the barn to sit opposite that which remains, thus a new wall should retain this relationship. The applicant is unable to redress the issue with the central overhang, due to the method of construction, however in lieu of this remediation and after discussion with Officers, the applicant has instead agreed to reinstate the angle of pitch to the wings of the building by increasing the height. This would involve replacing the roof frame over the wings and redressing the roof in its entirety with real slate as opposed to the current artificial slate.

Officers have considered the application in the context of the previous approvals and the need to ensure development preserves or enhances assets of heritage value. Officers consider in design terms that the biggest opportunity for improvement and enhancement, is to adjust the angle of the pitch to the wings, albeit causing the ridge height to increase. This change would make the biggest contribution to appearance for long vistas in the area. The other alterations provided also add a level of detail to the property that is expected in the setting of the Listed Building.

The loss of the barn intended for reinstatement is regrettable, however whilst the description of development suggested its reinstatement historically, no condition has ever been attached to any consent to require the barn's reinstatement. In 2009 a condition required the external materials for the barn when reinstated to be agreed, but no condition was provided requiring method of demolition, storage or manner of reconstruction beyond the approved drawings. Accordingly the onus is not entirely upon the applicant for the unsatisfactory demolition and storage of the barn. The concern now is that whilst some timbers and materials have been retained and stored, there was no methodical removal to allow methodical reinstatement. The result is that were the structure replaced, little fabric would be original and that which was, would be unlikely to be reused in a manner akin to how it was previously. It is also unfortunate that when the original approvals were given, it was not realised that the location of the footprint would be over the position of the barn, again making accurate replacement impossible. Thus from the current position Officers consider the provision of a wall to provide means of visual enclosure the best way forward to enhance the relationship between buildings.

#### Neighbouring Amenity

Due to the location of the site and proposal in relation to neighbouring properties, there would not be any material harm to the amenities presently enjoyed by the occupiers of neighbouring dwellings.

#### Trees and Landscape

During the original submission no tree or landscape concerns were raised subject to standard conditions. Following planning approval, works on site commenced and conditions were not properly executed. This resulted in harm during construction to the Horse Chestnut to the front of the property. The root protection area was encroached, ground level was altered but has now been reinstated, construction storage took place beneath the tree, some unlawful trimming works and on one occasion there was a fire. Officers are now monitoring the health of the tree, which so far has coped well and is in full leaf.

The applicant also failed to properly follow agreed planting procedure and has lost a number of saplings along the entrance to the property. These are being replaced. In recognition of this harm the applicant has agreed to plant three larger than average nursery stock trees to the rear of the property, in an arc to provide a dual benefit of enhancing the landscape and as a partial screen to

the currently largely open vistas of the side/rear of the property. These trees would be two Scots Pine and a Copper Beech of 16-18cm in circumference and in the region of 4.5-6.25 in height. By comparison, landscaping schemes typically require trees of a 10-12cm circumference. Larger semi-mature trees have not been sought due to common issues arising with the survival of trees this size when moved.

#### Wildlife and Ecology

The original planning application was accompanied by a Newt Survey recommending onsite mitigation during construction due to the presence of Great Crested Newts. Surveys accompanying the application understood none of the ponds to be affected by the scheme, but sought onsite translocation if required, newt fencing during construction, habitat restoration, reinstatement of dry ponds, new pond planting, removal of bank scrub and creation of habitat.

The applicant is unable to provide monitoring of mitigation measures taken to demonstrate the conditions were fully carried out. Clearly the construction on site has now reached a point that mitigation cannot be applied retrospectively, namely the translocation and provision of construction fencing. Recognising this shortcoming, the applicant has agreed via a unilateral undertaking to make a contribution to the Council's Countryside team for enhancements in the local area, with the view that this contribution could be used to provide ecological enhancements that may offset any perceived harm that may have taken place.

#### Highway Considerations

This application does not raise further highway issues beyond those considered under the previous approved applications.

It will be necessary to impose the planning conditions attached to the previous consent, in relation to highway safety and access.

#### Other Matters

Presently there is an unauthorised building erected on the site that varies in detailing from the approval in 2009 and 2011, with a differing roof form and higher eaves. Were Members to refuse the scheme this immediately raises the issue of enforcement action. Enforcement proceedings would commence following the lapse of the applicant's 6 month period to appeal, and if appeal is lodged, following the appeal's determination. Enforcement proceedings could potentially take more than a year from the current date to determine.

There is an enforcement notice in place which enables the Council to secure the removal of this unauthorised structure from the site or to revert to the approved drawings. It is appreciated that the applicant may wish to retain part of this structure where it accords with the approvals, this would be acceptable.

Members should be aware that internally the load bearing structure is not based upon the external skin of bricks and mortar, but instead on a number of interlocking solid concrete piers, potentially with steel cores. As a result changes can only be made structurally by the removal of entire piers, or floors as is the case. In order to make a reduction of 60cm the applicants would need to remove the entirety of the roof and second floor and then reconstruct. Members will need to consider if the visual gain from this reduction is sufficient to justify this level of work, particularly in the context of the advice from the Listed Buildings Officer.

Members should also be mindful that refusal of the proposals and pursuit of enforcement would achieve only 60cm in eaves reduction, the ridge height would be unchanged. The Council would also have declined design enhancements around the building, the additional landscaping provision and ecological enhancements. Reverting to the 2011 permission would also provide for the reinstatement of the barn, currently omitted.

When assessing this application Members should also consider whether a differing view would have been reached if the request for changes to eaves height and detailing had been put forward prior to the erection of the building.

Officers have sought a legal view on how to move forward. This will be reported verbally at the meeting.

### **Conclusion**

The planning issues must be considered in the context of the previous approvals. Members should also consider that refusal of the proposals without a way forward would represent a decision to require enforcement action to take place. If Members are of a view that further revisions are required to result in a more acceptable scheme, potentially Members may wish to consider deferring a decision to permit further adjustments. Members should however be aware that a reduction in height is not possible to the eaves, Members may disagree with the increase in ridge height at the wings to improve design, should this be the case, this revision could be removed from the application.

Officers have assessed the existing dwelling and proposals against policy and consider that the existing dwelling can be made acceptable by making the proposed changes. Members should be aware that this is a very finely balanced recommendation and this arises from extensive negotiations prior to the submission of this application and throughout its consideration. Officers therefore recommend that planning permission be granted, subject to the imposition of compliance conditions. Given the history onsite conditions provided are compliance in nature as opposed to requiring the submission of details.

***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:***

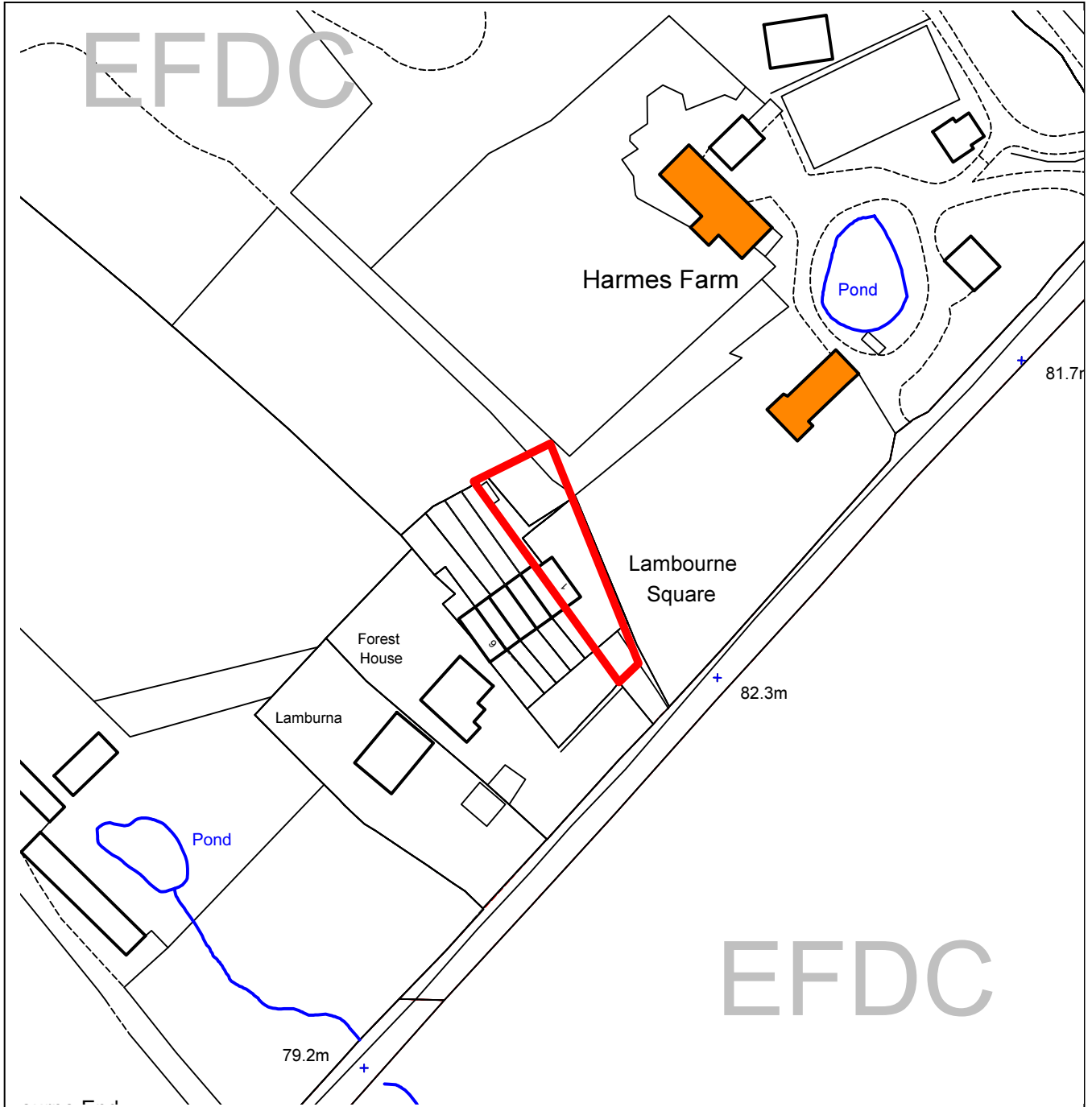
***Planning Application Case Officer: Jenny Cordell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 2



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Application Number:	EPF/0760/14
Site Name:	1 Lambourne Square, Manor Road Lambourne, RM4 1NJ
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0760/14
<b>SITE ADDRESS:</b>	1 Lambourne Square Manor Road Lambourne Romford Essex RM4 1NJ
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Eddie Aldorino
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed two storey side and rear extensions.
<b>RECOMMENDED DECISION:</b>	Refuse Permission (Householder)

**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=561950](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=561950)

**REASONS FOR REFUSAL**

- 1 By reason of its size and bulk the proposed extension would amount to a disproportionate enlargement of the original house and would be excessively harmful to the openness of the Green Belt. The proposal is therefore inappropriate development in the Green Belt. No material considerations that outweigh the harm the proposal would cause exist therefore no very special circumstances in favour of it can be demonstrated. Accordingly, the proposal is contrary to Local Plan and Alterations policies GB2A and GB7A, which are consistent with the policies of the National Planning Policy Framework.
- 2 By reason of its disproportionately large scale and bulk the proposal would significantly detract from the appearance of the house, the terrace it is part of and, as a consequence, would cause excessive harm to the character and appearance of the locality. The proposal is therefore contrary to Local Plan and Alteration policy DBE10, which is consistent with the policies of the National Planning Policy Framework.
- 3 Since no tree survey, implications statement or tree impact assessment has been provided with the application insufficient information has been submitted to allow a proper assessment of the likely impact of the proposed extension on trees / hedges on the boundary of the site that contribute to the visual amenities and rural character of the locality. Accordingly the proposed extension is contrary to Local Plan and Alterations policies LL2 and LL10, which are consistent with the National Planning Policy Framework.
- 4 By reason of its disproportionately large scale and bulk and since, due to its siting, the proposal is likely to result in a loss of trees at the site boundary with Harmes farmhouse, a Grade II listed building, the proposal would adversely affect the setting of that listed building. The proposal is therefore contrary to Local Plan and

Alterations policy HC12, which is consistent with the policies of the National Planning Policy Framework.

- 5 By reason of its depth on the site boundary with the attached neighbour, no 2 Lambourne Square, and its two-storey height, the proposal would appear highly overbearing from both within the house and the rear garden, causing significant harm to outlook. It would also cause significant harm to the outlook from the gardens of 3 and 4 Lambourne Square, which have been merged and enlarged to the rear wrapping around the rear garden boundary of no. 2. Notwithstanding the distance separating the rear gardens of 5 and 6 Lambourne Square from the site, the proposed rear extension would appear prominent and visually intrusive when seen from them. The degree of harm likely to be caused would be excessive and amount to excessive harm to the living conditions of neighbouring dwellinghouses, particularly those of 2 Lambourne Square. Accordingly, the proposal is contrary to Local Plan and Alterations policy DBE9, which is consistent with the policies of the National Planning Policy Framework.
  
- 6 As a consequence of the extent of garden area that would be covered by the proposed extension the enlarged house would be left with an inappropriately small area of private amenity space with an unfavourable aspect resulting in limited usability. The proposal would therefore result in excessively poor living conditions for the application site, 1 Lambourne Square. Accordingly, the proposal is contrary to Local Plan and Alterations policies DBE8 and DBE9, which are consistent with the policies of the National Planning Policy Framework.

*This application is before this Committee since it would otherwise have been refused under delegated powers by the Director of Planning and Economic Development, but there is support from the relevant local Parish/Town Council and no other overriding planning consideration necessitates refusal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(I))*

### **Description of Site:**

The application site is a two-storey end of terrace house. The site forms part of a group of houses within the Green Belt. Not listed or in a conservation area.

The terrace comprises 6 houses, all with single-storey rear additions. To the south west are two large detached houses, beyond which is a field. To the north east, separated by large gardens, are two further large detached houses at Harmes Farm – an original enlarged farmhouse and a barn converted to a dwellinghouse. Both houses are Grade II listed. Visually, the application site is separated from them by substantial trees adjacent to the boundary of the site within the rear garden of the nearest house together with the depth of its garden, some 50m.

Rear of the site is a linear area of woodland in the applicant's ownership, either side of which is open land, a field to the south west and the large garden of the barn conversion at Harmes Farm to the north east.

### **Description of Proposal:**

It is proposed to erect a two-storey extension to the side and rear elevations of the house. It would extend to the side and rear garden boundaries, taking up nearly the entire rear and side garden area. The extension would have a narrow single-storey component adjacent to the site boundary with the attached neighbour. The rear elevation would be dominated by 4 deep patio doors, two at

ground floor and two directly above, enclosed by a balustrade. The roof would be largely flat, with sloping edges.

It is also proposed to construct a porch and to erect a 700mm high retaining wall around the northern and eastern site boundaries. Trees and hedges within the side and rear garden would be removed to make way for the development.

A 1m wide access path going around the side and rear site boundaries would be maintained.

**Relevant History:**

Various applications, including for existing additions, but none are relevant.

**Policies Applied:**

CP2	Quality of Rural and Built Environment
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE10	Residential Extensions
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
LL2	Inappropriate Rural Development
LL10	Adequacy of Provision for Landscape Retention

NPPF

**Consultation Carried Out and Summary of Representations Received**

Number of neighbours consulted. 3  
Site notice posted: No, not required  
Responses received:

2 LAMBOURNE SQUARE MANOR ROAD: Objection

Loss of light to the rear of house, harm to outlook and impact on a right of access.

BERKLEY FARM, MANOR ROAD: Objection

Out of scale and character with the rest of the terrace. Harm to light and outlook. Harm to the Green Belt.

LAMBOURNE PARISH COUNCIL: Support

“The Parish Council supports this application but notes a potential for overdeveloping the site.”

**Main Issues and Considerations:**

The main issues raised by the proposal are:

- Whether the proposal is inappropriate development in the Green Belt, and if it is, whether material considerations exist that outweigh the harm caused by reason of inappropriateness and any other harm the development would cause and whether such considerations amount to very special circumstances.
- Consequence for the openness of the Green Belt.

- Consequence for the character and appearance of the locality.
- Consequence for adjacent trees.
- Consequence for the setting of neighbouring listed buildings
- Consequence for the living conditions of the existing and neighbouring dwellings.

#### Whether Inappropriate Development:

The proposal would clearly result in a disproportionate enlargement of the original house. This is assessed having regard to 'floor area' based on external dimensions.

The original house had a floor area of 48m<sup>2</sup> and the existing additions amount to 26m<sup>2</sup>, giving a total of 74m<sup>2</sup>, or a 54% enlargement. That is a proportionate enlargement of a 4 room terraced house.

The existing additions would be demolished to make way for the proposal. The original house would be enlarged by 197.76m<sup>2</sup>, amounting to a 412% increase. The increase in the size of the existing extended house is 171.76m<sup>2</sup>, amounting to a 357% enlargement.

Having regard to the degree of increase, there is no doubt that the proposal would be a grossly disproportionate enlargement of both the original and existing house. It is therefore concluded the proposal is inappropriate development in the Green Belt.

#### Openness:

The proposed extension would project 9.2m rear of the rear wall of the original house. The front of the extension would project 2.5m beyond the flank of the house, while the rear would project 7m beyond the alignment of the flank wall. Close to the entire rear and side garden of the house would be taken up by the extension.

Other than a 2m wide element on the boundary with the attached neighbour, the proposal would be a full two storeys, matching the eaves and ridge height of the existing house. The scale of the proposal is massive. Its very considerable bulk and two-storey height across the greater part of the side and rear garden would intrude into the openness of the Green Belt to a very significant degree. That would be particularly apparent when seen from the front and from the rear gardens of adjacent houses. It would also appear prominent from the nearest part of the garden of the listed farmhouse at Harmes Farm.

Having regard to the degree of prominence of the proposal, it is clear that the proposal would cause considerable harm to the openness of the Green Belt, undermining the purposes of including the site within the Green Belt.

#### Character and Appearance:

The scale of the proposal is so great and the degree of enlargement of the house so disproportionate that it cannot meet the policy requirement that extensions should complement the appearance of the existing building, the street scene and the Green Belt. The proposal would certainly not respect the character of the landscape or respect the character of the terrace the house is part of. In fact, due to its scale and bulk the proposal would significantly detract from the appearance of the house, the terrace it is part of and, as a consequence, would cause excessive harm to the character and appearance of the locality.

### Trees:

The Council's Tree and Landscape Team was consulted on this application and comments as follows:

*"We OBJECT to this application for the following reasons:-*

*Contrary to policy LL10 - Since no tree survey, implications statement or tree impact assessment has been provided with the application insufficient information has been submitted to allow a proper assessment of the likely impact of the proposed extension on trees / hedges on the boundary of the site that contribute to the visual amenities of the locality and the reasonable privacy enjoyed by the neighbouring property. Accordingly the proposed extension is contrary to Local Plan and Alterations policy LL10."*

### Loss of outside private amenity space

In support of their objection the Team draws attention to the following matters:

*"There is a strong line of trees / hedges on the boundary with Harmes Farm. The proposal appears to fall within 1m of the boundary, as such the rooting systems of the trees / hedge is highly likely to be impacted upon, in addition work is likely to need to be undertaken to them to provide clearance and scaffold space for construction. Tree reports (as described in BS 5837:2012 should have been provided to support this proposal).*

*Also, it would appear that the only outside amenity space would be that to the front of the property."*

The likely loss of trees adjacent to the eastern site boundary would cause considerable harm to the visual amenities of the locality by detracting from the rural character of the locality and its landscape.

### Setting of Listed Buildings:

The application site is situated within the vicinity of a listed farmhouse and a listed barn converted to a house, at Harmes Farm. The buildings are Grade II listed and a substantial tree screen exists between the site and the buildings.

Having regard to the advice of the Council's Tree and Landscape Team it is likely the proposal would result in the loss of a significant part of the screen. The visual relationship between the terrace and neighbouring houses with the listed buildings would, as a consequence, be much more direct. The tree enclosed garden of the listed farmhouse makes a significant positive contribution to its setting, giving it a sense of enclosure and separation from what would have originally been the homes of agricultural workers. A more open boundary arising from the loss of trees would undermine that setting and consequently be harmful to the historic interest of the farmhouse. The visual impact of the extension, which would harm the character and appearance of the existing house, the terrace it forms part of and the openness of the site, would be visible within the context of the listed farmhouse. That relationship would significantly compound the harm caused by to the setting of the farmhouse by the opening up of the side boundary arising from the likely loss of trees.

For the above reasons it is concluded the proposal would adversely affect the setting of the adjacent listed farmhouse at Harmes Farm. The degree of harm caused to the setting of the listed barn is considerably less due to a combination of the additional distance separating the site from it and the screening impact of trees and bushes on the north-western garden boundary of the listed farmhouse between the listed barn and the site

### Living Conditions:

By reason of its depth on the site boundary with the attached neighbour, no 2 Lambourne Square, and its two-storey height, the proposal would appear highly overbearing from both within the house and the rear garden, causing significant harm to outlook. It would also cause significant harm to the outlook from the gardens of 3 and 4 Lambourne Square, which have been merged and enlarged to the rear wrapping around the rear garden boundary of no. 2. Notwithstanding the distance separating the rear gardens of 5 and 6 Lambourne Square from the site, the proposed rear extension would appear prominent and visually intrusive when seen from them.

Although the application site is to the north-east of its attached neighbours, having regard to its depth, height and siting the proposed rear extension would be very likely to cause considerable over shadowing of the garden and rear conservatory of no. 2 Lambourne Square. The loss of light arising would be confined to the very early hours of summer mornings, however. It is therefore concluded that the degree of light loss would not be so great as to cause excessive harm to the living conditions of no. 2.

By taking up nearly all of the rear and side garden of the application site the available rear garden depth would be less than 5m deep and the width of the side garden would be negligible. The submitted tree protection plan shows the rear garden depth to be 2.5m and rear garden area some 30m<sup>2</sup>. The submitted block plan indicates a depth of 4.5m and an area of 50m<sup>2</sup>. Since the tree protection plan is drawn at a more detailed scale – 1:100 rather than 1:500, that plan is preferred. Notwithstanding the inconsistency between the submitted drawings, it is concluded the available private garden area for the extended house would be inadequate. Moreover, the garden space available would be in the shadow of the extension for the greater part of the day. That reinforces the conclusion that the proposal would result in 1 Lambourne Square having inadequate private amenity space. The inadequacy is to a degree that it would amount to excessive harm to the living conditions of 1 Lambourne Square.

### Very Special Circumstances:

There are no material considerations that outweigh the considerable harm the proposal would cause. Indeed, the applicant does not draw attention to any considerations that would outweigh the harm caused. Since none exist there is no possibility of any very special circumstances being demonstrated in favour of the development.

### Conclusion:

The proposal is an extremely harmful form of development that is completely contrary to a number of Local Plan and Alteration policies which are consistent with the policies of the National Planning Policy Framework. No material considerations exist that outweigh the harm the development would cause therefore no case of very special circumstances can be demonstrated. It is therefore recommended that planning permission be refused. Having regard to the harmful nature of the proposal and that the original house has already been enlarged by over 50% of its floor area, there is no way forward that can be put to the applicant.

Given the weight of policy objection to the proposal, should Members wish to grant planning permission, this application would have to be referred to the District Development Control Committee of the Council. Such referral should set out what considerations the Sub-Committee decided weigh in favour of granting permission.

***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:***

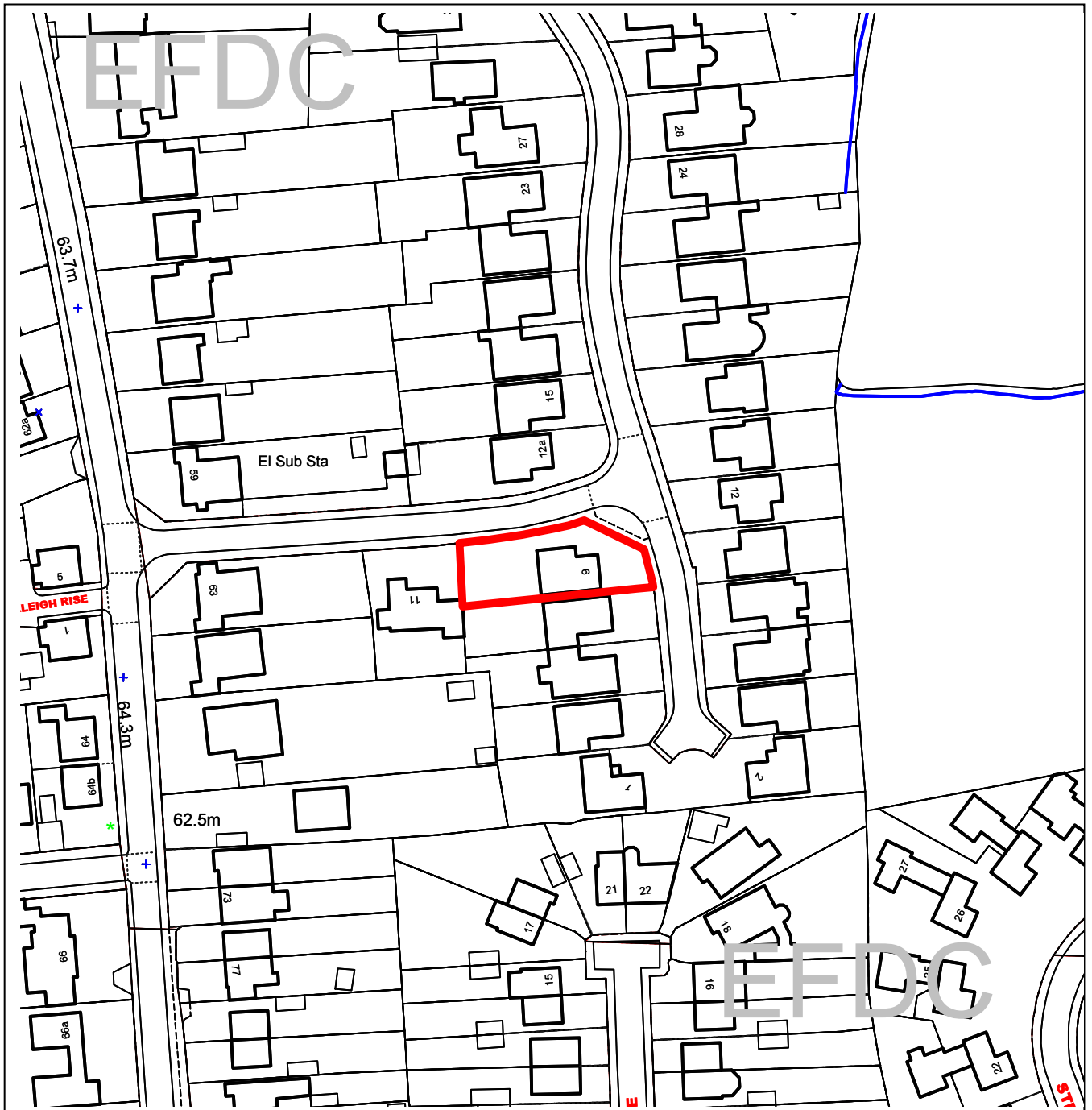
**Planning Application Case Officer: Stephan Solon**  
**Direct Line Telephone Number: 01992 564018**

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 3



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Application Number:	EPF/1089/14
Site Name:	9 The Orchards, Epping CM16 7BB
Scale of Plot:	1/1250



**Report Item No:**

<b>APPLICATION No:</b>	EPF/1089/14
<b>SITE ADDRESS:</b>	9 The Orchards Epping Essex CM16 7BB
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr David Copp
<b>DESCRIPTION OF PROPOSAL:</b>	Dormer windows to front elevation.
<b>RECOMMENDED DECISION:</b>	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=563176](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563176)

**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 Notwithstanding the details set out within the application, details of the materials to be used for the external finishes of the dormer cheeks shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development and the development shall be completed in accordance with the approved details.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is located on the south western corner of 'The Orchards' within the town of Epping. The site itself is mainly rectangular in shape, has a slight slope that falls across it from west to east and comprises of approximately 500 square metres.

A detached bungalow is located within the middle of the site with the principal elevation facing north. There is no vehicle access or off street parking within the site. Pedestrian access is via the front northern boundary. A medium size fence along the side and rear boundaries, along with mature vegetation, provides screening for a private garden area to the side of the bungalow.

The site is located within a built up residential area that mainly comprises of bungalows that are similar in style, size and scale. Front setbacks from the highway are relatively consistent and spaces/gaps between building forms provide a strong characteristic to the surrounding locality.

The site and the surrounding area are not located within the green belt or a conservation area and it is not within the setting of any listed buildings.

### **Description of Proposal:**

Planning permission is sought for the construction of two dormer windows to the front roof slope of the existing bungalow.

Each of the dormer windows would project 2.3m from the roof slope, have a height of 1.9m by a width of 1.7m.

### **Relevant History:**

EPF/0876/14 - Certificate of lawful development for proposed loft conversion with rear dormer windows (not lawful).

EPF/0947/14 - Loft conversion with side dormer windows (withdrawn)

### **Policies Applied:**

Local Plan policies relevant to this application are:

- CP2 Protecting the quality of the rural and built environment
- DBE9 Loss of Amenity
- DBE10 Residential extensions

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

### **Summary of Representations**

EPPING TOWN COUNCIL: - Objects

Committee objects to this application on the same basis that they objected to the previous (withdrawn) application, namely that the street is characterised by bungalows with a uniform height and pattern of roofs which present their roof apex towards the street. The proposed dormer will unbalance the property and present an unattractive view of the side dormer to the street scene.

NEIGHBOURS:

Five adjoining neighbours notified by mail. No representations received at the time of writing this report.

### **Issues and Considerations:**

The main issues to be considered are:

- Design and appearance

- Neighbouring amenities

Design and appearance:

Policies CP2 and DBE10 of the Epping Forest District Local Plan seek to ensure that a new development is satisfactorily located and is of a high standard of design and layout. Furthermore, the appearance of new developments should be compatible with the character of the surrounding area, and would not prejudice the environment of occupiers of adjoining properties.

There are no objections to the design and appearance of the proposed development. The proposed dormers would be set below the ridgeline, set off the eaves and would be vertical in design ensuring that they would appear subservient and in proportion with the roof slope and the building as a whole. The size and scale of the dormers are appropriate and they would not result in excessive massing or bulk that would unbalance the property.

Whilst it is accepted that at present there are few dormer additions within The Orchards it is not considered that this is significant grounds to refuse these small and well designed additions which will not be visually discordant.

Neighbouring amenities:

Due consideration has been given in relation to the potential harm the development might have upon the amenities of adjoining property occupiers.

The relative position, orientation and the separation of the proposed dormer windows in relation to adjoining properties are such that no excessive harm to the living conditions of adjoining occupiers would result, particularly in relation to a loss of privacy, loss of light and visual blight.

**Conclusion:**

The two dormer windows are considered to be appropriate in terms of their design and appearance and that they will not result in excessive harm to the amenities of adjoining occupiers. The proposal enables use of roof space as an additional bedroom, making good use of the existing bulk of the building with relatively minor alteration and limited impact on the character of the area. The proposal is in accordance with the policies contained within the Adopted Local Plan and Alterations and the National Planning Policy Framework. Officers therefore recommended that the application be approved subject to conditions.

***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:***

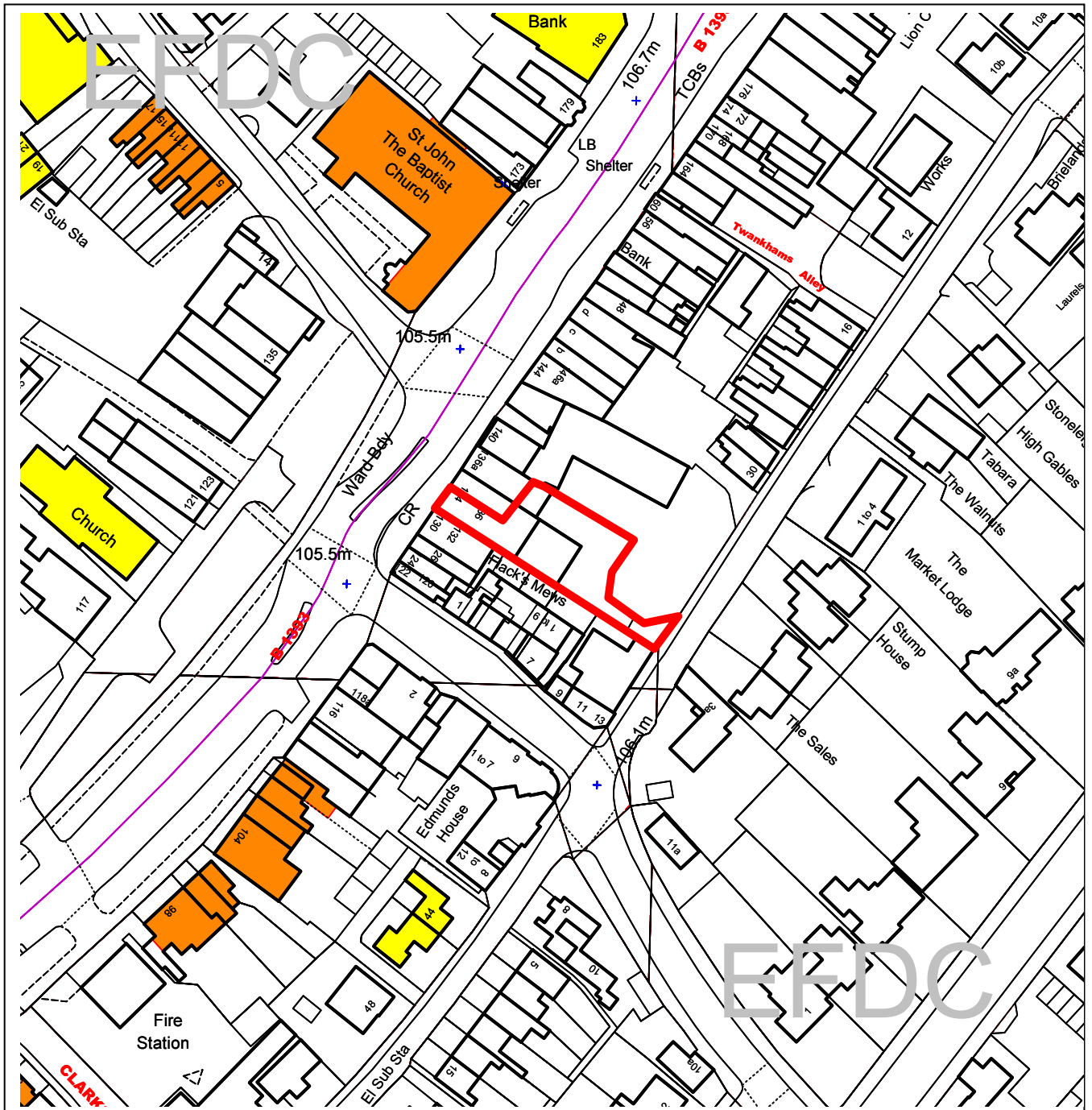
***Planning Application Case Officer: Lindsay Trevillian  
Direct Line Telephone Number: 01992 564 337***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 4



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Application Number:	EPF/1093/14
Site Name:	134 - 136 High Street, Epping CM16 4AG
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1093/14
<b>SITE ADDRESS:</b>	134 - 136 High Street Epping Essex CM16 4AG
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Alan Poulton
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of existing unit to A2.
<b>RECOMMENDED DECISION:</b>	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=563193](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563193)

**CONDITIONS**

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

*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 Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

**Description of Site:**

The application site is located within the town centre of Epping and is also within the designated Key Frontage. The unit has a frontage of approximately 7.5m and has a lawful use as a drop in centre for young people including counselling and advice services. The unit is within the local Conservation Area and is close to the High Street junction with Station Road. The units of either side are occupied by a Funeral Director service (A1) and an Estate Agents (A2).

**Description of Proposal**

The applicant seeks consent to change the use of the unit to a use with Class A2 (Financial and Professional Services) of the Use Classes Order.

**Relevant History:**

EPF/0130/11 - Change of use of shop premises as a one stop shop for young people providing information, advice, formal and informal education services, positive recreational activities, mentoring and counselling service. Grant permission with conditions - 17/03/2011.

EPF/0235/13 - Alteration of shop front following sub division of unit to form two A1 shops. Grant permission with conditions - 28/03/2013.

### **Policies Applied:**

TC1 – Town Centre Hierarchy

TC4 – Non- Retail Frontage

HC6 – Character, Appearance and Setting of Conservation Areas

HC7 – Development within Conservation Areas

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 relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL: Objection. The Box is a valuable community facility providing help and guidance to young people which cannot be carried on anywhere else at present. The proposed development is contrary to policies CF6 and CF12 of the adopted Local Plan and Alterations.

3 neighbours consulted and Site Notice displayed: 2 replies received.

88 TOWER ROAD: Objection. Concern about the loss of a vital facility for young people and the impact this will have. Concern about how the high street is evolving and the impact the loss of The Box facility would have.

132 HIGH STREET: Objection. Concern about the loss of this valuable facility for young people and the good work that is undertaken. Concern that there is no need for another A2 facility on the High Street and it would have a detrimental impact on the range of services offered. Concern about impact on our adjacent business.

### **Issues and Considerations:**

The main issues to consider relate to potential impact on the vitality and viability of the town centre and the comments of consultees.

#### **Vitality and Viability**

Long standing local policy enshrined in TC4 aims to protect the high streets of the district from a proliferation of non retail uses. Changes to national policy brought about by the NPPF continues to recognise the importance of defining primary and secondary frontages and crafting local policy which makes it clear which uses are permitted in such locations. Therefore a case can be made for the desire to retain A1 uses as this policy requires. However in this instance there would be no net loss of A1 units on the high street. The existing use falls most comfortably into the D1 use class and the proposed use is in class A2.

Objections have been raised about the future characteristics of Epping High Street and indeed other high streets up and down the country. However changes to national guidance clearly advocate a much more ad hoc approach to occupying units. In May the Government announced changes to the permitted development regulations with one of the aims being to facilitate ease of movement between the use classes. In that regard and under defined circumstances A1 uses can change to A2 (this proposed use) A3 (restaurants and cafes) and B1 (business) without the need for a formal planning application. It therefore appears unreasonable to refuse consent for a use which would not result in the loss of an A1 unit and when Government policy is directed towards greater flexibility for high street uses.

### Loss of Community Facility

It seems the main issue of concern with objectors is the loss of what is undoubtedly a valuable local resource for young people. The Parish Council quote two local plan policies which would be offended if this change of use were to be permitted (CF6 & CF12).

Both policies outline that a change of use will only be permitted if the facility, if still needed, will continue at other premises within the locality. The NPPF also requires that any loss of community facilities is only justified if the use will continue within the locale. It can be accepted that there will be a continuing need for this facility within Epping. However it is also understood that new facilities are being sought within the town and that the intention is for the use to continue. Correspondence from the applicant indicates that "The Box" facility would continue in the Church Hall in Saint John's Road and that the issue is really the timeframe to agree and achieve the move.

In that regard the community facility would not be indefinitely lost to the town and this valuable facility would be retained. Although the Town Council states that the use could not be carried out anywhere else, at present no supporting evidence has been provided, and submitted documentation suggests it would continue to operate. It is difficult to accept that a new facility could not be secured and as stated it is understood that a premises will be delivered close to the town centre. A cornerstone of the planning system is that it does not exist to protect the private interests of one group against another. Whilst it is important that this use continues within the town, it is also important that the Local Planning Authority judges the application from the perspective of upholding the wider public interest. Public and private interests can be intertwined but in this case it seems excessively interventionist to insist that this use continues at this location.

### Planning History of the Site

In 2013 an application was received to install a new shopfront and sub-divide the unit to form two A1 units. This application has been approved without objection and as such this unit could lawfully change use before 28/03/16 to A1. Therefore the Local Planning Authority would have no further control over this change of use. The long term securement of The Box at this unit is not therefore something that can be controlled.

### **Conclusion:**

The proposed use would not result in the loss of A1 units within the Key Frontage and as such the vitality and viability of the town centre would not be harmed. Although the unit is currently occupied by a use providing a service of community benefit this use will continue and will not be lost. The existing unit has consent to change use back to A1 purposes, therefore the retention of this use in this unit cannot be secured in any case. Having regard to the above it is recommended that consent is granted for the change of use subject to conditions.

***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: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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





**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1141/14
<b>SITE ADDRESS:</b>	134 High Street Ongar Essex CM5 9JH
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	P Hayes
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from retail (Use Class A1) to estate agency (Use Class A2)
<b>RECOMMENDED DECISION:</b>	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=563470](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=563470)

**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 'shop' window of this property shall be retained and used for a display that is appropriate to this high street retail locality.

*This application is before this Committee because the recommendation for approval is contrary to more than 2 objections received which are material to the planning merits of the proposal, pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A(f).*

**Description of Site:**

The premises comprise a vacant shop last used for the buying and selling of used cars, with one floor of residential over. The property is a listed building and it lies within the Ongar conservation area.

**Description of Proposal:**

Change of use from retail (use class A1) to estate agency (use class A2).

**Relevant History:**

EPF/2261/09 – planning permission refused for change of use from A1 retail use to A2 financial and professional use – see below.

### **Policies Applied:**

TC3 - Town centre function.  
TC4 – Non retail frontage.

Policies TC3 and TC4 are partially and generally compliant with the National Planning Policy Framework - the NPPF introduces more flexibility for non retail uses in shopping areas.

### **Summary of Representations:**

ONGAR TOWN COUNCIL – No objections.

NEIGHBOURS – 30 properties consulted and 8 replies received:-.

138, HIGH STREET – object - this small high street already has 3 estate agents – we need more retail shops not offices to attract people to the centre. While we understand the Council is under a certain amount of pressure to help landlords fill their shops, in this particular instance, with three established estate agents in the High Street, and because most shops are filled, this change of use is unnecessary.

9, STANLEY PLACE; 27, RODNEY ROAD; 13, KILNFIELD - object on the same grounds as 138, High Street above.

147, HIGH STREET – object – this small high street already has 3 estate agents – we need more retail shops and not offices to attract people to the town centre.

140, HIGH STREET – as an independent business it is hard to stay afloat – we don't need another estate agents next to an existing one. Why not get a new type of use that will help the high street rather than a use we already have enough of.

172, HIGH STREET – I am an estate agent – another would not benefit the town. The loss of another retail unit will give people another excuse to go to other centres. Oakland Home Improvements are interested in the property but were told it was subject to a change of use.

204, HIGH STREET – object on similar grounds as 172, High Street above.

### **Issues and Considerations:**

A previous application, EPF/2261/09, proposing the same change of use as now applied for, was refused on grounds that the proposed A2 financial and professional services use would further increase the proportion of non retail uses in the key frontage beyond the 30% limit, and hence would threaten the viability and vitality of the shopping centre. Although policy TC3 remains in the Local Plan the National Planning Policy Framework has 'amended' this policy in that it adopts a more flexible approach in which a proscriptive or numerical approach to dealing with applications for new business uses is not supported. In addition, in May last year, the Government, in an effort to reduce vacancy in shopping areas and promote economic activity, introduced revised regulations which allow for a shop to be used for a number of 'flexible' uses, including A2 use, for up to 2 years without the need for planning permission. Consequently, the A2 use proposed in this application could be implemented currently without the need to apply for permission. Lastly, the Government have recently issued a consultation document on a further raft of changes to planning regulations and in this they propose to include A2 uses such as estate agents and banks into a wider A1 retail use class. Clearly therefore the direction of Government policy is to remove the need for many new business to have to apply for planning permission in shopping areas - so as to reduce vacancy and increase the speed in which new businesses can start up.

8 letters have been received objecting to this proposed change of use from A1 to A2 use. 3 are from estate agents but planning controls cannot be used to control competition in the high street – in any event it is an A2 use that in effect is being applied for which includes other uses e.g. banks, accountants, and architects offices. Nevertheless, some of the points raised by objectors about loss of retail shops are sympathised with. However in the light of the above paragraph Councils will clearly have less control over change of uses in shopping parades, and a range of flexible uses, including A2 uses, are being actively encouraged by the Government. Against this background it would be very difficult to justify a refusal of permission for this proposed A2 use.

This shop premises is a listed building. Although no physical changes are proposed in this change of use application, it is proposed to add an informative to any approval reminding the applicants that any physical changes, such as signs and shop front alterations, would require listed building consent.

Lastly, estate agents offices invariably provide shop window displays but a condition is proposed to ensure an appropriate display is provided in this ground floor unit.

**Conclusions:**

For the reasons outlined in the above report it is recommended that conditional planning permission is 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:***

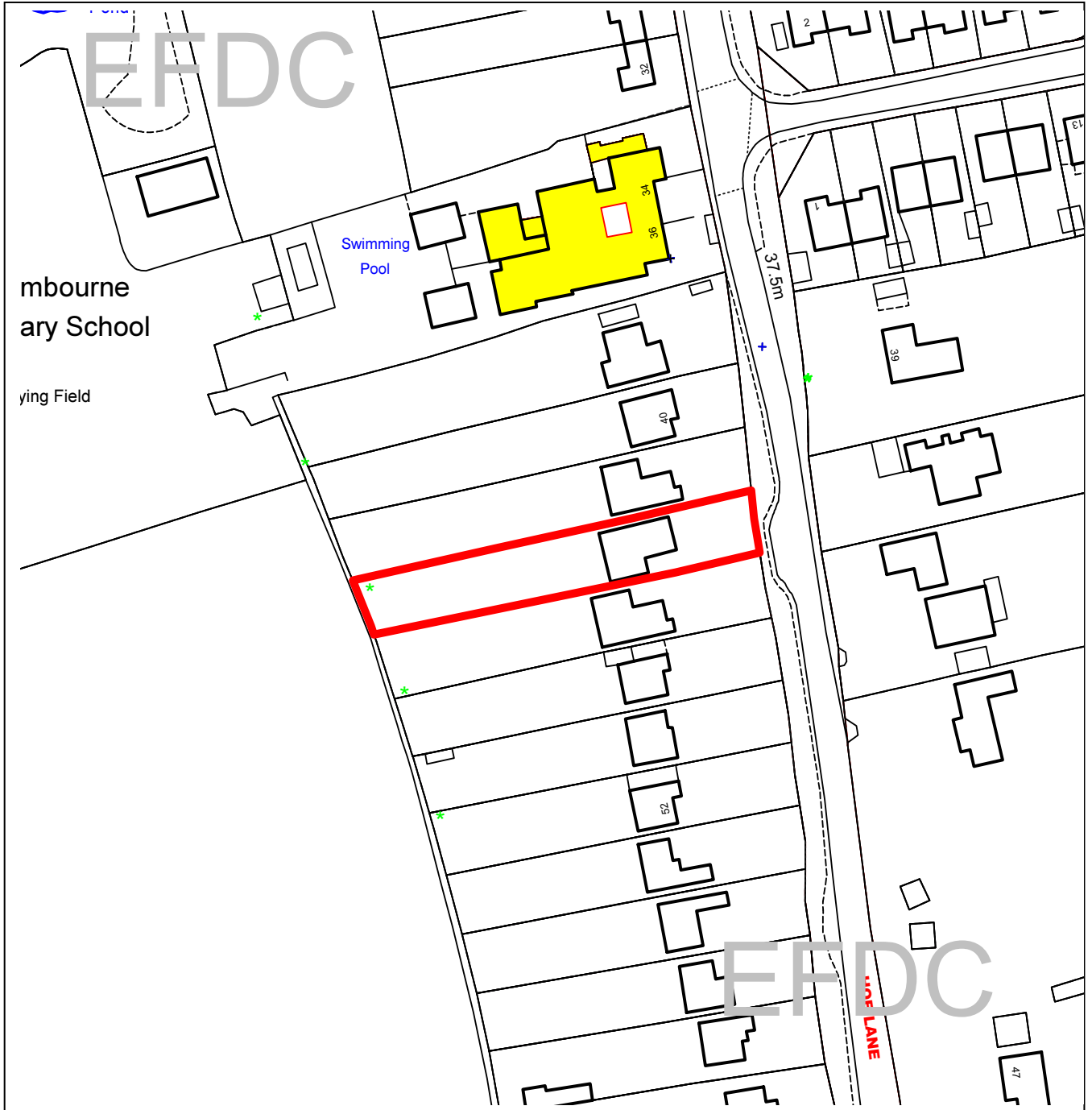
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 6



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Application Number:	EPF/1297/14
Site Name:	44 Hoe Lane, Abridge RM4 1AU
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1297/14
<b>SITE ADDRESS:</b>	44 Hoe Lane Abridge Romford Essex RM4 1AU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr Matthew Phillips
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed demolition of existing dwelling and erection of replacement dwelling (Revision to EPF/2322/13)
<b>RECOMMENDED DECISION:</b>	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=564091](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564091)

**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: 14-001/01, 14-001/02 Rev A, 14-001/03 Rev A, 14-001/04 Rev A, 14-001/05 Rev A. The details shown in drawing 14-001/06 'Landscaping Plan' shall not be implemented.
- 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 by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development, including works of demolition or site clearance, shall take place until tree protection for the oak tree in the rear garden is in place. The protection shall consist of 'heras' style fencing situated 15m from the rear boundary of the property, and shall be across the entire width of the garden. This shall remain in place throughout development activities on site.  
Photographic evidence of the fencing installed shall be submitted to the Local Planning Authority within 14 days of the commencement of any works on site.
- 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 an 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 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the flank elevation(s) 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.
- 7 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on the roof of that part of the ground floor which projects beyond the first floor rear and side elevations. That roof shall not be used for sitting out and no tables, chairs or other furniture shall be placed on that roof.
- 8 The railings and balustrades of the Juliette balconies indicated on drawing no. 14-001/03 rev A shall be fitted to the window openings they are shown to enclose within 6 months of the substantial completion of the development. Thereafter those window openings shall be permanently enclosed by the railings and balustrade hereby approved or alternative railings and balustrade of identical overall size in an identical position.
- 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 side extensions, rear extensions with a depth of more than 4 metres or any enlargement of the roof generally permitted by virtue of Classes A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 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 07.30 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.

*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)). It 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)).*

### **Description of Site:**

The site is situated on the west side of Hoe Lane and views of it are partially obscured by trees at the site boundary together with an elevated position in relation to the road. The site includes a bungalow with an L shaped plan sited close to the site boundaries with 42 and 46 Hoe Lane. The front main wall of the house is set back from the carriageway of Hoe Lane by some 17m. The land is set approximately 1m above the level of Hoe Lane. Levels rise to the south and fall to the north of the site, with no 42 Hoe Lane some 500mm lower and 46 some 500mm higher than the site. No. 42 is a substantial two-storey house as is no 40, further to the north. Both houses were recently constructed with the relevant planning permissions being given between 2008 and 2012.

No 46 is a bungalow situated on higher land that has been extended across its entire rear elevation such that it projects considerably beyond the rear elevation of the bungalow at the application site. It has also been extended to the front on the boundary with the application site. The front addition provides a covered car parking area.

The street scene comprises a mix of individually styled bungalows and two storey houses. Land beyond the rear garden boundary is in the Green Belt. The locality is not part of a conservation area.

### **Description of Proposal:**

It is proposed to redevelop the site to provide a 5 bedroom 2 storey detached house.

The house would be set a minimum of 1m from the boundary with both neighbours. At first floor level the flank adjacent to 46 Hoe Lane would be set 2.9m from the site boundary. That would achieve a separation of at least 4m from the nearest flank of 46 Hoe Lane.

The front elevation would be set some 4.5m rear of the front elevation of the recently constructed house at 42 Hoe Lane. In relation to no. 46 Hoe Lane, the front elevation would be 7m forward of the principal front elevation of 46 Hoe Lane and just under 8m forward of its covered parking area on the site boundary.

The rear elevation of the house would be set 6m forward of the rear elevation of no. 46 and 3.3m beyond the rear elevation of 42 Hoe Lane. The upper level rear elevation would be recessed a further 1.5m.

A parking/vehicle turning area would take up the front garden area with boundary treatment remaining as existing. The parking area would provide convenient off-street parking for at least 6 cars

In terms of its appearance the proposed house would have a hipped roof with a large front dormer at the apex of the front roof slope over the principal elevation. At the request of Officers, the dormer window has been significantly reduced in size following submission such that it would be very similar to the approved front dormer window at 42 Hoe Lane. Since the upper floor of the house would be set much further off the boundary with 46 Hoe Lane than the ground floor, the bulk of the principal elevation of the house would be off-set towards the boundary with 42 Hoe Lane.

An originally proposed false pitch to the front elevation of the single-storey element of the house adjacent to 46 Hoe Lane was removed at Officer's request. A low parapet would enclose the flat roof of this element instead.

The rear elevation would be dominated by a central gable feature at roof level. At first floor there would be inward opening patio doors to bedrooms. Juliette balconies in front of the patio doors

would prevent egress onto a flat roofed ground floor rear projection extending 1.5m from the first floor wall. A low parapet would enclose the area of flat roof.

First floor windows to the flank elevations facing both neighbouring houses would serve bathrooms. No flank windows are proposed at ground floor. A door in the northern flank would serve a kitchen.

### **Relevant History:**

EPF/0803/13 Demolition of existing dwelling and erection of replacement dwelling. Refused on the basis that the degree of projection of the two-storey flank forward of the front elevation of 46 Hoe Lane in close proximity to the common boundary would result in the house having an over-dominant relationship to no. 46 that would appear excessively overbearing.

EPF/2322/13 Demolition of existing dwelling and erection of replacement dwelling (Revised application to EPF/0803/13) Refused on the basis of the proposal having an overbearing and oppressive relationship to 46 Hoe Lane. Appeal lodged and pending decision.

The decision to refuse permission was taken by the Area Plans East Sub-Committee following a formal Members site visit. The minutes of the decision state:

“Members discussed whether there was a way forward and suggested that a revised scheme which was designed similar to number 42, where the single storey element at the side extends for the full depth of the building as well as being set away from the boundary, would be more appropriate. In addition it was suggested that a reduction in the overall bulk, and height of the building and a more sympathetic design would also help.”

Recent history for the locality is also a material consideration with recent planning permissions being given for houses of similar scale, design and siting in relation to neighbouring houses at nos. 40, 42 and 54 Hoe Lane. The consents have all been implemented.

### **Policies Applied:**

The NPPF sets the primary policy context for assessing the proposal. The following Local Plan and Alterations policies are relevant and consistent with the policies of the NPPF. Accordingly, they are given full weight.

CP1, CP3 – CP5 & ST1 Sustainable development policies  
CP2 Protecting the Quality of the Rural and Built Environment  
CP7 Urban Form and Quality  
H2A Previously Developed Land  
DBE1 New developments required to respect their setting.  
DBE2 Effect on Neighbouring Properties.  
DBE3 Design in Urban Areas.  
DBE8 Provision of private amenity space.  
DBE9 Amenity considerations on neighbouring residents.  
LL10 Retention of trees  
LL11 Landscaping  
ST4 Road safety  
ST6 car parking.  
GB7A Conspicuous development within or adjacent to the green belt



## **Summary of Representations:**

NEIGHBOURS: 8 consulted and responses received from 3, summarised as follows.

46 HOE LANE: Objection – reasons summarised as follows:

- The proposal is for a three-storey construction whose height would be emphasised by a large gabled front dormer. It would be sited close to our bungalow, extending forward of it and also rearwards beyond the rear of the existing house. The size of the development would result in it being oppressive and overbearing.
- The house would have a greater footprint and height than that existing such that its bulk would appear over-dominant in relation to our bungalow.
- The proposal is out of scale with our bungalow and will make it look out of place as the only bungalow remaining in Hoe Lane.
- Loss of light to the bungalow. Please note, our side hall window by the car port, which is not shown on the submitted plans, allows light into our house and the proposal would greatly reduce the light received to habitable rooms through internal glazed doors.

58 HOE LANE: Objection:

“We wish to object to the proposed development as we consider that it will be intrusive to the occupiers of 44 Hoe Lane. We previously stated that a stepped side elevation would be more appropriate, however, on reviewing the proposed plans we feel that the height of the proposed building should be taken into consideration. We consider that a chalet style bungalow would be more appropriate.”

62 HOE LANE: Objection. No reasons given.

CHARLMONT, HOE LANE: Objection, summarised as follows:

The proposal will change the skyline, which I see from my front garden towards Abridge. Together with existing similar houses the proposal will erode the village character of Hoe Lane.

The other houses have had planning problems and had to be altered in the course of construction.

The neighbouring bungalow will be dwarfed by the proposal, and will itself be made to look out of place as the last bungalow in this part of Hoe Lane.

The demolition and construction works will cause traffic chaos, exacerbating existing traffic problems in this part of Hoe Lane.

Any new building should have the same footprint as the existing house and be single-storey.

LAMBOURNE PARISH COUNCIL: Objection.

“In light of the revised design, the Parish Council OBJECTS to this application and considers it to be over dominant to the property at no. 46 and the streetscene.”

## **Issues and Considerations:**

The site is previously developed land within the urban area of Abridge therefore the principle of the development is acceptable. Because of its size and the size of the plot in which it would be situated the proposed house would provide a good standard of accommodation for its occupants with car parking provision in excess of the adopted Vehicle Parking Standards. It would not

appear conspicuous from the adjacent green belt. The main issues to consider in assessing this proposal are its consequences for the character and appearance of the locality and the living conditions enjoyed by the occupants of neighbouring houses. In giving these matters consideration it is necessary to assess whether this proposal overcomes the reasons for refusal of the most recently refused previous proposal. This proposal has been designed in the light of the minutes of Members suggested way forward set out when application EPF/2322/13 was refused.

### Character and Appearance:

The design of the proposed house is of similar scale to recently constructed houses at 40 and 42 Hoe Lane and its bulk would not be inconsistent with the character of the locality. In terms of its detail, it would be closer to the design of no 42, with a single-storey element separating the greater bulk of the house from the southern site boundary.

The combination of its bulk and siting in relation to the neighbouring bungalow at 46 Hoe Lane would nonetheless give it a dominant appearance. However, the consequences for the street scene would be mitigated by a number of factors including the siting of no. 46 at somewhat higher level than the application site, the distance the proposed house would be set back from the carriageway and the degree of screening from trees on the boundary with Hoe Lane. As a consequence, the visual impact of the proposed house would be acceptable when seen from the street.

When seen from within the front garden of 46 Hoe Lane and, to a lesser extent, from the front garden of 48 Hoe Lane, its significant projection forward of the nearest corner of no 46 would be very apparent. It would be less noticeable when seen from the street due to screening on the site boundary with the highway together with the elevated position of the front garden level in relation to the highway. The visual impact of the proposal when seen from the houses to the south, and particularly no. 46, would be significantly mitigated by the distance the first floor would be set in from the flank of no. 46, at least 4m, together with the fact the site is set at lower level than 46 Hoe Lane.

As stated above, the initial submission of this application included a very large dormer window. That component of the proposal was subsequently replaced with a dormer of much more appropriate scale and sensitive design.

Those facts would achieve a relationship that respects the setting of 46 Hoe Lane and consequently safeguards the character and appearance of the locality.

### Amenity:

At its rear elevation the revised proposed house would have an acceptable relationship to the neighbouring houses. A narrow flat-roofed ground floor projection could give rise to excessive overlooking of neighbours if used as a balcony but that can be resolved through the imposition of a condition preventing such use and requiring the installation and permanent retention of proposed Juliet balconies guarding first floor French windows opening onto the flat roofed area.

At the front elevation, the degree of proposed projection forward of the nearest corner of no. 46 together would not result in it appearing excessively overbearing. That is because the entire first floor would be set well away from the common boundary with no 46. The minimum distance from the boundary would be 2.9m, achieving a 4m separation from the flank of the house. This component of the design is in accordance with Members' previous suggestion.

The loss of light to a hall window pointed out by the neighbour would be much less likely to arise than would have been the case with the refused proposal. The likelihood of any such light loss could not be given significant weight, however, since that window does not serve a habitable room

and other habitable rooms have their own windows that would not be affected by the proposal. The propensity of an originally proposed false pitch roof over the front of side projection to appear awkward and overbearing when seen from 46 Hoe Lane is remedied by the removal of that detail. The simplified roof form of the side projection would better safeguard outlook from 46 Hoe Lane.

**Conclusion:**

The revised proposal overcomes the objections to the scheme previously refused. It would safeguard the character of the locality by respecting the setting of 46 Hoe Lane and it would not cause excessive harm to the living conditions of 46 Hoe Lane. 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:***

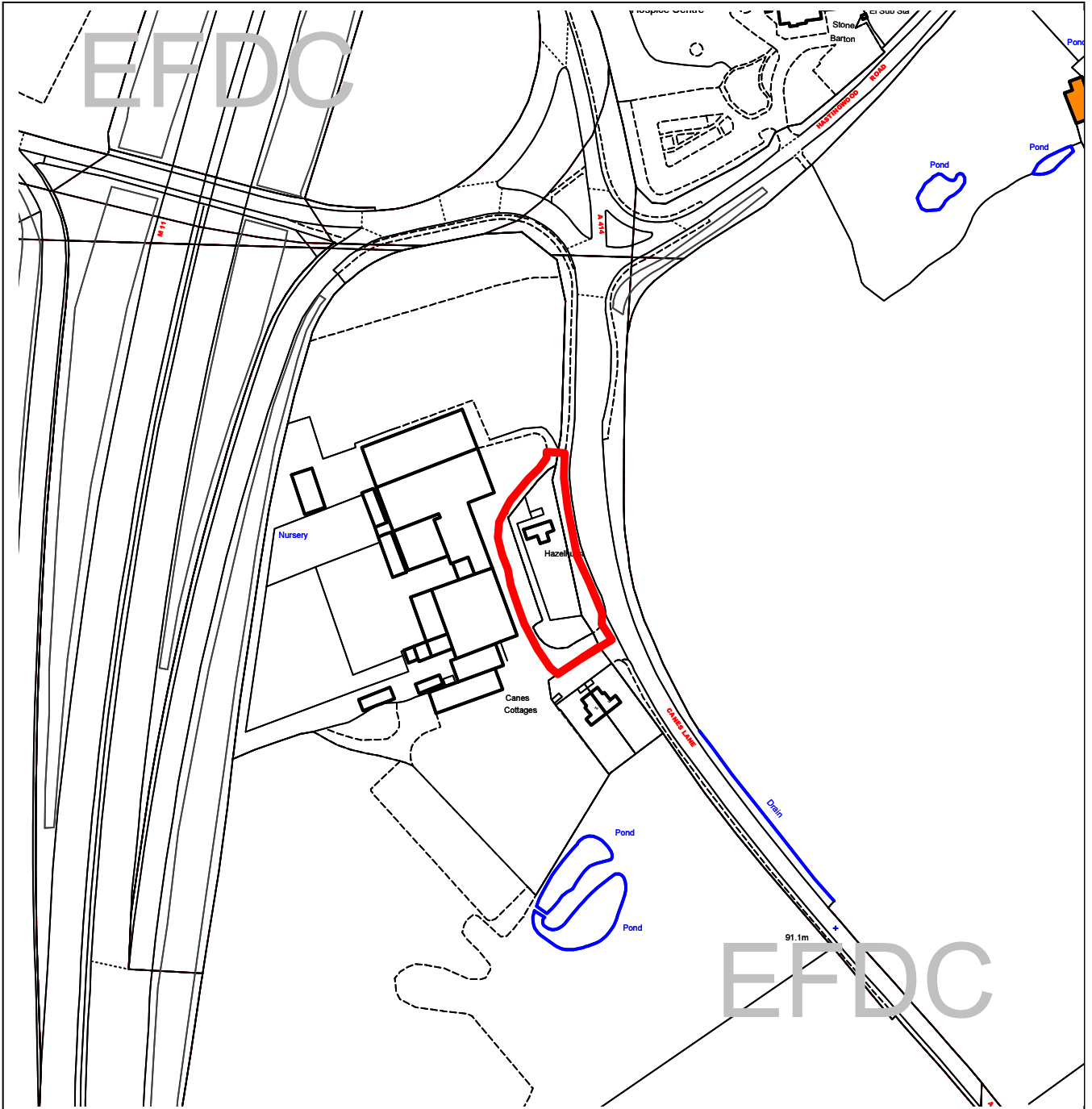
***Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 7



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Application Number:	EPF/1379/14
Site Name:	Harlow Garden Centre, Canes Lane Hastingwood, CM17 9LD
Scale of Plot:	1/2500

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1379/14
<b>SITE ADDRESS:</b>	Harlow Garden Centre Canes Lane Hastingwood Harlow Essex CM17 9LD
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	Hastingwood, Matching and Sheering Village
<b>APPLICANT:</b>	Mr Terrence Albone
<b>DESCRIPTION OF PROPOSAL:</b>	Application for a Lawful Development Certificate for use of the property as a single dwellinghouse in breach of condition 7 of EPF/0726/85 (agricultural tie)
<b>RECOMMENDED DECISION:</b>	Lawful

**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=564454](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564454)

**INFORMATION**

- 1 The applicant has proven on the balance of probability that the dwelling has been occupied in breach of the condition in excess of 10 years. As such the occupation of the dwelling by persons not employed in agriculture is deemed to be lawful.

*This application is before this Committee since it is an application that is considered by the Director of Governance as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(k))*

**Description of Site:**

The application site is occupied by a large detached dwelling and is located adjacent to the Harlow Garden Centre which covers a reasonable area of land close to the M11 junction on the outskirts of Harlow. The site is within the boundaries of the Metropolitan Green Belt.

**Description of Proposal:**

The applicant seeks a Certificate of Lawful Development for an Existing Use for the lawful use of this building as a single dwellinghouse in breach of an agricultural occupancy condition (condition 7). The condition was attached to application EPF/0726/85 which required the following;

*“The occupation of the dwelling hereby permitted shall be limited to persons wholly or mainly employed in agriculture as defined in section 290 (1) of the Town and Country Planning Act, 1971,*

*or in forestry or a dependent of such a person residing with him (but including a widow or widower of such a person)”*

The reason for the condition was that the new dwelling was only justified as it was required in connection with an agricultural use i.e. the adjacent (then) nursery business. Generally new dwellings in the Green Belt are contrary to local and national policy. A Section 52 Agreement was also signed by the applicant (and other partners) agreeing the terms of the condition. This stated;

*“the occupation of the said dwellinghouse shall be limited to a person or persons wholly employed in agriculture on the application site or a dependent of such a person or persons residing with him or her”, and;*

*“the said dwellinghouse will not be sold or otherwise alienated except as a whole together with the entire area of the application site”.*

The applicant also seeks the lifting of this agreement.

### **Relevant History:**

EPF/0726/85 - Outline application for dwelling. Grant permission with conditions - 04/12/1985.  
EPF/1594/12 - Certificate of lawful development for existing use as a retail garden centre. Lawful - 08/10/2012.

### **Summary of Representations:**

PARISH COUNCIL: No Objection.

### **Issues and Considerations:**

The subject dwelling was initially approved as it was necessary in connection with the horticultural business that operated at the site. It is not uncommon for such dwellings to be granted consent or for the condition as outlined above to be attached to the decision notice and/or covered by a Legal Agreement.

The applicant claims to have lived in the dwelling in breach of the agricultural occupancy condition. In order to gain a Certificate of Lawful Development (CLD) the case must be made that this has been for a period in excess of ten years beginning with the date of this application. As laid out at paragraph 8.15 of Circular 10/97 Enforcement Planning Control: Legislative Provisions and Procedural Requirements, the burden of proof rests with the Applicant and the appropriate test of the evidence is on the balance of probabilities. As outlined in *Gabbitas v SSE and Newham LBC* the applicant's evidence does not need to be corroborated by independent witnesses. Furthermore if the applicant's evidence is clear and unambiguous, and the Local Planning Authority has no evidence of their own to counter the claim, there is no good reason not to issue a certificate. There has been no enforcement action taken which would have effectively stopped the clock.

The applicant has submitted a sworn statement that the dwelling has not been occupied by anyone employed or last employed in agriculture for in excess of 10 years.

### **Ten Year Rule**

In 2012 the Council granted a CLD for the use of the adjoining site as a garden centre, in effect an A1 use. The Supporting Statement outlines how the growing of plants on site finished in the early 1990's. Furthermore the applicant has submitted a Statutory Declaration, which follows the current procedure for such documents. This states that no growing has occurred on the site since the

early 1990's and that the applicant has always resided at the site. The Council has nothing to dispute this. In 2012 the Council were satisfied that a working garden centre had been in place for at least ten years. The Council is therefore satisfied that for the requisite period of time the site has been in non agricultural use and that no occupants of the dwelling have complied with the condition.

### Section 52 Agreement

The new dwelling was also covered by a Section 52 Agreement entered into by the Council and the applicant on 04/12/85. This requires the occupier of the dwelling to be employed in agriculture and also ties the dwelling to the garden centre site if either is to be sold.

Part A of the Section 52 Agreement effectively replicates condition 7 of the approved application. The applicant refers to Circular 05/05 Planning Obligations, which was replaced by the NPPF, but it seems its descriptive content with regards to planning obligations was never replaced by either the NPPF or the recently released Planning Practice Guidance. The advice contained therein is therefore still useful when dealing with matters relating to planning obligations.

It is evident that matters covered in a planning condition should not be replicated within a Legal Agreement as it does frustrate a developer's right of appeal. The Section 52 Agreement has two requirements. Firstly that the occupant must be employed in agriculture or a dependent of such a person. Clearly the Council have accepted that the use of the site has long since moved away from agricultural usage by granting the 2012 CLD. The first section does not prevent the use of the dwelling for another person working in agriculture in the district as is often required when the functional need with regards to the original use ceases. However the second part of the agreement does prevent this. Therefore this property could never have been kept open for agriculture in perpetuity within the district. The applicant is now faced with a position where the Council have agreed the tied business is no longer in agricultural use but he could not dispose of his property if he so wishes. Furthermore any future occupier would be in breach of this Section 52 Agreement as they would have to be future purchasers of the garden centre and therefore not mainly employed in agriculture. Clearly the stipulations in the original agreement were excessively burdensome as they do not keep the property open for other agricultural workers in the district.

The Section 52 agreement would struggle to meet the tests for a Planning Obligation as outlined in Paragraph 204 of the NPPF. Over the passage of time and with regards to how the wider site has changed in nature this agreement no longer serves a planning function. The retention of the agreement is no longer necessary to make the development acceptable in planning terms as the site is no longer in agricultural use and this has been recognised as such.

### Conclusion:

It is recommended that the Section 52 agreement is lifted as it no longer serves any useful purpose. In light of the above appraisal it is clear that the existing use is lawful and that a Certificate of Lawful Development should be issued.

***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:***

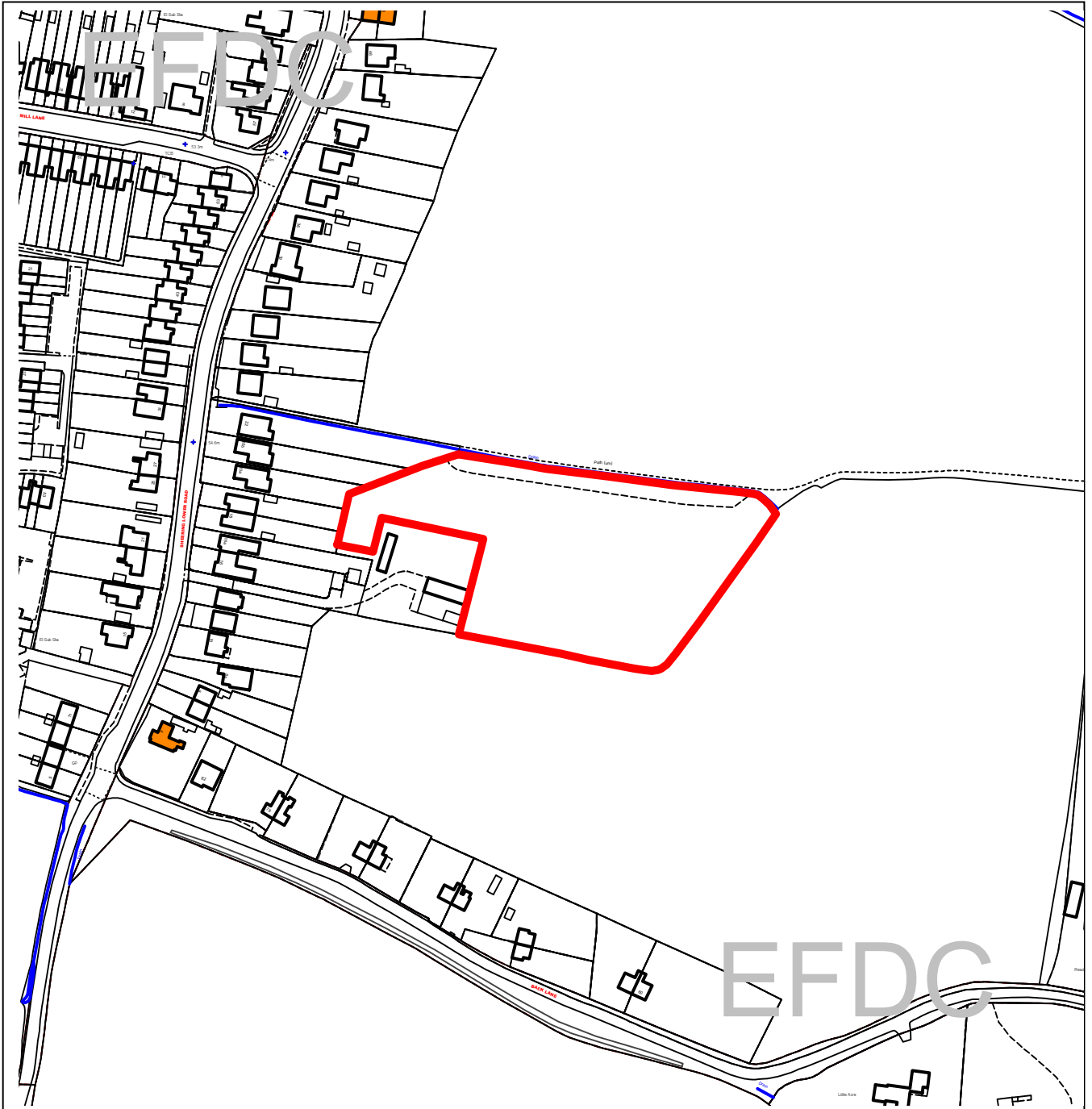
***Planning Application Case Officer: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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



# Epping Forest District Council

## AGENDA ITEM NUMBER 8



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Application Number:	EPF/1392/14
Site Name:	The Yard, 16 Sheering Lower Road Sawbridgeworth, CM21 9LF
Scale of Plot:	1/2500



**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1392/14
<b>SITE ADDRESS:</b>	The Yard 16 Sheering Lower Road Sawbridgeworth Hertfordshire CM21 9LF
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr T Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Use of land for domestic horsekeeping, erection of stables building for 3 ponies and laying of associated access track. (Revised application to EPF/0622/14)
<b>RECOMMENDED DECISION:</b>	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=564511](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=564511)

**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 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes, including the access track, have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 3 The building hereby approved shall be used solely in connection with the stabling of no more than 3 horses or ponies for private recreational use by the occupants of The Yard, 16 Sheering Lower Road, as identified on the submitted site plan and there shall be no commercial use of the site, including livery, at any time.
- 4 Details of the means of storing and disposing of manure shall be submitted to and approved by the Local Planning Authority and the development shall be completed in accordance with these details prior to first occupation of the stables.
- 5 No external lighting shall be installed without the prior written approval of the Local Planning Authority.
- 6 The stable building hereby approved shall only be used in connection with equine recreational activities at the site and for no other purpose.
- 7 No development shall take place until details of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.

- 8 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

*This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site consists of a single dwellinghouse which is served for external storage/garaging by a three bay garage. The site is extensive and includes the immediate curtilage of the house and also a large grassed paddock area separated from the curtilage by a post and rail fence and surrounded by close boarded fencing on the outer boundary. The outer boundaries are also screened by a covering of trees. The site is within the Metropolitan Green Belt.

### **Description of Proposal:**

This is a revised application following the withdrawal of a scheme for the following;

*“erection of a stable block within the paddock area of the site, close to its north east boundary. The building would be a rectangle plan form with a floor area measuring 14.0m x 11.4m. The ridge level would measure 4.2m from ground level and an eaves level measuring 2.2m from the ground. The building would be finished in plastisol sheeting. The stables would be accessed by a 3.0m wide gravelled surface access track. The paddock area would be used for domestic horse keeping”.*

This application differs in that the design has been altered to more traditional stables with an “L” shaped plan form. The building would measure 12.7m x 15.0m on its outer edges and would be 3.9m wide. The building would be finished in black weatherboarding with a slate roof. The building would be 3.9m in height and a small yard area would be created around the stable. As with the last application the stables would be accessed from a gravel track and the land would change use to horsekeeping.

### **Relevant History**

EPF/1964/01 - Continued use of part of building as single dwelling. Refuse permission - 27/08/2003.

CLD/EPF/1608/04 - Certificate of lawfulness for existing use as a dwelling. Lawful – 08/04/05.

EPF/1721/05 - Demolition of existing dwelling and former farm building and erection of replacement dwelling and garage and associated landscaping. Withdrawn – 11/11/05.

EPF/0199/06 - Demolition of existing dwelling and erection of replacement dwelling and associated landscaping (Revised application). Grant Permission (With Conditions) - 09/06/2006.

EPF/1669/07 - Erection of detached garage. Refuse Permission – 21/09/07. Appeal Dismissed - 02/04/2008.

EPF/2208/12 - Change of use to residential garden land. Grant Permission (With Conditions) – 22/02/13.

EPF/0622/14 - Use of land for domestic horsekeeping, erection of stables building for 4 ponies and laying of associated access track. Withdrawn - 02/06/2014.

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE4 – Design in the Green Belt  
DBE9 - Loss of Amenity  
GB2A – General Constraint  
GB7A – Conspicuous Development  
RST4 – Horse Keeping  
RST5 – Stables  
LL10 – Adequacy of Provision for Landscape Retention

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

### **Summary of Representations**

11 neighbours consulted: No replies received.

Parish Council: Objection. Not in keeping with locality and does not look like stables. This is a green field site and these are very large units. Sets a precedent for garden development and is out of keeping with surrounding area.

### **Issues and Considerations:**

The main issues to consider with this application relate to whether the development is appropriate within the boundaries of the Metropolitan Green Belt, design and amenity.

#### **Green Belt Setting**

This application is a resubmission following the withdrawal of the previous scheme. The advice provided to the applicant was that the stable building, which was slightly unconventional in design, would be inappropriate in a Green Belt location. It was further considered that the size of the piece of land would be difficult to sustain four ponies as proposed.

The scheme has therefore been amended and the new submission suggests a more traditional stable building which would provide for three ponies. This is something that can be agreed by condition and the amount of land is suitable in size to serve three ponies.

In terms of the general principle of stables in the Green Belt, it is well established by both local and national policy that small scale stables in connection with a residential property need not be an inappropriate form of development.

Policy GB2A of the adopted Local Plan outlines development deemed appropriate within the Metropolitan Green Belt among which it includes small scale buildings essential for outdoor participatory sport or recreation. The NPPF also recognises facilities for outdoor recreation as not being inappropriate. The development of stables would fall within this category. Policies RST4 and RST5, relevant specifically to stables and horse keeping, states that such development would be acceptable provided it does not have a significantly adverse impact upon the character and appearance of the landscape and that buildings are appropriate in scale, location, design, materials and landscaping.

The Parish Council has raised concern that the proposed building is excessively large for its purpose. However the proposed building is not considered excessively large; a building providing three individual stables and storage space is not excessive and in line with the size of stable buildings regularly approved. The ridge height has been kept relatively low and furthermore the site is well screened with existing vegetation. The building's shape and low set size would reduce its impact within the surrounding countryside. In terms of design and impact on the Green Belt this building is acceptable and the use of good quality materials can be agreed by condition. The plans also include an access track and again further details can be agreed by condition ensuring impact on the open character of the Green Belt is minimised. Further conditions relating to details of lighting, if appropriate, and manure disposal are also considered reasonable and necessary.

The Parish Council have also raised concern that the proposed building would be out of keeping with the pattern development of the area and would set a precedent for similar developments. The proposed stables would be located within a paddock and an area located to the rear of housing in Sheering Lower Road. The plot of land is suitable for horse keeping and would be unseen from the streetscene. Whilst each application should be judged on its own merits, it is difficult to see how the development of a large field/paddock for horse keeping, in connection with a residential use, would set an undesirable precedent. It is also stated that the building is located on a greenfield site and whilst this is the case such sites are generally appropriate for horse keeping. The site is outside the defined curtilage of the house and is located on agricultural land adjacent to it. It is considered the use of such space for horse keeping is an appropriate land use and in compliance with local and national policy.

#### Amenity

The proposed building would be located some distance from neighbouring properties and there would be no serious impact on amenity.

#### Highways

No issues with regards to highway safety.

#### Land Drainage

The development is of a size where it is necessary to avoid generating additional runoff and the opportunity of new development should be taken to improve existing surface water runoff. A Flood Risk Assessment (FRA) is therefore required. The applicant is proposing to dispose of surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Further details are required through a condition agreeing details of surface water drainage.

#### Conclusion:

The proposed development of the site for horse keeping and the erection of stables are considered to be an appropriate form of development in a Green Belt location. It is therefore recommended that consent is granted subject to condition.

***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: Mr Dominic Duffin  
Direct Line Telephone Number: (01992) 564336***

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