

**Report to District Development Control
Committee**

**Report Reference: DEV-007-2014/15
Date of meeting: 8 October 2014**



**Epping Forest
District Council**

Subject: Application ref. EPF/1183/14 - 95 High Road Loughton - Proposed double storey rear extension including enlargement of existing basement and loft conversion with rear dormer windows.

Responsible Officer: Stephan Solon (01992 564018).

Democratic Services: Gary Woodhall (01992 564470).

Recommendation(s):

(1) That planning permission be granted subject to the following conditions:

(i) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice; and

(ii) Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Report:

1. This application was reported to the Area Plans South Sub-Committee on 6 August. The Sub-Committee referred the application to the District Development Control Committee with no recommendation.

2. The Officers report to the Sub-Committee is set out below with amendments to reflect the clarification of a neighbour's objections.

ORIGINAL OFFICERS REPORT

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 comprises a two-storey semi-detached house that has an unusual form, which is described in more detail below. The original house may have been extended to the flank and rear but its present form is that which existed in July 1948. The site is situated on the south east side of High Road Loughton between its junctions with Algiers Road and The Crescent. Rear of the site are the very short rear gardens of maisonettes on the north west side of Algiers Mead. It is not within a conservation area and the house is not listed. There are no preserved trees at the site or adjacent to it.

Land levels fall to the south-east with the rear garden level beyond an existing patio well below that of the ground floor level of the house. The attached neighbour, 97 High Road, has a substantial two-storey rear projection that wraps around the rear wall of 95 up to a ground floor bay in its rear elevation. The projection, which appears to pre-date 1948, projects 4.3m beyond the rear main wall of 95 High Road, 3.2m beyond the rear of the bay. The distances referred to are those measured on site by the case officer. The projection has a gabled roof with eaves and a gutter over-sailing the bay and adjacent first floor rear elevation window.

Land levels also fall gently to the south-west towards the detached neighbour, 93 High Road. A recessed south-west element of the house together with rear rooms in the southern corner of the house have floor levels approximately 600mm lower than the adjacent rooms in the remainder of the house, which appears to comprise the original building and a rear addition. A substantial bay dominates the front elevation and is part of the original building.

The roof of the house is predominantly a crown roof. A lower south-west element of the house has a very slack hipped roof with an eaves level well below that of the main roof of the house, with the top of the roof rising slightly above the eaves level of the main roof.

That part of the house immediately to the rear of the south-west element matches the height of the main part of the house and has a gabled roof whose ridge is in alignment with the rear ridge of the crown roof. As indicated above, the floor levels of that part of the house are lower than those in the main part, which has facilitated the provision of a room in the roof. The rear roof slope of the house appears to have a slightly steeper pitch to that at the front of the house and contains dormer window serving the room in the roof that breaks the eaves.

No 93 High Road is a large two-storey detached house built in the 1990's on land that was previously part of the garden of 95 High Road. The flank of 93 is constructed on the boundary with the application site with a measured distance of 1.1m separating its flank from that of the nearest part of the house at 95, the ground floor of its south-west element. At upper level the separation distance is 2.4m.

No 93 projects considerably beyond the rear of 95 such that its rear elevation is in approximate alignment with the rear elevation of the two-storey addition to 97 High

Road. No 93 has a gabled roof alongside the site boundary with the gable ends to the front and rear elevations. Its eaves level is just above the level of the top of first floor windows.

Description of Proposal:

It is proposed to erect a two-storey rear extension including an enlargement of existing basement and loft conversion with rear dormer windows. The development proposed is a significant revision to the developments proposed in applications referred to in the relevant history section of this report, all of which were refused.

Previous proposals included a two-storey side extension. This is deleted from the current proposal which confines the addition to the rear elevation of the house. The addition would project the depth of the adjacent rear projection to the attached neighbour, 97 High Road. It would have a crown roof with the edges pitched to match the pitch of the existing roof. The rear roof slope would contain a pair of dormer windows with gabled roofs. The flank nearest 97 High Road would be separated from the rear projection of 97 by 200mm. That nearest 93 High Road would align with the existing upper level flank wall of the house and consequently be set 2.4m from the flank wall of 93.

There would be no new windows in the flank of the proposed extension. A new flank window would be provided in the existing side elevation of the house facing 93 High Road. It requires planning permission because it would be clear glazed and should therefore be assessed as part of the overall proposal. The new window would be off-set 1.3m from a similar window in the flank of 93. The window would serve an existing bedroom.

The enlarged basement would only be part of the width of the proposed extension and would adjoin 97 High Road. It is in fact a lower ground floor area that would be directly accessed from the rear garden by a short length of descending steps.

The extension would have a 1.5m wide raised platform at its boundary with 97 High Road, approximately 1m above ground level. A 1.8m high obscure privacy screen would be erected at the end of the platform on the site boundary with 97.

External materials would match those of the existing house.

Relevant History:

EPF/2109/12 Three storey rear extension including basement and loft conversion with front and rear dormer windows. Withdrawn

EPF/0468/13 Proposed three storey rear extension including basement and loft conversion. (Revised application). Refused on the basis of poor design and harm to the living conditions of 93 High Road.

The specific reasons for refusal are:

1. By reason of their bulk, height and detailed design the proposed side and rear extensions would fail to complement the design of the existing house and the attached neighbour, 97 High Road. The proposal would appear as a disproportionately large addition to the house and would have a poor roof design to the rear, where the junction with the rear projection of 97 High Road would appear

particularly unsympathetic. Furthermore, by reason of its bulk, height and siting, the proposed side extension would appear overbearing in relation to 93 High Road, cramped within the site adjacent to the boundary with 93 and consequently would also result in a terracing effect in which the house at 93 High Road would appear to run into the pair of semi-detached houses that include the application site. The proposal as a whole would therefore fail to complement the appearance of the existing and neighbouring houses and cause harm the character and appearance of the locality to the detriment of its visual amenities. Accordingly, the proposal is contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations, which are consistent with the policies of the National Planning Policy Framework.

2. By reason of its bulk, height and siting, the proposed side extension would be likely to cause an excessive loss of light to a habitable room in 93 High Road that is served by a single window in its flank elevation. Furthermore, by reason of its detailed design that includes a large flank bedroom window in approximate alignment with the first floor flank window of 93 High Road, the proposed side extension would give rise to excessive overlooking between 93 and 95 High Road, to the detriment of the privacy of their occupants. Accordingly, the proposal is contrary to policy DBE9 of the adopted Local Plan and Alterations, which is consistent with the policies of the National Planning Policy Framework.

EPF/1500/13 Proposed double storey side and rear extensions and loft conversion with rear dormer windows. Refused on the basis of poor design. Subsequent appeal dismissed.

The specific reason for refusal is:

By reason of its bulk, height and siting, the proposed side extension would appear cramped within the site adjacent to the boundary with 93 and consequently would also result in a terracing effect in which the house at 93 High Road would appear to run into the pair of semi-detached houses that include the application site. The proposal as a whole would therefore fail to complement the appearance of the existing and neighbouring houses and cause harm the character and appearance of the locality to the detriment of its visual amenities. Accordingly, the proposal is contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations, which are consistent with the policies of the National Planning Policy Framework.

EPF/2606/13 Proposed double storey side and rear extensions and loft conversion with rear dormer windows. This was an identical proposal to that submitted under application EPF/0468/13 and it was refused for the same reasons.

Policies Applied:

CP2	Quality of Rural and Built Environment
DBE9	Loss of Amenity
DBE10	Residential Extensions

ST6 Vehicle Parking

National Planning Policy Framework

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted. 17

Site notice posted: No, not required

Responses received:

93 HIGH ROAD: Objection

Although the proposal does not include a side extension, it would have the same bulk, height and siting resulting in a terracing effect with my property. It would also not be in keeping with other buildings on the High Road. The previous reasons for refusal therefore still apply.

The proposal does not refer to any decked area/terrace to the first floor. If that were extended it would result in excessive overlooking of my garden. Even without such a decked area, the proposal would result in a loss of privacy for 93 High Road.

The rear extension would appear unduly oppressive when seen from the side elevation bedroom window of 93. It would also create a very dark tunnelling effect between 93 and 95 High Road.

The proposal would result in a loss of trees that form a natural barrier between 93 and 95 High Road.

The block plan does not accurately show the relationship between 93 and 95 High Road.

97 HIGH ROAD: Objection

“The email appended from our architects makes clear a coherent rationale as to why the Application should be refused. Furthermore, read alongside the reasons for Loughton Town Council’s unequivocal OBJECTION to the Application (minutes of Meeting held on 30 June 2014) with which I totally concur, this remains ‘overbearing’, ‘monolithic’ and crucially an ‘overdevelopment’ of the site.

This application read in conjunction with the previous Applications EPF/2109/12, EPF/2606/13, EPF/0468/13 and EPF/1500/13 and Appeal with time/cost spent in their consideration by all concerned, I hope that you will refuse this application and direct the applicant to put a stop to the barrage of repeated applications along the same lines.”

Email referred to:

“We have compared the current application drawings with the previous EPF/1500/13 and would make the following observations

The following is an amendment to the original objection previously reported:

Basement

The proposed basement is the same as previous application in terms of size and presentation ie showing an extension to the rear in size and position of walls but not hatched as such.

Ground Floor

The proposed Ground Floor is smaller in width at rear by approx. 1300.

First Floor

The proposed First Floor is smaller in width at rear by approx. 1300.

Second Floor

The proposed second Floor is smaller in width at rear by approx. 1300.

Side Elevation

The window over looking the neighbour is staggered by 1295mm but there is still overlooking of the existing window.

Rear Elevation

We have scaled using the scale bar on this drawing, the height from the head of the second floor to the ridge of the roof is approximately 2.3m this would leave no room for the depth of floor and depth of roof.

Whilst the scheme has been reduced in width by approx. 1300 the mass is still of concern, the height is now of greater concern with this error on the drawings as submitted clearly which mislead the reader to believing that a ridge height equal to the neighbour will be achieved when clearly that is not going to work as shown.

The council should acknowledge this is a development on 4 floors and not approve the scheme until a satisfactory solution has been found. The scale, mass and height are still of concern and there is still overlooking of the neighbours window raised in previous applications.”

5 ALGERS MEAD: Objection

Due to its height and proximity the proposal would result in a loss of natural daylight and also a severe loss of our valued privacy. The occupants of the extended house would be able to look into our lounge and kitchen.

The proposal will result in a house that is not in keeping with the other houses along Loughton High Road.

6 ALGERS MEAD: Objection

The applicant previously unsuccessfully sought to use the building as a children's nursery. When considering the scale of the proposal and that background I am not confident about his future reasons for enlarging the house to such an extent.

The height, scale and proximity of the proposal would exacerbate existing overlooking of habitable rooms within maisonettes on Algiers Mead. It would also appear visually intrusive and result in a loss of light.

The proposal would appear out of scale with its neighbours.

The proposal is very similar to previously rejected proposals and does not overcome previous reasons for refusal.

LOUGHTON TOWN COUNCIL: Objection

The Committee commented that this was the fifth application that had been submitted for this site, which members considered was vexatious and could not understand why an application for a seemingly larger scheme had been submitted to the Local Planning Authority. Members NOTED that they had objected to all previous applications and that these had also been refused by the District Council and even one dismissed on appeal.

The Committee OBJECTED to this application. The proposed scheme was considered overbearing and monolithic in the context of a Victorian pair of semis. It would visually impact on the surrounding properties. The proposal was considered an overdevelopment of the site.

Members were concerned these works would be intrusive to neighbours and cause substantial loss of amenity from overlooking and loss of light to the neighbouring properties at nos 93 and 97 High Road, as well as the dwellings to the rear in Alghers Mead.

There was concern the development would lead to the parking of more vehicles than could be accommodated on the forecourt, as the property fronted the busy A121. Members asked again whether the District Council Arboricultural Officer could place tree preservation orders (TPOs) on the trees in the rear garden to safeguard private amenity.

Main Issues and Considerations:

The main issues raised by the proposal are its consequences for the character and appearance of the locality and living conditions of neighbours.

A material consideration of significant weight is the Planning Inspectors decision in respect of the appeal against the refusal of application EPF/1500/13. While that application was refused on design grounds, the Planning Inspector gave consideration to representations made in respect of the consequence of that proposal for the living conditions of neighbours, impact on trees and parking. In summary, the Inspector concluded:

- The proposed privacy screen to the edge of a “ground floor” balcony would prevent undue overlooking of the rear garden of 97 High Road and could be secured by a planning condition.
- A generous distance would separate the rear elevation of the dwellings of Alghers Mead. Any additional overlooking of these properties would be within acceptable parameters, particularly given that the extension would protrude a comparable distance to dwellings either side.
- The extension would be very close to the first floor flank bedroom window of 93 High Road and consequently would appear unduly oppressive when viewed from this room.
- The extension would not result in the loss of any significant species (of tree).
- Withholding planning permission on grounds of inadequate parking provision would not be reasonable.

The Inspector dismissed the appeal on the basis that the proposed side extension would significantly reduce the visual gap between 93 and 95 High Road, such that the visual effect would unacceptably harm the character and appearance of the street scene. He also found the impact in the flank bedroom window counts against the proposal.

Character and appearance:

The proposal is for an extension to the rear elevation only. It does not include any enlargement to the side. The extension would be no nearer 93 High Road than the existing upper level of the flank wall, some 2.4m. As a consequence, no part of the proposal would intrude into the existing space separating 93 and 95 High Road. Neither direct nor oblique views from the High Road would be materially affected by the proposal. It would therefore have no significant impact on the street scene and no "terracing" effect with 93 High Road would arise. In that respect the proposal overcomes the reason for refusing planning application ref EPF/1500/13 and the main reason the subsequent appeal was dismissed.

The proposed rear extension would only be seen from the rear. Although it would be a large addition, it would be visually contained between the existing substantial rear projection of 97 High Road and the rear of 93 High Road, which extends beyond the existing rear elevation of 95 High Road by a similar distance. Views of the side elevations would therefore be non-existent in the case of the flank adjacent to 97, and largely restricted to the access path between 93 and 95 High Road in the case of the flank adjacent to 93. It is primarily the rear elevation that would be visible. That would be sympathetic to the existing house, complementing its appearance in terms of its scale and proportions.

Overall, the proposal is found to be acceptable in design terms and in terms of its consequence for the character and appearance of the locality.

Living Conditions:

By ensuring the proposal would not narrow the gap separating the flank walls of 93 and 95 High Road the proposal would not have any significant impact on outlook from the flank bedroom window of 93 High Road. That window would look onto the existing flank wall of 95 High Road therefore the living conditions within that bedroom would be unaffected by the proposal.

Having regard to the approximate alignment of the rear elevation of the proposed extension with that of the projections of 93 and 97 High Road the proposal would not cause any loss of light or have any overbearing impact on those properties.

The distance separating rear elevation of the proposal from properties on Algiers would be the same as the dismissed appeal proposal. The Inspector concluded that relationship would not cause excessive harm. There is no reason to come to a different conclusion in respect of this proposal.

A proposed flank elevation window would be within the existing flank wall of the house rather than the proposed extension. As stated above, it requires planning permission because it would not be obscure glazed. It would be separated from the flank of 93 High Road by a distance of some 2.4m and would look directly on to the wall of 93. No. 93 presently has a flank window and the nearest edges of both windows would be off-set by 1.3m. The degree of off-set at the distance separating

the upper level flank walls is sufficient to prevent an excessive degree of overlooking.

Should Members nonetheless be concerned, since the proposed window would have no meaningful outlook, it would be acceptable to require that window to be partially or even entirely obscure glazed. Since the window would be a casement window it is not necessary to require it to be fixed shut.

Overall, the proposal is found to safeguard the living conditions of neighbours.

Other matters:

Representations by an architect working for the objector at 97 High Road acknowledge the proposal now only relates to a rear extension and that it is reduced in width compared to the proposal dismissed at appeal. The dismissed proposal had a width of 8m, whereas the current proposal is 6.6m wide. That reflects the omission of the previously proposed side addition.

The ridge and eaves height of the proposed extension would be identical to that of the existing house. However the proposal is described, there is no doubt about its height. It is clearly understood that the proposal includes a partial basement enlarging an existing basement adjacent to the boundary with 97 High Road, a ground and first floor and a room in the loft. Due to the differences in levels within the existing house, which would be reflected in the proposed extension, the two first floor windows in the rear elevation are set at different heights.

The comments of the architect relating to the distance between the higher first floor window and the ridge and the possible consequence for headroom within the loft room are acknowledged. That possible consequence is not a planning matter therefore it would not be one over which planning permission could be withheld. In any event, should internal headroom within the loft be an issue at construction the applicant could overcome it by repositioning the first floor window slightly lower in the rear elevation or by reducing its height. Within the context of a rear elevation neither solution would be harmful to the appearance of the proposal and would be likely to amount to a non-material amendment to the proposal as a whole. If that really is necessary the onus would be on the developer to apply for approval of a non-material amendment.

It is possible that the house would generate a demand for parking that cannot be met on site. That is not uncommon although it is very unlikely that the amount of additional parking would be harmful to the amenities of the locality. Moreover, since the site is in a sustainable location it is unlikely that there would be a harmful impact. As made clear by the Planning Inspector when dismissing the larger previously refused proposal, withholding planning permission on grounds of inadequate parking provision would not be reasonable.

There are no preserved trees at the application site or adjacent to it that could be affected by the proposals. Furthermore, the proposal would not result in the loss of any other trees of significant amenity value. There are no trees at the site or neighbouring land that merit preservation.

Conclusion:

By removing the previously proposed side addition from the current proposal the Councils previous reason for refusal of application EPF/1500/13 and the Planning Inspectors reasons for dismissing the subsequent appeal. The proposal is

acceptable in design terms and would not have any significant effect of the street scene. It is concluded the proposal safeguards the character and appearance of the locality. The proposal would also safeguard the living conditions of neighbours and there are no other matters of weight that warrant withholding planning permission. The proposal accords with relevant local plan and NPPF policy, therefore it is recommended that planning permission be granted.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

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

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