

# **Report to District Development Control Committee**

**Report Reference: DEV-008-2014/15**  
**Date of meeting: 3 December 2014**



**Epping Forest  
District Council**

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**Subject: EPF/1723/14 – 12 Ravensmere, Epping - Proposed detached annexe building with habitable space on ground floor and swimming pool in basement level.**

**Responsible Officer: Dominic Duffin (01992 564336)**

**Democratic Services: Gary Woodhall (01992 564249)**

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## **Recommendation:**

**(1) That the committee considers the recommendation of the Area Plans Sub-Committee East committee which was that the issue should be presented to the District Committee with no recommendation.**

## **Report**

1. This application has been referred by the Area Plans Sub Committee with no recommendation. The report to the Sub-Committee carried a recommendation from Officers to grant planning permission subject to conditions and the Officer's report is reproduced in full below.

2. This application was considered at the Area Plans East Committee on 15 October 2014. The Sub-Committee agreed, via a vote, that 3 additional conditions to those suggested by Officers should be included in the recommendation.

3. Members then voted on the recommendation to grant, subject to the conditions in the report and the additional conditions but a majority voted against the recommendation. No one moved to refuse the application.

4. Four Members of the Committee then stood to exercise their right to refer the matter to the District Development Control Committee for decision, but with no recommendation.

5. The original Officers Report, original conditions and the Members suggested conditions (7, 8 & 9) are produced in full below. Officers have no objection to the addition of these further conditions.

*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:**

12 Ravensmere is located in a cul-de-sac of dwellings off Kendal Avenue close to the town centre in Epping. The house on site is detached and set above the level of the road. The rear garden is fairly generous with the level of the garden above that of the ground floor level of the house and is reached up a set of steps from a small patio area. The property is separated from its neighbour to the north (No11) by a close boarded fence and beyond this on the neighbours plot is a hedge. There is a fall in land levels from No11 to the application site. The rear of the site abuts the Metropolitan Green Belt and there is a preserved tree close to the boundary.

**Description of Site:**

The applicant seeks consent to construct an outbuilding along the common boundary with No11. The building would be two storeys with one level located below ground level and the space used to provide a swimming pool. This would involve further excavation below the lower floor level to form the pool. The upper floor would include a guest bedroom, bathroom and a gym. The building would have a footprint measuring approximately 15.2m long x 4.75m wide and would retain a gap of approximately 1.0m to the boundary. The building would have a slanted roof which at its highest point would be 3.5m above the ground level. The plans indicate that the garden would be excavated down to approximately level with the base of the rear exit doors of the house. The building would be finished largely in render.

**Relevant History:**

EPF/0053/14 - Proposed annexe building, to provide ancillary accommodation.  
Withdrawn by the applicant - 19/02/2014.

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE1 – Design of new Buildings  
DBE2 – Effect on neighbouring Properties  
DBE9 – Loss of Amenity  
GB7A – Conspicuous Development  
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:**

TOWN COUNCIL: Objection. Committee object to this application due to its size and scale, which would have a detrimental impact on the amenity of neighbours. Committee note and share the concerns of the Council's Trees and Drainage Officers. The absence of any plan to deal with the issue of sub ground drainage is an

issue and needs further investigation. The scheme is therefore contrary to policies DBE1 and DBE2. Committee were of the opinion that a similar building along the rear boundary would have significantly less impact.

4 neighbours consulted – 4 replies received.

**EPPING SOCIETY:** Objection. The building is excessive in size and scale and would have a detrimental impact on the amenity of neighbours. The Society shares the concerns of the Council's Trees and Drainage Officers. The proposed building would have a detrimental impact on the amenity of neighbours and may also have a physical impact.

**9A RAVENSMERE:** Objection. The proposal is an overintensification of the site and unsympathetic to the surrounding area. The proposed use for the building is inappropriate to the area.

**10 RAVENSMERE:** Objection. The proposed levels submitted do not appear to represent the existing ground levels on site which will have the effect of raising the ground level making the structure more visible. The mass of the building is considered excessive and the building would be visibly conspicuous. The proposed building would encroach into the root spread of the protected tree and this could have a detrimental impact on its health.

**11 RAVENSMERE:** Objection. Concern that the development will be conspicuous from the Green Belt having a detrimental impact on openness. The size massing and form will lead to an intensification in the use of the site and could easily become a self contained property. The application represents an unsympathetic overdevelopment of the site which will cause light pollution. Concern that the development will result in interference with the natural groundwater flow increasing the risk of localised flooding. There are inaccuracies with regards to the drawings and particularly the proposed ridge relative to our boundary. The hedge is shown as continuous and this is not the case. Concern about how lorries will access the site during the construction phase. The Tree Report does not refer to our existing coniferous hedge, an established laurel tree or other nearby trees. We are concerned that the issue of a basement construction has not been fully assessed and that reports should be submitted addressing whether such a scheme could progress without having an impact on groundwater flow in the vicinity. Concern that an approved development of this nature could set a precedent for further inappropriate development.

### **Issues and Considerations:**

The main issues to consider are the impacts of the proposed extension on neighbour amenity, design and appearance, the preserved tree adjoining the site, issues with regards to land drainage and the basement construction and the comments of consultees.

Note: It is noted that the submitted plans suggest that the ground level falls away from the base of the rear doors to the end of the garden. In fact the level of the rear amenity space is above the level of the base of the door and accessed up a set of steps. Therefore the existing ground level plan submitted (999.06) is inaccurate. However this does not prevent an informed decision being made. It appears what is proposed is to excavate the garden area down to the level of the patio area adjacent to the rear doors. A finished level for the garden and as such the height of the building can therefore be determined.

### Amenity

The proposed building would run for some distance along the common boundary with the neighbour to the north, No11. Objections have been received from the occupants of this dwelling with regards to impact on amenity and that the structure would appear overbearing. There is no detailed guidance, either local or national, which refers to outbuildings and what is considered a suitable size. It is accepted that a property will be served by outbuildings and indeed the vast majority can be constructed as permitted development under Class E of the General Permitted Development Order (GDPO). This building would not qualify as it is effectively two storeys and also has a ridgeline higher than what is permitted. The building also contains primary living accommodation. However there is no reason why the proposed footprint could not be constructed as a permitted development building and its use would also be incidental to the main building and as such would remain subsidiary. The overall footprint of the building is therefore acceptable in terms of what is suitable for an ancillary building and is not dissimilar to summerhouse structures which are routinely constructed under permitted development and do not fall under the control of Local Planning Authorities.

The issue with regards to impact on the amenity of occupants of No11 is whether the proposed structure would be overbearing when viewed from the rear garden area. As stated the proposed structure does run along the majority of the common boundary. However a gap is retained to the boundary and the rear amenity space of No11 is relatively generous which would significantly reduce any oppressive feeling. The adjoining neighbours state that the plans indicate a constant screen from an existing hedge when this is not the case. However it is evident that the existing hedge and fence would provide a fairly solid screen which would shield the proposed structure. Although the concerns of neighbours and the Town Council are noted it is difficult to accept that the building would be excessively injurious to the amenity of neighbouring residents. Some impact is recognised but is considered, on balance, acceptable.

### Design

In terms of design the proposed building raises no strong issues of concern. The bulk and scale of the building has been described as excessive but there are no policy restrictions which prevent large ancillary outbuildings. The use of appropriate materials would ensure a satisfactory design.

### Trees and Landscaping

Concern had initially been expressed that the submission had not made adequate provision for the preserved tree adjoining the site. However on receipt of further information the Trees and Landscaping section of the Council has removed their objection and have instead suggested that conditions relating to tree protection and the removal of excavated material are included. Whilst the applicant has provided a tree report, the tree protection condition does need to be included in full, and new reports will need to be submitted for approval prior to commencement. This is because at this stage, all the applicant is required to do is to show that the development is feasible without a detrimental impact on trees. As stated such details can be agreed by condition.

### Basement Development

Much concern has been expressed about the fact that a large section of this building will be subterranean. In that regard the Land Drainage Section of the Council has

been consulted with regards to this development. This advice records that the site does not lie within an Epping Forest or Environment Agency Floodzone. Details of how foul and surface water is to be disposed is required and this can be agreed by condition.

With regards to the basement, neighbours have raised concern that supporting reports have not been submitted demonstrating the feasibility of this project without having a negative impact on groundwater flow. Such developments are not common in the district but from the viewpoint of the Local Planning Authority, advice is provided by the Land Drainage Section. This concludes that any approved scheme should include the following informative;

*“In certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring property and structures, you could be liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.”*

In light of this advice the construction of the basement area presents no clear grounds for refusal from a planning perspective. The floorspace will be entirely below ground and will have little to no impact on amenity or the character or appearance of the area. Any future issues with regards to subsidence or flooding would leave the applicant open to civil litigation and this is a matter they must consider and thoroughly investigate. However there are no planning grounds to refuse the basement element of this scheme, particularly as the professional advice from the Land Drainage section is not that consent should be withheld.

#### Other Matters

The fact that this building would be visible from the Green Belt has been recorded as another factor weighing against an approval. However a domestic outbuilding within the curtilage of a dwelling which is located within a cul-de-sac of properties in a built up area would not seriously affect the open character of the Metropolitan Green Belt. It is also stated within comments received that the proposed use for the building is inappropriate. However ancillary living accommodation and covered swimming pools are common enough ancillary facilities provided at residential properties in this district. Swimming pools can, in fact, generally be created as permitted development.

Concern is expressed that the building could be used as a self contained and separate unit. It is considered that owing to the location of the building it could not be severed from the main house easily. In any case any such action would require planning consent and would fall under the control of the Local Planning Authority for consideration. The concern about lorry movements at the site is unfortunately a necessary by product of construction developments and a refusal of consent on these grounds would not be easily sustained. Similarly, any refusal of consent with regards to concern about setting a precedent requires caution and each application must be judged on its own merits. In any case Officers have found that this scheme is on balance acceptable and as such an appropriate form of development.

#### **Conclusion:**

The proposed development is considered to have an acceptable level of impact on

the amenity of adjoining residents and would not result in excessive loss of amenity. The proposed design is considered acceptable. It is considered that the preserved tree can be protected and its health ensured and suitable arrangements can be agreed by condition. It is not considered that the fact the development contains a basement warrants refusal but the applicant is advised that any hydrological and flooding implications are thoroughly investigated. In light of this appraisal it is recommended that consent is granted 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)***

## **CONDITIONS**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with the guidance contained within the National Planning Policy Framework and policy DBE1 of the adopted Local Plan and Alterations.

3. No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

Reason: To comply with the duties indicated in Section 197 of the Town & Country Planning Act 1990 so as to ensure that the amenity value of the existing trees are safeguarded, in accordance with the guidance contained within the National Planning Policy Framework and policy LL10 of the adopted Local Plan and Alterations.

4. All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to control any alteration to levels or spreading of material not indicated on the approved plans in the interests of amenity, in accordance with the guidance contained within the National Planning Policy Framework and policies CP2, DBE1 of the adopted Local Plan and Alterations.

5. No development shall take place until details of foul and 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.

Reason: To ensure satisfactory provision and disposal of foul and surface water in the interests of public health, in accordance with the guidance contained within the National Planning Policy Framework and policy RP3 of the adopted Local Plan and Alterations.

6. All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 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.

Reason: In the interests of the amenities of noise sensitive properties, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.

7. A full hydrological report to be submitted and agreed in writing by the Local Planning Authority prior to commencement of development.

8. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

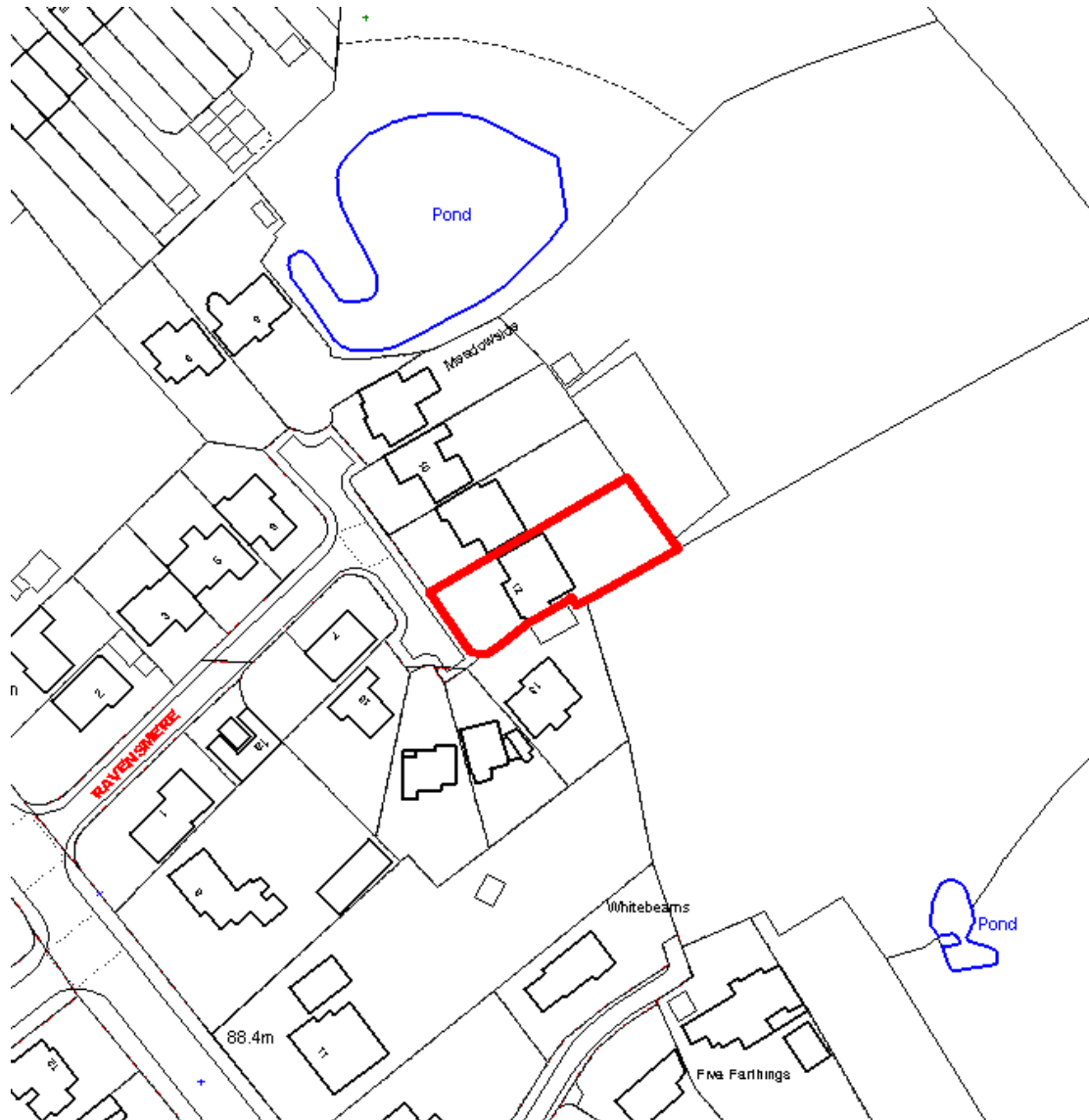
- (a) The parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (e) Measures to control the emission of dust and dirt during construction, including wheel washing; and
- (f) A scheme for recycling/disposing of waste resulting from demolition and construction works.

9. No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.





# Epping Forest District Council



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Application Number:	EPF/1723/14
Site Name:	12 Ravensmere, Epping CM16 4PS
Scale of Plot:	1/1250