

AREA PLANS SUB-COMMITTEE 'EAST'

12 August 2015

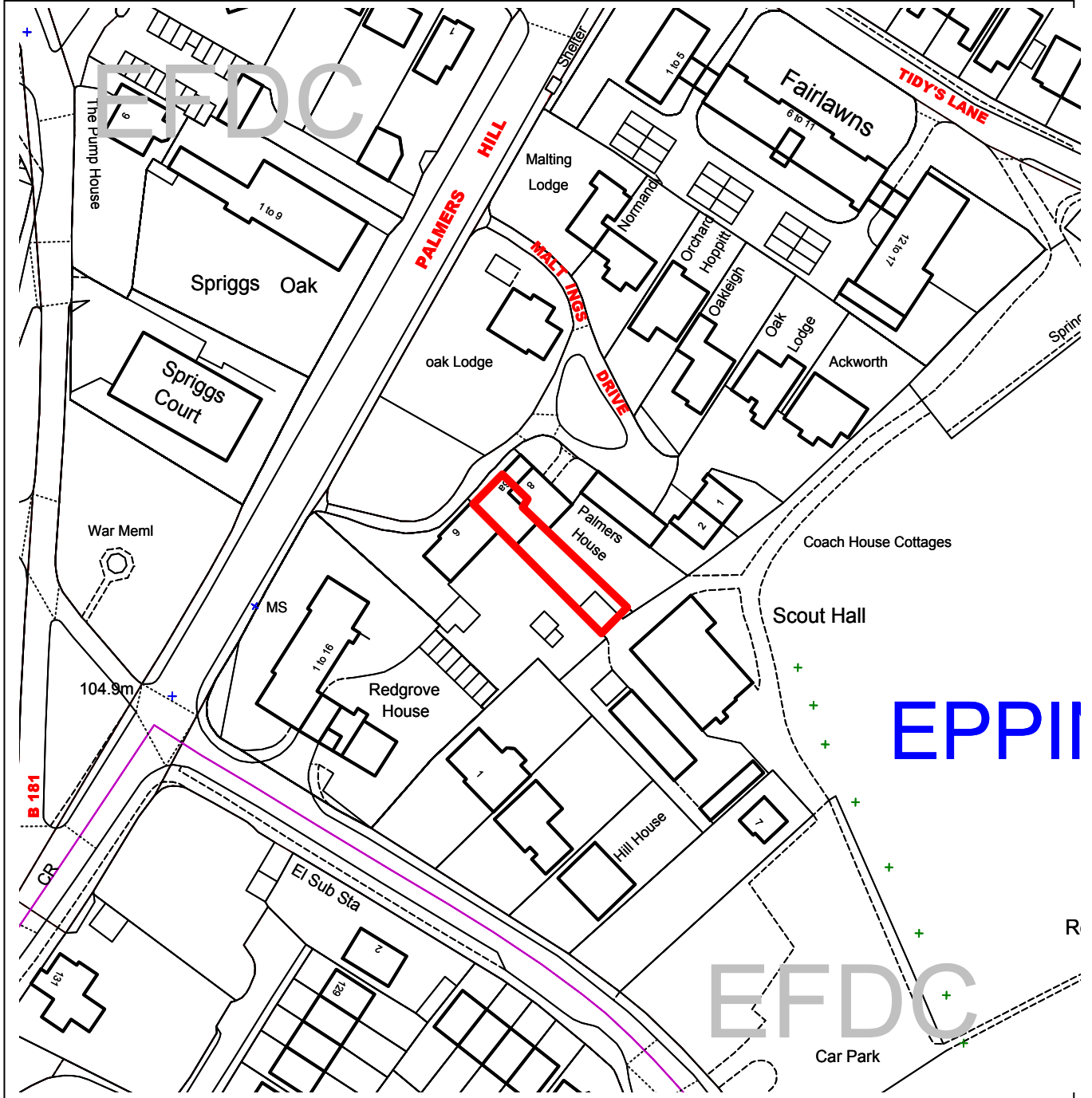
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/0933/15
Site Name:	6A Palmers Hill, Epping CM16 6SG
Scale of Plot:	1:1250

Report Item No: 1

APPLICATION No:	EPF/0933/15
SITE ADDRESS:	6A Palmers Hill Epping Essex CM16 6SG
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Kevin Cordes
DESCRIPTION OF PROPOSAL:	Proposed conversion of existing garage to granny annexe with raising of roof and facade alteration.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575313

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 development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 No commercial activity shall take place at the site other than to a level which would remain ancillary to the residential use unless otherwise agreed by the Local Plan Authority.

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)) and since;

This item was deferred from the previous meeting to allow Members to undertake a site visit

Description of Site:

The application site is located within the town centre of Epping and accessed down a short entrance lane off Palmers Hill. The house is Grade II listed, a middle terrace and is served by a reasonably sized garden area to the rear. Located at the end of the garden is a single storey

detached outbuilding which also has access onto the playing fields to the rear. The site is within the Epping Conservation Area.

Description of Proposal:

The applicant seeks consent to alter the outbuilding in order to create a residential annexe. The footprint of the building would not alter and a pitched roof would be erected above to a height of 4.2m. Amended plans received on 16/6/15 have confirmed that the building would be finished in weatherboard with a slate roof.

Relevant History:

No relevant history.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
HC6 & HC7 – Conservation Areas
HC12 – Setting of Listed Buildings

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:

PARISH COUNCIL: Objection. The proposal would have a detrimental impact on the surrounding countryside, the setting of the listed building and Conservation Area. The change and intensification in use would have a detrimental impact on the amenity of adjoining residents. Should consent be granted committee suggest a condition preventing commercial use and that the building should only be used ancillary to the main dwelling.

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

6 PALMERS HILL: Objection. Concern that the proposed works will have a deleterious impact on the setting of the listed building. Concern that the proposed scheme will block a centuries old view and have a detrimental impact on neighbour amenity. Concern about potential overlooking into our property. The proposed building would not complement the existing listed building and would have a negative impact on the special setting. Concern that the building will be rented, sold as a separate entity or used for commercial purposes. We do not understand how anyone would knowingly buy a listed building only to undertake major change.

8 PALMERS HILL: Objection. Mr and Mrs Hetherington, my neighbours at 6 Palmers Hill, have researched this Application so well that all I need to say is that I agree wholeheartedly with all their objections to the proposed development at 6A Palmers Hill, described by Mr and Mrs Cordes ,as a Granny Annex, for residential purposes, to be built at the bottom of their small garden.

I cannot believe that anyone would give permission for this project to go ahead. I have lived in my house, 8 Palmers Hill, for fifty years. This house has always been the perfect place to live, to bring up my five children and to live here in old age with my grandchildren visiting frequently and using

the marvellous facility of the Playing Field at the bottom of our garden through the garden gate to play football, tennis and to play in the children's Playground.

The Scout and Guide activities taking place in the Field would be jeopardised by the access to 6A Palmers. Mr and Mrs Cordes may say now that all access would be through their own home, but I fear that once built, the proposed annex would either now, or in the future come to be treated by all as a separate property with access for both traffic and pedestrians from the pathway alongside the Playing Field.

EPPING SOCIETY: Objection. The size and change of use would have a negative impact on the character and appearance of the Conservation Area as well as neighbouring properties. This will lead to a loss of amenity for the neighbours as well as the surrounding neighbourhood. The conversion would have a negative impact on the historical setting of the main property which is a listed building. The principle of conversion from a garage to a living space and potentially a business is a concern.

Issues and Considerations:

The main issues to consider relate to the setting of the listed building/conservation area, design, amenity and the comments of consultees.

Design

The proposed development will sit within the curtilage of the Grade II listed building, 6 Palmer's Hill, an early 19th century red brick house roofed with Welsh slates. It will fall also within Epping Conservation Area. Those two designations attest to the heritage significance of the property and its setting. The original property was divided into 3 dwellings. The building subject to the application is a garage built in the late 1990's at the end of the garden.

A number of objections have been received and one concern is that the new structure would have deleterious impact on this special setting. This is difficult to accept and understand. At present the building which stands on this position is in a poor state of repair, with a flat felt roof, and detracts from the special setting. In contrast the new structure will be well designed, will use vernacular materials and will significantly improve the special setting of these listed buildings and the Conservation Area. The Council's Conservation Section has been consulted and has no objections to the proposal. Sample materials can be agreed by condition.

Amenity

Concern is also expressed that the proposal will impact excessively on the amenity of adjacent neighbours. The development in essence pitches a roof over the existing building and located at the end of a reasonably generous and wide garden it would not impact excessively on amenity. Whilst a loss of a view is cited as an issue this is not a material planning consideration and there is no loss of outlook. There are no windows above ground level and therefore there would not be an issue with overlooking.

Consultee Comments

It has been further stated in consultee comments that the proposed development will be used for commercial purposes. The application is for ancillary accommodation only and for the most part the conversion of an existing building to ancillary residential does not require consent. A new building for that use is appropriate. Subsequent use for any non ancillary use, including use as a separate residential unit would require express consent. No condition is therefore required to prevent this.

Conclusion:

The proposed scheme would improve the setting of the listed buildings and the Epping Conservation Area. There would be no significant impact on the amenity of adjoining residents. It is therefore recommended that the scheme is in accordance with the relevant local and national planning policies and 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***

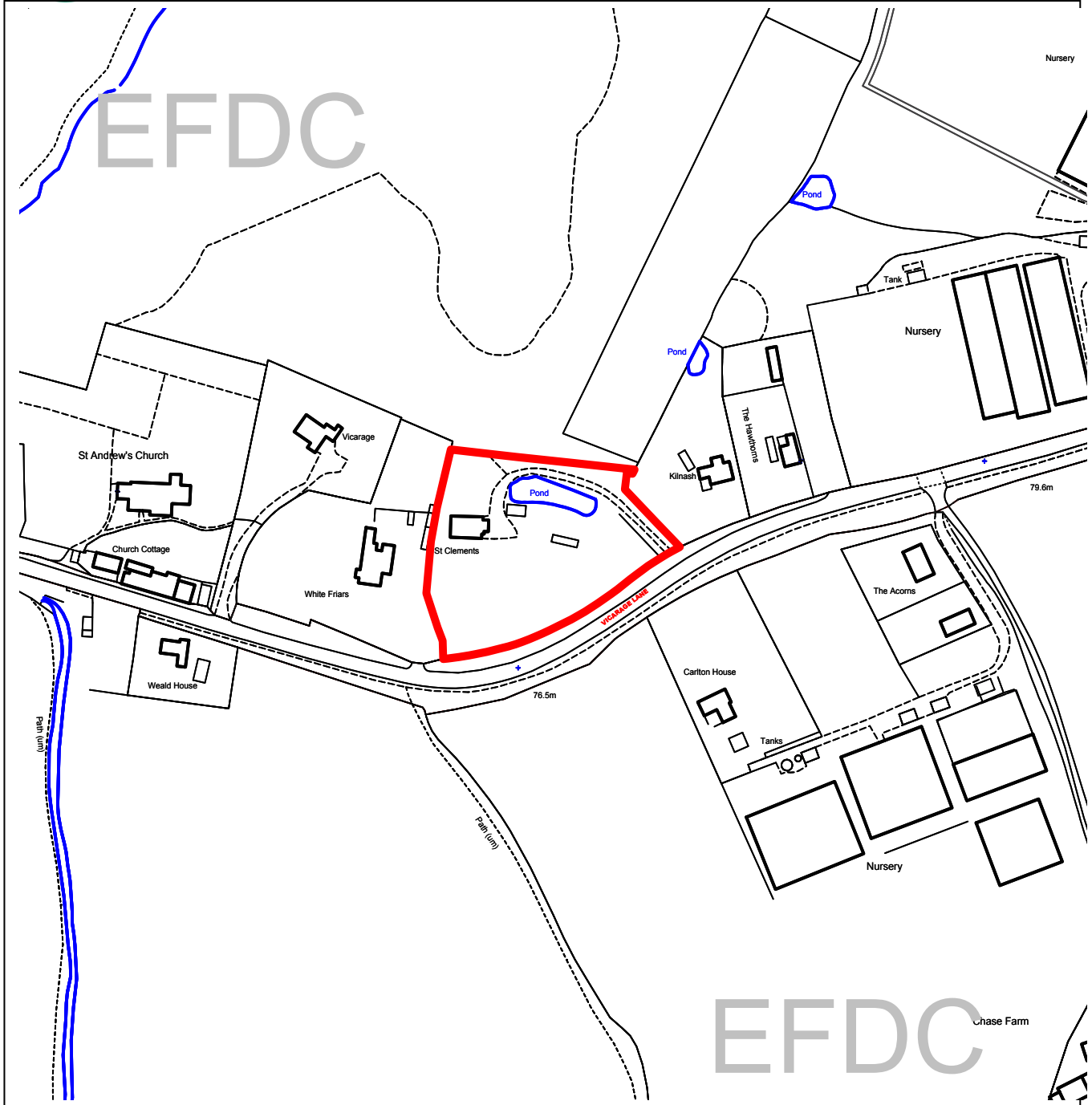
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Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/1008/15
Site Name:	Saint Clements, Vicarage Lane West, North Weald CM16 6AL
Scale of Plot:	1:2500

Report Item No: 2

APPLICATION No:	EPF/1008/15
SITE ADDRESS:	Saint Clements Vicarage Lane West North Weald Essex CM16 6AL
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr John Scott
DESCRIPTION OF PROPOSAL:	Erection of timber framed office/workshop/store, summerhouse, poolhouse and pool
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575596

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 development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 No development shall take place until details of foul awater 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.

This application is before this Committee since it has been 'called in' by Councillors Stallan and Grigg (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(h))

This item was deferred from the previous meeting to allow Members to undertake a site visit

Description of Site:

The application site is located on the northern side of Vicarage Lane West approximately 200 metres east of Church Lane on the outskirts of the town of North Weald. The site is located at a fairly isolated location within the boundaries of the Metropolitan Green Belt although there are a

number of properties within the immediate area. The site is expansive and is occupied by a Grade II Listed dwelling with a weatherboard/render, tiled roof finish, set back from the road and accessed down a long drive. A large domestic pond is located along this drive.

Description of Proposal:

The applicant seeks consent to construct three ancillary outbuildings within the grounds of the property with a domestic pool. The development is as follows;

Pool House and Domestic Pool – The Pool House building would be located towards the front of the house and near the common boundary with the adjacent neighbour, White Friars. The building would have a footprint measuring 6.5m x 5.0m with a ridge level of 4.0m. The building would be timber clad with a tiled roof. A domestic pool would be constructed adjacent to the Pool House; this would be 9.0m long x 3.5m wide.

Office/Workshop/Store - This building would have a footprint measuring 7.6m x 6.6m with a ridge level of 4.4m and a small upstairs storage area. The ground floor would be used as a workshop/store and the building would be located close to the common boundary with White Friars and behind the house. The outbuilding would be finished in timber with a tiled roof.

Summerhouse – This building would be constructed to the east of the house and would have a footprint measuring 11.0m x 7.3m with a ridge level of 5.1m. This building would also be timber clad with a tiled roof.

The plans indicate that two outbuildings at the site have recently been demolished.

Relevant History:

EPF/2186/10 - Erection of new two storey link attached bedroom wing, internal alterations and a detached double garage with demolition of existing outbuildings. Refuse Permission (Householder) - 17/01/2011.

EPF/2187/10 - Grade II listed building application for the erection of new two storey link attached bedroom wing, internal alterations and a detached double garage. Refuse Permission - 17/01/2011.

EPF/1208/11 - Erection of new two storey link attached bedroom wing, internal alterations and demolition of existing outbuildings. Refuse Permission (Householder) – 08/08/11. Refuse Permission – 08/08/11. Appeal dismissed - 24/02/2012.

EPF/1209/11 - Grade II listed building application for the erection of new two storey link attached bedroom wing, internal alterations and demolition of existing outbuildings. Appeal dismissed - 24/02/2012.

EPF/2630/13 - Two storey cart lodge. Withdrawn - 24/01/2014.

EPF/2631/13 - Conservatory. Refuse Permission (Householder) – 31/01/14.

EPF/2640/13 - Grade II listed building application for a conservatory. Refuse Permission – 31/01/14.

EPF/0269/14 - Single storey cart lodge. (Revised application). Grant Permission (With Conditions) – 02/04/14.

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment

DBE1 – Design of New Buildings

DBE2 & 9 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

HC12 – Setting of Listed Buildings

GB2A – Green Belts

GB7A Conspicuous Development

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:

PARISH COUNCIL: No Objection.

5 neighbours consulted and Site notice displayed: 1 reply received.

WHITE FRIARS: Objection. Concern that the demolished buildings may have been protected by the listing and were curtilage listed. Concern about how sewage will be disposed of from the office/workshop and that there is already an issue with disposal at this site. Concern that the proposed scheme will lead to a loss of trees/hedgerow. Concern that we will suffer a loss of amenity and that these structures will be visible from our property. Concern that in time a further detached property could be developed at this site. Concern that the proposed development will have a deleterious impact on the setting of the Listed Building and that it would compromise the open character of the Green Belt. We have no objection in principle to the Pool House.

Issues and Considerations:

The main issues to consider relate to the Green Belt setting of the site, the setting of the listed building/design, amenity and the comments of consultees.

Green Belt

The site is within the Metropolitan Green Belt and such applications are covered by the "GB" policies within the Local Plan and Alterations and by Chapter 9 of national guidance contained within the National Planning Policy Framework (NPPF). However there are no policies either locally or nationally which relate directly to outbuildings and the hard line could be that they are inappropriate developments. Conversely the vast majority of outbuildings can be constructed as permitted development under Class E. However as this site is occupied by a Listed Building consent will always be required for such structures.

When assessing applications for outbuildings, when required, the Local Planning Authority accept the need for such buildings and tend to take the view that when a property has a generous garden area additional allowance can be made for machinery storage. However as a rule of thumb a double Garage/Store is considered a reasonable allowance for most properties.

In 2013 consent was granted for a cart lodge building at the site. The outbuilding has not been constructed on site but would be single storey and would have an open bay for a vehicle and an enclosed area for general storage. The building would measure 5m by 5.6m and have a dual pitch roof. It would be located to the rear of the dwelling house along the western side boundary of the site.

Whilst this is a relatively small building it will provide some storage/parking at the site. What is now proposed is that a number of additional outbuildings are constructed within the grounds of the property to meet the applicant's needs.

Whilst three separate buildings are proposed on site, recently two structures which were in a poor dilapidated state have been removed from site. It seems reasonable that the floor area of these

buildings, approximately 75 sq m in total is counted towards the new structures. The proposed Office/Workshop/Store would have a floor area of approximately 50 sq m; the Summerhouse 80 sq m and the Pool House 32 sq m. The proposed Office/Workshop/Store would have a similar floor area and the removed buildings and can be justified in lieu of their removal. The Pool House and Summerhouse are two additional structures. The Pool House is a relatively small structure at 32.5 sq m and in truth the extant permission for the Garage/Store is smaller than many structures which are regularly approved to meet this need. A small Pool Building can be justified.

The remaining Summerhouse building would have a floor area of circa 80 sq m and would be located to the east of the dwelling and closer to the entrance to the site. This additional building is more difficult to justify and its size and scale would have an impact on the open character of the Green Belt. Members may feel that this additional building is excessive. However this is an expansive site with a relatively large plot to maintain. The site is well screened to views by vegetation and in Officer's view the proposed additional building can, on balance, be justified. The proposed outbuildings are reasonable requirements to serve a residential property and as stated in most cases additional outbuildings can usually be constructed under the permitted development regime.

Comments received from the adjacent neighbour have stated that the previously removed buildings may have been curtilage listed. The Conservation Officer is of the view that they are unlikely to predate 1948 but in any case they were of no merit and their removal has enhanced the setting of the Listed Building. Concern has been expressed that the Summerhouse building could be separated to form a new residential property. The application must be judged as applied for and the Council cannot surmise ulterior motives when assessing a scheme. As a separate dwelling would require planning consent a condition is not necessary to prevent this.

Setting of Listed Building

The existing building on site is Grade II Listed and the removal of the existing outbuildings has no doubt improved this special setting. Furthermore the proposed outbuildings are traditionally designed and the use of good quality materials should ensure that the submitted scheme will preserve the special setting of the Listed Building. These can be agreed by condition.

Amenity

Whilst concern has been expressed by the adjacent neighbours with regards to this scheme, it is not considered that the proposed structures would impact excessively on amenity. The submitted plans indicate a reasonable gap to the boundary and the buildings are not particularly excessive in size.

Land Drainage

The site lies within an Epping Forest District Council flood risk assessment zone. However the proposed development will cause only a negligible increase in surface water runoff; therefore a Flood Risk Assessment is not required. The neighbour adjoining the site has also expressed concern about foul drainage and further details of foul drainage can be agreed by condition.

Conclusion:

The proposed development is considered to be, on balance, acceptable from a Green Belt perspective. The setting of the Listed Building would be maintained and there would be no significant impact on the amenity of adjoining residents. It is therefore 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:

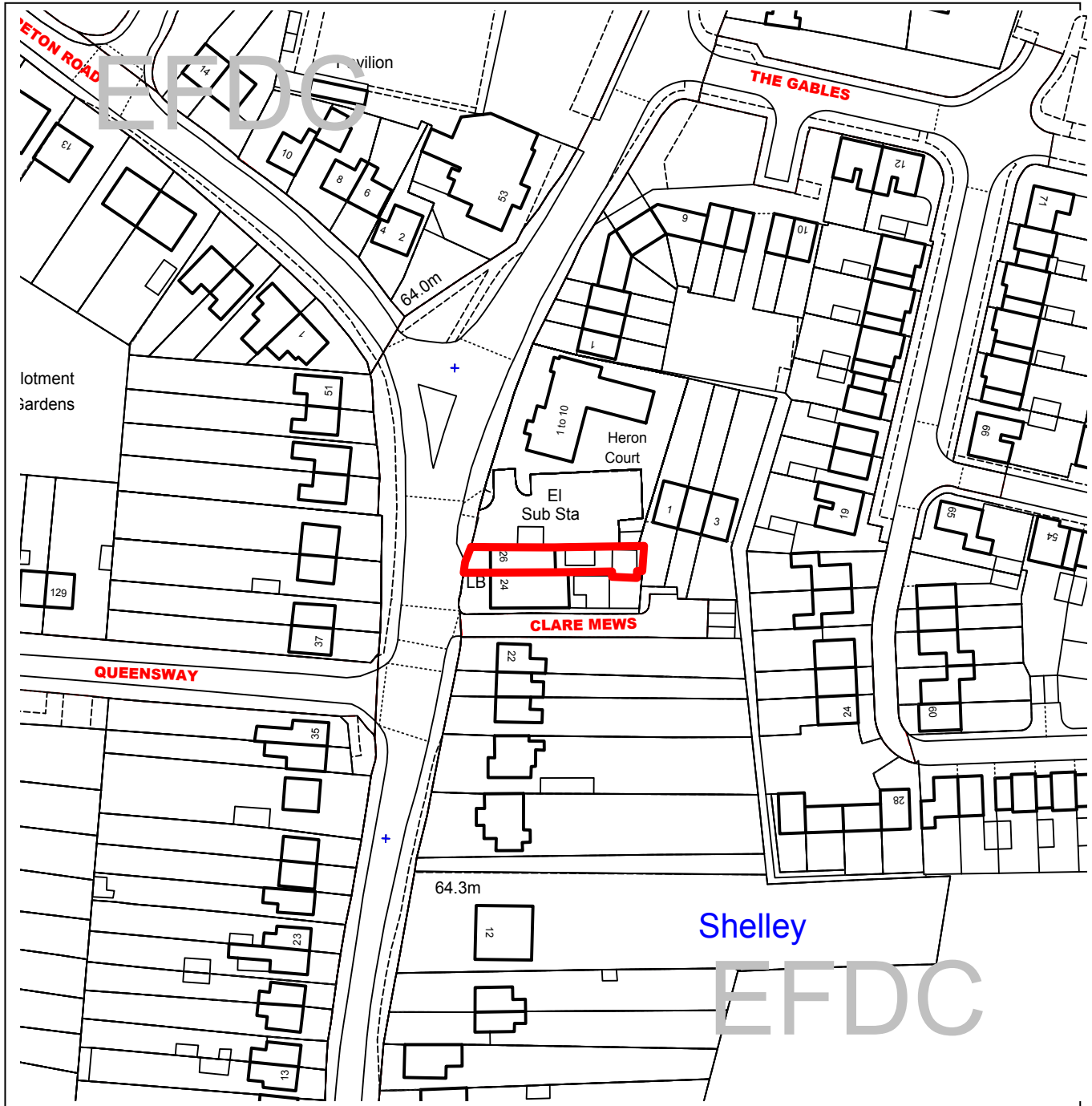
**Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336**

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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/1130/15
Site Name:	26 Fyfield Road Ongar, CM5 0AJ
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1130/15
SITE ADDRESS:	26 Fyfield Road Ongar Essex CM5 0AJ
PARISH:	Ongar
WARD:	Shelley
APPLICANT:	Ms Sarah Gibbons
DESCRIPTION OF PROPOSAL:	Application for variation of condition 2 'opening hours' on planning application EPF/2190/12 to allow the premises to operate between the hours of 11am and 9pm Monday to Saturday (Closed on Sundays & Bank Holidays).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=575935

CONDITIONS

- 1 The unit shall not be open to customers outside the hours of 11:00am - 9:00pm Monday to Saturday and shall be closed on Sundays and Bank Holidays.

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

Description of Site

Fyfield Road is located within the built up area of Ongar. The existing building is a two storey property whose first floor is a residential flat and its ground floor is used as a Fish and Chip shop. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a conservation area.

Description of proposal

The proposal is to vary condition 2 to extend the current permitted opening hours (11.30am to 2pm and 5pm to 9pm Monday to Saturday) to enable opening between 11am and 9pm Monday to Saturday.

Relevant History

EPF/2190/14 – Change of use from A1 retail to A3 Fish and Chip shop – Approved

Policies Applied

RP5 Adverse environmental impacts.
DBE9 Loss of amenity

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

Consultation carried out and summary of representations received

21 Neighbours consulted –

9 HERON COURT – OBJECTION – Anti social behaviour concerns, offensive odours, traffic concerns. Concerned about gradual erosion of the restricted opening. There is no need for the business to open in the morning.

ONGAR TOWN COUNCIL – NO OBJECTION

Issues and Considerations

The main issues to consider when assessing this application are the potential harm of the proposal to the living conditions of neighbours.

The property was granted planning permission in 2012 for a change of use to a Fish and Chip shop under reference number EPF/2190/12. The Fish and Chip shop currently has a restrictive condition which only permits it to be open between 11:30am – 2:00pm and 5:00pm and 9:00pm. Members of the planning committee put on the condition to safeguard the living conditions of the local residents.

This application seeks to allow the Fish and Chip shop to be open from 11:00am until 9:00pm, without having to close in the middle of the day.

The extended opening of the shop by a further half hour in the morning from 11am and in the middle of the day (between 2:00pm and 5:00pm) would not be during antisocial hours, for example when people would usually be sleeping and therefore any potential harm to the living conditions of the neighbours above the shop will not be significant. The proposal does not include any extension into the evening beyond the current restricted closing time of 9pm. It is considered an unreasonable restriction on the business to require it to close during the afternoon, and that the condition as it stands does not therefore meet the tests for conditions. Concern has been raised regarding odour emissions from the shop, but there is a current condition relating to provision of suitable extraction and the proposed change in opening hours is a separate issue.

Conclusion

The extended opening hours will not harm the living conditions of the neighbours or cause any other harm and therefore it is recommended that consent is given.

Conditions

It is recommended that the following condition be placed on the consent:

The unit shall not be open to customers outside the hours of 11:00am – 9:00pm Monday to Saturday and shall be closed on Sundays and Bank Holidays.

Reason: To safeguard the living conditions of the neighbours, in accordance with policy DBE9 of the Adopted Local Plan and Alterations.

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

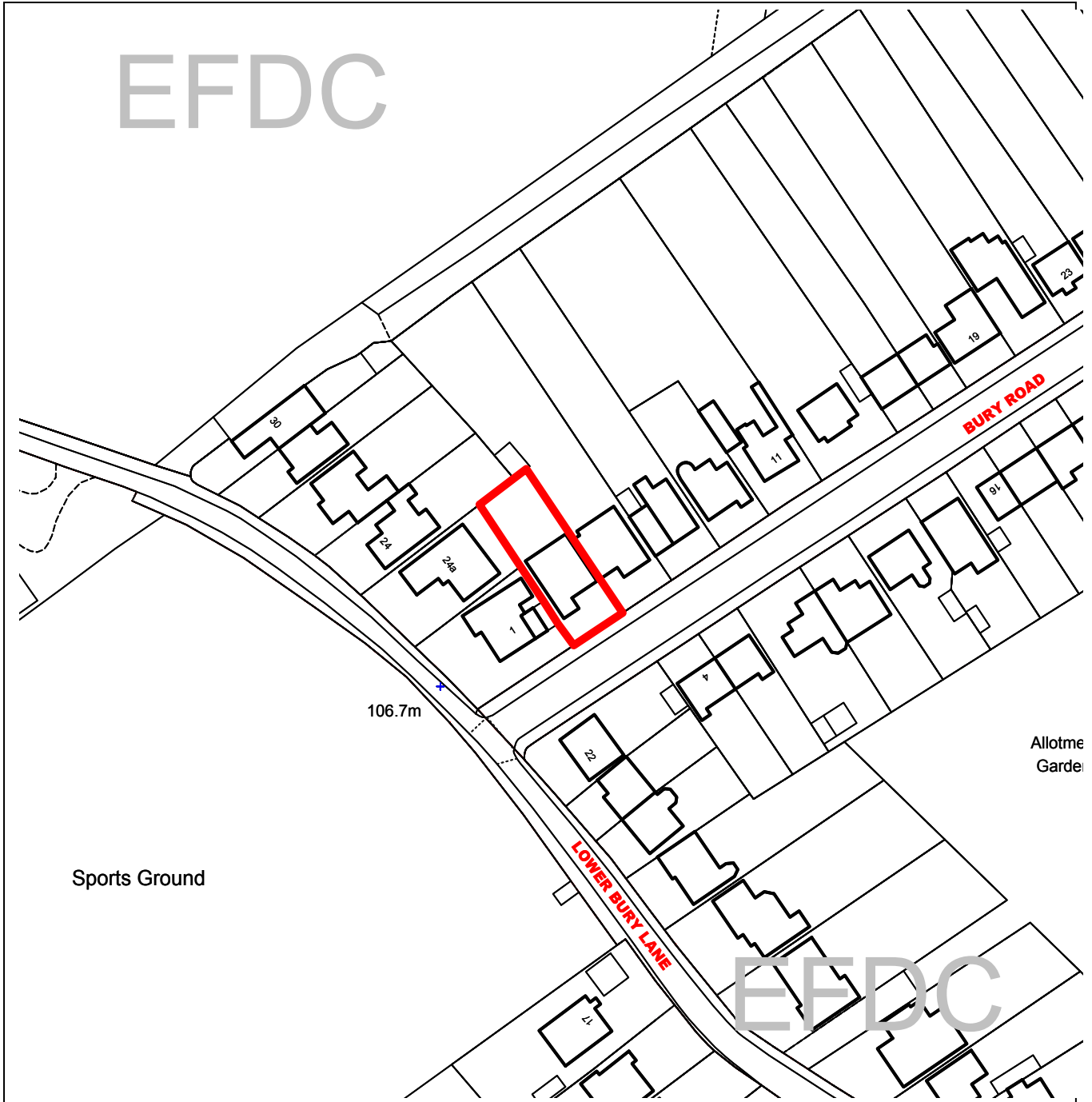
***Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371***

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



Epping Forest District Council

Agenda Item Number 4



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Application Number:	EPF/1324/15
Site Name:	3 Bury Road Epping, CM16 5ET
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/1324/15
SITE ADDRESS:	3 Bury Road Epping Essex CM16 5ET
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr Grant Foxley
DESCRIPTION OF PROPOSAL:	Two storey extension over existing building, ground floor extension (porch) and internal alterations. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576648

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: B.R.1C, B.R.2C, B.R.3, B.R.4
- 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 Prior to first occupation of the development hereby approved, the proposed upper storey window openings in the flank elevations 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.
- 5 Prior to first occupation of the development hereby approved, the proposed upper storey window openings in the rear elevations shown as obscure windows on Drawing No. B.R.1C shall be entirely fitted with obscured glass to a height of 1.7 metres above the floor of the room in which the window is installed and shall only be side hung from the western side (the left hand side when viewed from within the room in which the window is installed). Thereafter the windows shall be permanently retained in that condition.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no additional windows generally permitted by virtue of Class A of Part 1 of Schedule 2 to the Order shall be installed without the prior written permission of the Local Planning Authority.

- 7 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 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))13

Description of Site:

The application site consists of a detached bungalow with usable loft space (currently served by a front dormer window) located on the north western side of Bury Road, at the edge of the built up area of Epping. The site is not within the Metropolitan Green Belt, a conservation area, or any other designated area.

The existing property is the second house located within Bury Road, with No. 1 forming the corner plot. Immediately adjacent to No. 1 Bury Road are additional dwellings within Lower Bury Lane. The closest of these is No. 24a, which is a detached bungalow with habitable roof space. The rear boundary of No. 24a forms the side boundary of the application site.

The immediately adjacent neighbouring properties (No. 1 and 5 Bury Road) are both two storey dwellings with additional third floors within their roof slopes. No. 5 has a conventional layout and extremely deep rear garden. No. 1 is more unusual in that it is located very close to the shared boundaries with both No. 3 Bury Road and No. 24 Lower Bury Lane and benefits from a side garden to the southwest of the dwellinghouse.

Description of Proposal:

Consent is being sought for the erection of a two storey extension above the existing building. The only increase in footprint would be from the proposed single storey front (porch) extension.

The proposed upper storey extension would be built atop the footprint of the existing bungalow and would involve the removal of the existing pitched roof and the erection of a full second storey and a new pitched roof containing additional habitable space. The third storey (loft space) would be served by a single front and single rear dormer window and high level rooflights within the flank roof slope. The proposed extension would have a crown roof to a maximum height of 8.5m and an eaves height of 5m.

The proposed extension and internal alterations would result in the loss of the existing integral garage and would alter this current two bed bungalow into a large five bed house.

Relevant History:

EPF/0396/15 – Two storey extension over existing building, ground floor extension (porch) and internal alterations – withdrawn 27/03/15

Policies Applied:

CP2 – Protecting the quality of the rural and built environment
DBE9 – Loss of amenity
DBE10 – Residential extensions

H4A – Dwelling mix
ST6 – Vehicle parking

The above policies form part of the Council's 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.

Consultation Carried Out and Summary of Representations received:

6 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – Object. Whilst committee note the revised design and the property is in between two houses which are three stories so the proposed height and scale of the house is probably acceptable, this proposal is to convert yet another bungalow from Epping's rapidly diminishing stock, adversely affecting the mix of dwellings available. It would result in a loss of amenity for neighbouring properties, in terms of loss of light.

1 & 5 BURY ROAD and 24a LOWER BURY LANE – Object for the following reasons:

- The proposal would result in an excessive increase in scale and height to the existing bungalow that would have an overbearing impact on all neighbouring properties, but particularly the bungalow at No. 24a Lower Bury Lane.
- A loss of sunlight and daylight would occur to the neighbouring properties. In particular the rear windows and small garden serving No. 24a Lower Bury Lane and the existing side windows within No's 1 and 5 Bury Road facing the application site.
- The proposal would result in a perception of overlooking and, whilst many of the rear windows are proposed to be obscure glazed, this is not considered appropriate for the proposed internal layout and highlights that this is a compromised plot in terms of its relationship with neighbouring properties.

Issues and Considerations:

The main issues of consideration in this instance are the design and impact on neighbouring residents. However consideration must also be given with regards to the loss of the existing bungalow and the loss of the integral garage.

Design:

The application site is a detached bungalow sandwiched between two detached three storey buildings (including habitable roof space) and is situated within a small no through road primarily consisting of two or three storey dwellings. Whilst several of the properties within Bury Road were formerly bungalows the majority of these have been extended or replaced and now consist of two or three storey properties.

The provision of a further three storey house (including rooms within the roof space) would not be out of keeping with the character of the street scene. Whilst no street scene has been provided to show the proposed extension in relation to the adjacent neighbours a calculation of the two neighbouring properties reveal that No. 1 Bury Road measures a maximum ridge height of 9.3m and No. 5 Bury Road measures a maximum ridge height of 9.2m. The proposed extension would result in a maximum roof height of 8.5m, which would be some 700/800mm lower than these two neighbouring properties.

Bury Road contains no fixed uniform style of dwelling and contains a varied mix of type and design of properties. The proposed extended dwelling would be relatively standard and traditional in appearance. Whilst it would incorporate a crown roof and very large chimney, along with a slightly

unusual partly open front porch extension, none of these features would be visually unacceptable. The level of crown roof would be minor and has been incorporated to reduce the height and ensure a better balance between the wall to roof ratio. The chimney and front porch detail, whilst not to everybody's taste, would not appear incongruous within the street scene. As such it is considered that the proposed extensions would not be detrimental to the overall character or appearance of the street scene and would not appear visually dominant or overbearing within its context.

Neighbours amenities:

The biggest concern in this application is regarding the impact on the amenities of neighbouring residents. The primary concerns are regarding loss of light, loss of privacy, and loss of visual amenity, however there are other considerations with regards to any other form of nuisance (such as dust, noise, etc.).

Loss of light:

Due to the location of the existing dwelling and its relationship with the adjacent neighbours, particularly No. 1 Bury Road and No. 24a Lower Bury Lane, the proposed increase is going to have some impact on the levels of light received within these properties.

No. 1 Bury Road is a large three storey dwelling (including rooms within the roof space) that has several aspects. The main (principal) elevation is fronting Bury Road, with the secondary main elevation fronting the side garden (south west). Whilst there are windows located within the flank elevation that faces the application site these windows serve a utility room on the ground floor and bathrooms on the first floor and within the roof slope. As such the protection of these is of less importance than those serving main habitable rooms. Whilst the submitted objection on behalf of the neighbours states that "*internal alterations are proposed on the ground floor which would result in the relocation of the utility room and the creation of a larger sitting room*" it is not considered that a 'possible internal change' within this neighbouring dwelling can be given any weight in this decision.

No. 24a Lower Bury Lane sits at an almost 90 degree angle to the application site and shares its rear boundary with the side boundary of the applicant's rear garden. This neighbouring property is a bungalow (with a habitable roof space) with an extremely shallow rear garden. This area of garden forms the only private amenity space to this dwelling (although it is currently somewhat overlooked by No. 1 Bury Road). The roof of the existing bungalow at No. 3 Bury Road can clearly be seen from this neighbour's garden and from all rear windows. These windows serve a dining room and kitchen at ground floor and it is believed a bedroom at first floor.

Great concern has been expressed by the residents of this neighbouring property with regards to the loss of light and the impact that the proposed extension would have on this. It is claimed by them that, due to the northeast facing garden and rear windows, they only receive approximately two hours of early morning sunlight into this garden, which would be lost as a result of this extension.

It is accepted that the garden and rear windows of No. 24a Lower Bury Lane are severely restricted in terms of direct sunlight received and any increase in height of the application site will have an impact on this. Several tests have been undertaken with regards to the level of light (sunlight and daylight) lost as a result of the proposal. The more commonly used 45 degree and 25 degree rules regarding loss of light are generally used for either new buildings directly opposite existing properties (25 degree rule) or for immediately adjacent buildings (45 degree rule). Neither of these assessments accurately account for developments laid out at an angle such as this and therefore the results are somewhat inaccurate. Nonetheless both measurements reveal that the proposed development would encroach on both a 45 degree angle, when measured horizontally

from the centre of the closest window in No. 24a Lower Bury Lane, and a 25 degree angle, when measured vertically from a point 2m up from ground level as measured from the rear wall of No. 24a Lower Bury Lane.

A more accurate test for the potential impact on light levels is the BRE Skylight Indicator. This test reveals that the skylight component is 33%. The general guidance regarding this test is that any new building should have a 'vertical sky component' of 27% or more.

It is accepted that there will be some loss of light as a result of the proposed development, particularly early morning direct sunlight to the garden and rear windows of No. 24a Lower Bury Lane, since the development would fail both the 45 degree and 25 degree tests. However neither of these assessments accurately account for developments laid out at an angle such as this and therefore the results are somewhat inaccurate. The proposed development would have a skylight component greater than the minimum 27%, and this BRE Skylight Indicator is considered to be a more accurate test for a proposal such as this. Furthermore, whilst the proposed extension would impair direct sunlight to this neighbour the main factor impacting on levels of sunlight to the garden and rear windows of No. 24a Lower Bury Lane are the position and northeast facing nature of this site. Furthermore the Essex Design Guide clearly states that "*it is not a reasonable requirement for all dwellings to have sunlit rooms*". The south western (front) elevation of this dwelling receives the greatest amount of sunlight and would be unaffected by the proposed development. As such it is considered that, on balance, the impact on the loss of light to the neighbouring property at No. 24a Lower Bury Lane is considered to be acceptable.

Loss of Privacy:

The existing bungalow on the site has only one first floor window that fronts onto Bury Road. As such there is currently no overlooking from the application site to other neighbouring properties, although the site itself is considerably overlooked by neighbouring properties.

The increase in height and provision of first and second floor windows would undoubtedly result in overlooking that did not previously exist. However the key consideration is whether this overlooking would be detrimental to neighbours amenities through a loss of privacy.

Any resulting overlooking of the rear garden of No. 5 Bury Road would be similar to the existing and well established situation along Bury Road (and most roads within the District) and therefore would not be unduly detrimental to neighbours amenities. The only proposed upper level flank windows would serve bathrooms or be high level and therefore can be conditioned to be obscure glazed and fixed framed up to 1.7m in height. This would ensure that there is no undue loss of privacy to either No's 1 or 5 Bury Road.

The main impact with regards to overlooking is to No. 24a Lower Bury Lane. Whilst the provision of several upper storey rear windows would overlook this neighbours small rear garden and rear windows the applicant has amended their plans and now propose to obscure glaze the two closest first floor and the proposed second floor windows. One of the first floor windows serves a bathroom and therefore can be subject to the standard obscure glazed window condition, however the other two windows serve bedrooms and therefore it would be unreasonable for these windows to be obscure glazed and fixed shut up to a height of 1.7m. Notwithstanding this, in order to ensure that there would be no loss of privacy to the neighbour, a specifically worded condition could be imposed with regards to these rear windows requiring them to be obscure glazed up to a height of 1.7m and only to be hung from the western side (the left hand side when viewed from inside the room). This would ensure that opening windows can be installed within these rooms, however the obscure glazed windows themselves would act as a screen once opened to protect against any occupants of the room having direct views towards No. 24a Lower Bury Lane. Furthermore it should be noted that the existing dwelling at No. 3 Bury Road benefits from full permitted development rights and therefore, under Class A of Part 1 of Schedule 2 of the GPDO, a large rear

roof dormer could be installed within the rear roof slope that would not be required to be obscure glazed and would result in significant overlooking to the neighbouring property. Therefore, whilst not an ideal solution to this issue, the imposition of the above mentioned condition would protect against any undue loss of privacy to the residents of No. 24a Lower Bury Lane and would, on balance, be considered acceptable.

Although it is claimed that the proposed windows would result in a 'perception of overlooking' to the residents of No. 24a Lower Bury Lane it is not considered that this would be unduly detrimental in this instance since the application site is located within a relatively densely built up urban location whereby overlooking would be expected. Furthermore, the existing rear garden of No. 24a Lower Bury Lane is already significantly overlooked by a large clear glazed first floor window in the rear elevation of No. 1 Bury Road.

Visual Amenity:

Concern has been expressed with regards to the overall bulk and visual impact that would result from the proposed extension. The overall scale of the proposed extensions would result in a property of a similar size and height to the immediately adjoining neighbours and others within the street. There would continue to be a 1m gap retained between the flank walls of the dwelling and the shared boundary with the neighbouring properties and, given the linear layout of the dwellings on Bury Road, there would be no undue impact on these neighbours. Whilst the first floor rear wall of the proposed extension would extend approximately 2.5m beyond the neighbour at No. 1 Bury Road and in excess of 4m beyond the first floor rear wall of No. 5 Bury Road, given the orientation and layout of the dwellings it is not considered that this would be unduly detrimental to the amenities of these residents.

The occupants of No. 24a Lower Bury Lane have raised concerns with regards to the overdominance of the proposal when viewed from the rear of their property. Whilst the proposed extension would be visually prominent from the neighbour's property, particularly the closest ground floor window (serving a dining room), this is located at an angle to the rear of No. 24a Lower Bury Lane and does not affect a direct line of sight. Therefore, whilst it is clear that there would be some additional visual impact from the proposed extensions it is not considered that this would be unduly detrimental to the amenities of the neighbouring residents.

Other Amenity Concerns:

The proposed extension would not result in any other amenity concerns such as noise nuisance or any other forms of disturbance.

Loss of existing bungalow:

The Town Council have objected to the proposed extension since it would result in the loss of an existing bungalow since there is a rapidly diminishing stock of these within Epping. This is a relatively common objection from the Town Council when an application proposes to extend or replace an existing bungalow into a two storey house, however the Local Plan policies do not currently support this view. Therefore it is not considered that there is any policy reason to refuse consent of schemes such as this on the basis of the loss of an existing bungalow.

Parking requirements:

Whilst the proposed development would result in the loss of the existing integral garage there is ample space within the front garden of the property to accommodate at least two off-street parking spaces, similar to other properties in Bury Road. Therefore there is no objection to the loss of this garage.

Conclusions:

There are understandable concerns from neighbouring residents with regards to the loss of light, privacy and outlook, particularly those at No. 24a Lower Bury Lane, and it is likely that the proposed extensions would have an impact on the amenities of the neighbours. Whilst the proposed development fails both the standard 45 degree and 25 degree tests it is not considered that these assessments accurately account for developments laid out at an angle such as this. The proposal does however pass the BRE Skylight Indicator test, which is considered to be a more accurate test for a proposal such as this. Also, whilst concern has been raised with regards to actual and perceived overlooking from the proposed upper storey rear windows it is considered that, whilst not ideal, this can be dealt with by way of conditions and therefore would not be unduly detrimental to the neighbour's amenities.

The design, bulk and height of the proposed extended property would be similar to other dwellings within Bury Road, including the immediately adjoining neighbours, and would not be detrimental to the character and appearance of the street scene. As such it is considered that, on balance, the application complies with the relevant Local Plan policies and is therefore recommended for approval.

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

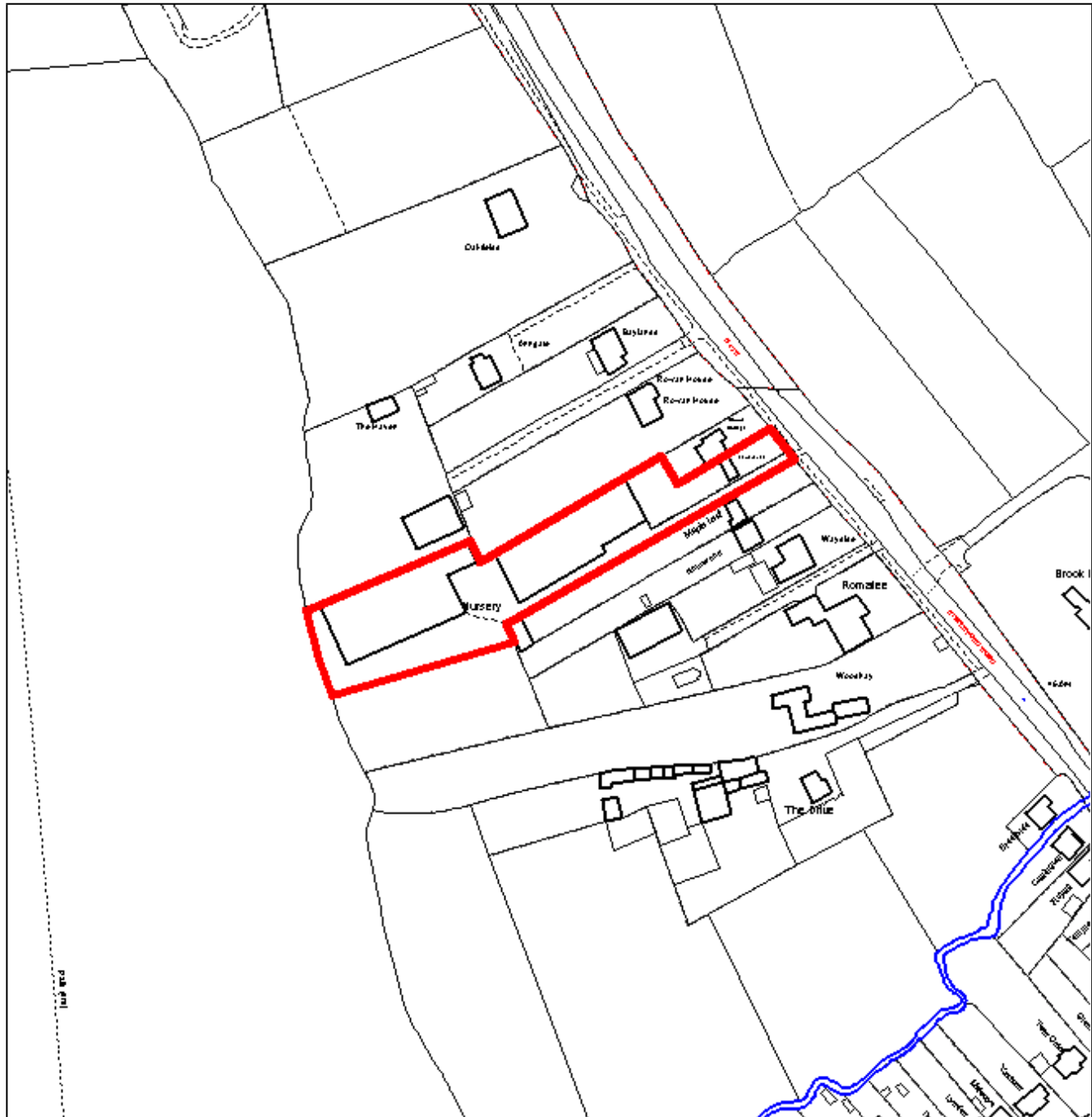
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Agenda Item Number 5



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Application Number:	EPF/1328/15
Site Name:	Esperanza Nursery, Stapleford Road, Stapleford Abbotts, RM4 1EJ
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/1328/15
SITE ADDRESS:	Esperanza Nursery Stapleford Road Stapleford Abbots Essex RM4 1EJ
PARISH:	Stapleford Abbots
WARD:	Passingford
APPLICANT:	Mr T Humphries
DESCRIPTION OF PROPOSAL:	Outline application to demolish all buildings, clear site and erect 3 chalet bungalows. (Access and layout to be determined).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576655

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the recommendations of the approved Phase 1 Habitat Assessment and approved drawings nos:
PDB/15/85/01
PDB/15/85/02
PDB/15/85/023
- 2 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 3 below, whichever is the later.
- 3
 - a) Details of the reserved matters set out below ("the reserved matters") shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:
 - (i) scale;
 - (ii) appearance;
 - (iii) landscaping.
 - b) The reserved matters shall be carried out as approved.
 - c) Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 4 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.

- 5 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including the creation of the meadow/paddock area to the rear of plot 3) (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 A flood risk assessment and management and maintenance plan shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The assessment shall include calculations of increased run-off and associated volume of storm detention using WinDes or other similar best practice tool. The approved measures shall be carried out prior to the substantial completion of the development and shall be adequately maintained in accordance with the management and maintenance plan.
- 7 No development shall take place until a Phase 1 Land Contamination investigation has been 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]
- 8 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. 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]

- 9 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme 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]
- 10 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, 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 the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 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.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and

construction works.

- 13 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.
- 14 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 accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 Prior to the commencement of works, details shall be submitted to and approved in writing by the Local Planning Authority for the storage and collection arrangements for refuse and recycling. The development shall be carried out in accordance with the agreed, unless otherwise agreed in writing by the Local Planning Authority.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class E (Outbuildings) of Part 1 of Schedule 2 to the Order shall be undertaken on plot 3 without the prior written permission of the Local Planning Authority.
- 17 The proposed private drive shall be constructed to a width of 5 metres for at least the first 6 metres from the back of carriageway and provided with an appropriate dropped kerb crossing of the footway/verge.
- 18 Prior to first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council.
- 19 Prior to commencement of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.
- 20 No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.
- 21 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

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

Description of site

The application site is situated on the south west side of Stapleford Road, within the Metropolitan Green Belt. The site is located some 100m outside of the built up area of Stapleford Abbots and is a narrow, deep plot extending to the rear by some 175m. The site currently accommodates an office/shop to the front of the site, behind this there are two large detached 7m high glasshouse buildings. The whole site appears redundant with the derelict glasshouses.

There is a large amount of hardstanding on the front for parking with an access way which leads to the rear of the site.

The surrounding character of the area is relatively rural and is mainly residential made up of mostly detached bungalows, chalet bungalows and one and a half storey buildings.

Description of proposal

The proposal seeks outline planning consent for the demolition of the existing office, boiler house and glasshouses and the erection of three chalet bungalow style dwellings only. Access and Layout details are being sought at this Outline stage. Scale, appearance and landscaping are reserved for future consideration.

Representations Received

13 neighbours were consulted and a site notice erected. No responses were received.

STAPLEFORD ABBOTTS PARISH COUNCIL: No objections to this application.

Relevant History

EPF/1352/14 - Outline planning permission to demolish office, boiler house and two glasshouses, erect 2 no. two storey houses and detached garage block, lay out access drive and turning head, amenity and parking areas, alter vehicular access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (Amended proposal to EPF/0964/13) – Refused.

EPF/0964/13 – Outline application to demolish office, boiler house and glasshouses and erect six detached dwellings with garages, lay out access drive and turning head, amenity and parking areas, alter vehicle access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (amended proposals) – Refused – Appeal Dismissed.

EPF/2228/10 - Outline application to demolish shop/office and glasshouses and erect six detached chalet bungalows with garages, lay out access drive and turning head, amenity and parking areas, alter vehicular access onto Stapleford Road and plant woodland/meadow, hedgerows and trees (Amended Proposal) – Refused – dismissed at appeal

EPF/0161/10 - Change of use from nursery to residential and proposed 6 detached houses and access road with associated car parking and amenity and proposed wooded and meadow land. (Revised application) – Refused

EPF/2471/08 - Change the existing use of the premises from a Nursery to residential. The proposal involves the demolition of buildings within the plot and erection of seven detached houses, construction of a new access road together with associated car parking with areas of landscaping creating wooded and meadow land - Refused.

Policies Applied

CP1 – Achieving Sustainability Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE6 – Parking for new residential developments
DBE8 – Private Amenity Space
DBE9 – Neighbouring Amenity
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
LL1 – Rural Landscape
LL2 – Inappropriate Rural Development
LL3 – Edge of Settlement Development
LL11 – Landscaping Schemes
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H3A – Housing Density
H4A – Dwelling Mix
H5A – Provision for Affordable Housing
H6A – Site Thresholds for Affordable Housing
H7A – Levels of Affordable Housing
E4A – Protection of Employment Sites

Issues and Considerations

This application seeks to clear the site of existing buildings and structures, for a revised access and provision of three chalet bungalow properties. The issues to be considered for this application remain unchanged from those considered previously, namely, presumption against development in the Green Belt and impact on openness, affordable housing and sustainability. For this reason this report focusses on the previous reasons for refusal.

The previous application was refused for the following four reasons:

- 1) *The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development except in very special circumstances. The proposal is for inappropriate development. Whilst the applicant has advanced a case of very special circumstances, no such exceptional circumstances are apparent in this case that would be sufficient to outweigh the normal presumption against inappropriate development. As such the proposal fails to comply with policy GB2A (which is consistent with policies contained within the National Planning Policy Framework).*
- 2) *Whilst this is an outline proposal, the plan layout shown and the indicative proposed two new dwellings will introduce buildings in a pattern that will encroach into the Green Belt. This will result in conspicuous buildings within the Green Belt that will harm the openness and rural character; this fails to accord with policies DBE4, CP2 and GB7A of the Adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).*
- 3) *The application fails to make provision for an affordable housing contribution contrary to policy H6A and H7A of the Adopted Local Plan and Alterations (which are consistent with policies contained within the National Planning Policy Framework).*

- 4) *The proposals are situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, and ST1 of the Adopted Local Plan and Alteration (which are consistent with policies contained within the National Planning Policy Framework).*

Previous applications also included an employment reason for refusal however this was overcome in 2013 with the provision of marketing information and sufficient information to demonstrate the retention of employment was not possible. There was also information submitted in 2013 to demonstrate no community use was identified. Furthermore since this time the NPPF removes the need to consider other uses prior to residential use.

Green Belt

Historically it has been agreed between all parties that the site is within the Green Belt and as such the construction of housing is inappropriate development by definition.

The Planning Inspector has agreed this point in 2013 and again in 2014 in relation to schemes for 6 dwellings. It is also well established historically that there are no very special circumstances on the site or in the area that exist that would outweigh this harm. Since this view was reached a further 12 months have lapsed and the scheme has been reduced from 6 family homes to two very generous homes in 2014 to now three chalet bungalows.

Originally the applicant had sought to suggest the site was previously developed land and as such should be permitted to redevelop in its entirety. Subsequent dialogue with Officers and the determination of Planning Inspectors has now clarified that this is not the case. Despite extensive, unsightly structures on site and horticultural associated contamination, the site is by definition affiliated with agriculture and as such is not previously developed. The developer has therefore reconsidered the site and put forward a reduced scheme.

Three units have been suggested as it allows the replacement of the former office/shop with one unit, and the provision of two further units to the rear. The latest proposals restrict built development to the linear parcel of land to the front of the site, and omit buildings in the larger open space to the rear.

The revised layout, reduction in scale of development and number of units means the applicants are now seeking to suggest the proposals may be considered 'limited infilling in an existing village'. This has taken place on neighbouring sites nearby, without the benefit of resolving a derelict site. Officers have considered the linear portion of the site and its location and the layout of neighbouring development and consider the proposals as now set out could be considered limited infilling and as such an exception to the presumption against development.

In terms of impact to openness and rural character, previous schemes have either resulted in a significant number of units, a significant sprawl of development across the site or very generous sprawling properties. These have all resulted in adverse impacts to openness even when considering the loss of the glasshouse structures (not by definition considered harmful due to horticultural use). The proposals for chalet bungalows are of a smaller scale and form than previously considered and make use of a more restricted layout. The result being the area at the rearmost part of the site would be retained as entirely open. In addition the open spaces through the site would be improved from what currently exists. Scale and appearance are reserved for future consideration but the indicative plans submitted indicated that an appropriate form of development can be achieved.

Officers are aware the site has now been vacant and derelict more than 5 years at a time when the Council is trying to find reasonable sites for new housing. As undeveloped land the site could be considered as infill for a development of this scale and layout, and in this

case would also result in the loss of a visually jarring former employment site. For these reasons Officers consider the balance of merits for the current scheme to outweigh the in principle harm to the Green Belt and result in sufficient reason and very special circumstances to take exception to the usual policy approach.

Officers also consider the merits of the current scheme to overcome the previous reasons for refusal.

Affordable housing

The proposals make no provision for affordable housing. Recent revisions to affordable housing policies imposed by national changes mean that the Council is unable to seek an affordable housing contribution for this scheme.

The previous reason for refusal on this matter is considered no longer relevant.

Sustainability

When considering larger developments on the site the Council and indeed Planning Inspectors have determined the location not to be sustainable. The previous application for two dwellings with generous accommodation reiterated this concern.

Officers have considered the site location in relation to the proposals for three properties and whilst not ideal, the site would be able to access a small corner shop and two public houses, a community hall nearby and a primary school. Officers acknowledge this is not sufficient for daily living, however this is the current status quo for the neighbouring properties in the settlement. Considering the wider merits of the scheme, Officers do not consider the harm arising from site sustainability to outweigh the benefits identified above and as such do not consider it reasonable to uphold sustainability as a sole reason for refusal. Members are advised that Officers would not wish to defend an appeal on these grounds alone.

Other matters not relating to the previous reasons for refusal

Design and impact to street scene

The layout of the development provides sufficient parking, access and garden areas for the proposed development. The revised layout now better reflects the layout and form of neighbouring development and retains a better area of open space to the rear. Officers note this area would be partially utilised as garden area, so would suggest the removal of outbuilding PD rights to retain openness, but visually the proposals, as outlined above are considered an improvement.

In terms of design, as this is a reserved matter, limited detail is provided at this stage, however chalet bungalow properties would be similar to neighbouring development and complimentary design could be secured at reserved matters stage.

Neighbouring properties

The proposals would result in the provision of three dwellings along a linear parcel of land. Neighbouring plots in the immediate surrounding area generally provide a single dwelling along the frontage, however a number of more recessed properties are evident, namely The Haven, Anngate and The Drive. In this context, properties to the rear of the site would not appear uncommon.

There is an opportunity for the units to overlook neighbouring plots from the first floor, however this can be mitigated with careful design to orientate the properties appropriately and with use of obscure glazing as appropriate. Mindful of this, Officers have no concern regarding overlooking and note there have been no objections from neighbours.

In terms of overshadowing and overbearing, the proposals would replace two existing large glasshouse buildings. At the rearmost part of the site this would dramatically improve outlook for neighbouring properties and central to the site this would improve overshadowing to the garden area of Rowan House. At present one of the glasshouse buildings extends along the boundary for approximately half the length of the garden, this built form would be significantly reduced with the new dwellings.

Trees and landscaping

The Council's landscaping team raise no objections subject to a condition requiring the submission of hard and soft landscaping.

Highways

No objections are raised subject to conditions requiring adequate width of access, travel info packs, means to discharge surface water away from the highway, no unbound material and distance any gate should be from the highway.

Ecology

No objection subject to the recommendations in the Phase 1 Report being followed.

Waste

No objection however ask that a condition be applied to ensure adequate storage on site for refuse.

Land drainage

No objection subject to a standard surface water drainage condition.

Contamination

Due to its use as a Horticultural Nursery there is the potential for contaminants to be present on this site. Contamination conditions SCN87, 87A, 87B, 87C and 87D are recommended.

Conclusion

In conclusion Officers consider the current scheme to have overcome the previous reasons for refusal. The applicant has worked alongside Officers to develop a form of development that can be considered acceptable, to bring forward this long stalled site. The scale, appearance and landscaping of the scheme are to be determined at a later date. The access and layout, which are to be determined at this stage are acceptable.

The current application presents a new justification for development based around limited infilling and presents a simultaneous benefit visually and in terms of neighbouring amenities. Officers have attributed this significant weight and recommend approval accordingly.

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:

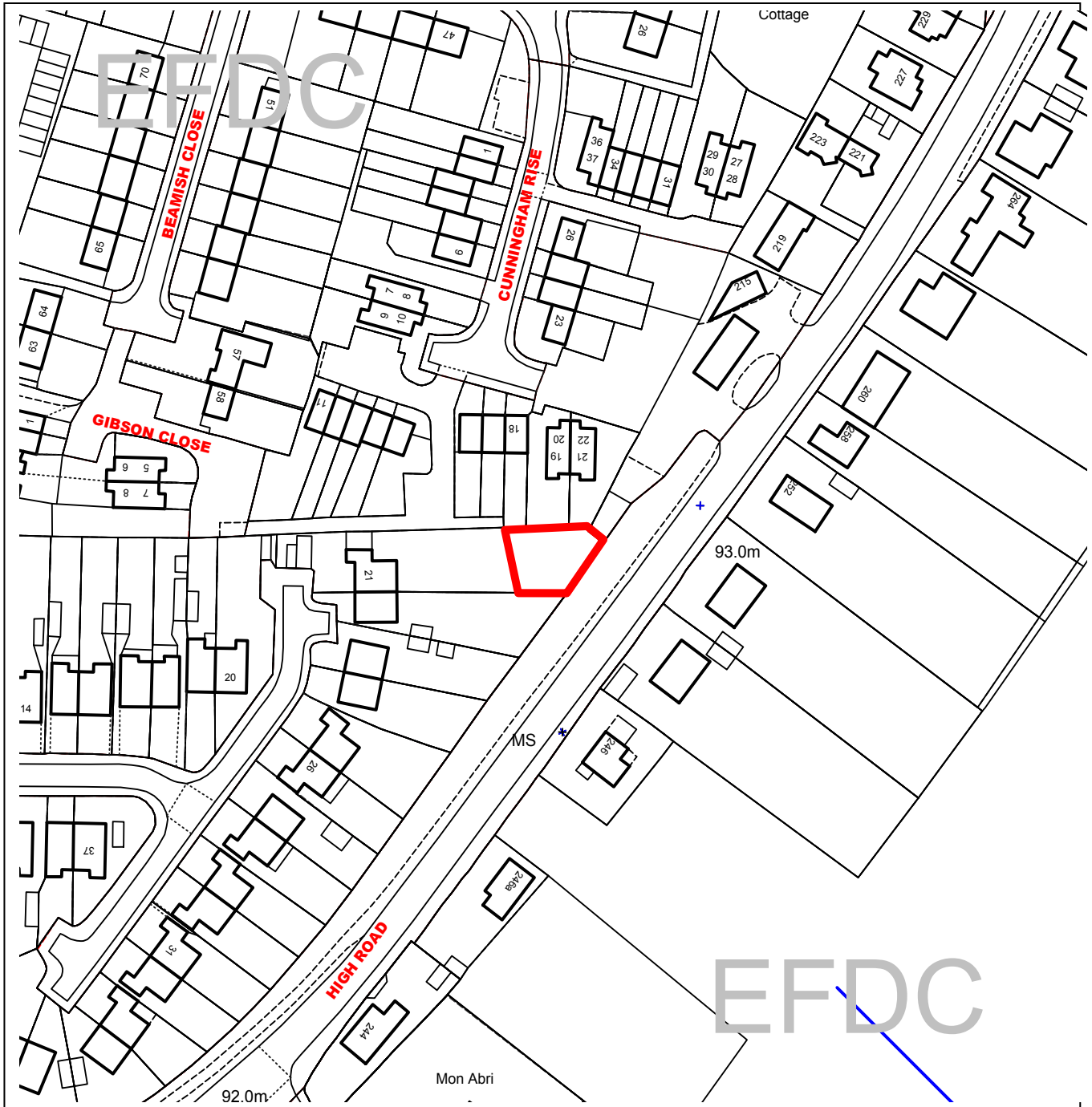
***Planning Application Case Officer: Ms Jenny Cordell
Direct Line Telephone Number: (01992) 564481***

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/1440/15
Site Name:	Rear of 21 Princes Close North Weald, CM16 6EN
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/1440/15
SITE ADDRESS:	Rear of 21 Princes Close North Weald Essex CM16 6EN
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
APPLICANT:	Mr A Mellows
DESCRIPTION OF PROPOSAL:	Erection of single storey dwelling.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=576976

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 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 development hereby permitted will be completed strictly in accordance with the approved drawings No's: 2015/P01-P04, P09.
- 4 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 5 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 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.

- 8 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.

- 9 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site.

Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the Local Planning Authority contacted and a scheme to investigate the risks and / or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the Local Planning Authority prior to the recommencement of development works.

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

- 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.
- 11 Prior to first occupation of the development the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and verge.
- 12 No private surface water shall discharge from the development onto the highway.

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 Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) and;

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 at the end of the garden of No21 Princes Close in North Weald. 21 Princes Close is a fairly typical semi detached dwelling; the end house in a cul-de-sac of properties. The submitted red line site plan outlines the rear section of the garden which faces onto North Weald High Road across a green strip of highway land. The garden of the house is demarcated by close boarded fencing on all three sides and the flank boundary abuts a number of maisonette properties on Cunningham Way.

Description of Proposal:

The applicant seeks consent to construct a single storey dwelling in the rear section of garden. The house would have a footprint measuring 11.0m x 6.0m. The building would have a hipped roof to a height of 3.8m. and would be finished in a red stock brick with a slate roof. Two parking spaces would be provided to the front and an access would be created onto the High Road. An area of amenity space would be provided to the rear of the dwelling.

Relevant History:

EPF/2378/14 - Erection of 1.5 storey detached dwelling in rear garden with access from the High Road. Withdrawn by Applicant - 19/11/2014.

EPF/2948/14 - Erection of 1.5 storey dwelling (revision to EPF/2378/14). Withdrawn by Applicant - 03/02/2015.

Policies Applied:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment.
GB2A – Development in Green Belt
GB7A – Conspicuous Development
DBE1 – New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE9 – Neighbour Amenity
ST4 – Road Safety
ST6 – Vehicle Parking
LL10 – Adequacy of provision for Landscape Retention
LL11 – Landscaping Schemes
RP4 – Contaminated Land
NC4 – Protection of Established Habitat
H2A – Previously Developed Land

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:

PARISH COUNCIL: Objection. Members are aware of the concerns of neighbours who were in attendance at the meeting and who have also written to the Parish Council and who have advised on the following concerns and have agreed to object to on; overlooking, loss of amenity to neighbouring residents, highways issues, parking concerns and garden grabbing.

15 neighbours consulted: 8 replies received.

22 PRINCES CLOSE: Objection. The proposed development would be contrary to the existing pattern of development contrary to Policy DBE1. The development will result in cramming on a low density road, resulting in an overdevelopment with a small garden area. Concern about the ecology of the immediate area. Concern about loss of privacy and overlooking. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Concern that there is a lack of parking provision and that this scheme will lead to issues of highway safety. The scheme will lead to a loss of outlook from the properties in Cunningham Rise. The development will encroach into the garden area of No22.

23 PRINCES CLOSE: Objection. The scheme is out of character and will be overbearing. Concern that there is a lack of parking provision and that this scheme will lead to issues of highway safety. Concern about impact on ecology and noise disturbance during the works.

15 CUNNINGHAM CLOSE: Objection. The proposed erection will be significantly altering the fabric of the area between Princess Close/The High Road/Cunningham Rise. With the proposed dwelling and a possible loft extension in the future, neighbouring properties will be once again threatened with the chance of being overshadowed by a construction/unable to enjoy their south facing garden. Concern about loss of privacy and overlooking of my property. Concern about land drainage and potential flooding of the site. The scheme has insufficient parking provision and will lead to issues of road safety.

16 CUNNINGHAM RISE: Objection. The proposed development would be contrary to the existing pattern of development contrary to Policy DBE1. The development will result in cramming on a low density road, resulting in an overdevelopment with a small garden area. Concern about the ecology of the immediate area. Concern about loss of privacy and overlooking. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. Concern that there is a lack of parking provision and that this scheme will lead to issues of highway safety. The scheme will lead to a loss of outlook from the properties in Cunningham Rise.

17 CUNNINGHAM RISE: Objection. Concern about potential loss of daylight/sunlight. The site of the entry to this property could not be in a more dangerous position on the high road. Much as we all know there is a 30 mph limit, many vehicles leaving the village are accelerating at this point. Concern about potential flooding at the site.

21 CUNNINGHAM RISE: Objection. Concern that there will be potential issues with flooding at this site and that the scheme will lead to a loss of light to my bedroom window.

250 HIGH ROAD: Objection. Concern that trees and hedging was removed in order to cater for this new dwelling. Our house will be overlooked by the new dwelling. Concern about parking

provision and road safety. We believe we are entitled to a little privacy in our home and this proposed house will look directly into our dining room and living room.

92 BLENHEIM SQUARE: Objection. Concern about loss of light and overlooking. The development has insufficient parking and will lead to issues of highway safety.

Issues and Considerations:

The main issues to consider are the general principle of the development, whether the proposal is appropriate at this location in terms of character and appearance, parking, highway safety, flood risk and neighbour amenity. The comments of consultees are another material consideration.

Principle of the Development

A number of objections received have described the proposed development as “Garden Grabbing” and that the scheme would be harmful to the character and appearance of the area. Whilst Paragraph 53 of national guidance contained in the NPPF states that Council’s should set policies to avoid the inappropriate development of residential gardens, it also states that this is not necessarily an issue as long as the proposed development conforms to the character and appearance of the area. The Council is in the process of preparing a Local Plan and a significant housing need will have to be met in what is one of the largest Green Belt authorities in the country. Careful consideration should always be given to the potential to meet some of the housing need within existing settlements. It is a fairly settled principle that the more efficient use of land in built up areas is an appropriate form of development and a useful means of boosting the local housing stock, subject to the impact of that development not being excessive.

In terms of impact on the character and appearance of the area, this site has been proposed for development on a number of occasions with the two previous schemes, for 2 storey development, withdrawn by the applicant. The latest submission is for a single storey 1 bedroom unit. This rear section of garden is generally standalone in terms of any adjoining development and the immediate area contains a general mix of dwelling styles. To the north of the site is a Petrol Station and there are various styles of dwelling along the road. It is not considered that the construction of a single storey dwelling at this location would seriously detract from the character of the area. The site would have its own access onto the High Road and would integrate into the streetscene successfully. Without this access to the highway and the potential to form part of the streetscene of the High Road, this would be a clear case of garden grabbing. As with many applications of this nature there is a requirement for a balancing exercise between the acceptability of the general principle and the desire to protect the character of neighbourhoods. On this occasion however it is considered that the balance falls in favour of the granting of consent.

Design and Layout

Concern has been expressed that this scheme will be an overdevelopment of the site. Whilst this is an often quoted term, from a planning viewpoint a small house could sit comfortably on the site and a reasonable garden area, albeit shallow, would be provided for the new property. The existing dwelling would still be served by a reasonable garden. A parking area to the front, and conventional layout, would result with the finished scheme relating well to the High Road and not forming an inappropriate backland or garden development.

In terms of design, the proposed dwelling is small in size, but this will help in the provision in a mix of dwelling types and in terms of appearance it raises no serious issues of concern. Members often raise the need for bungalows and this appears an appropriate location for such.

Neighbour Amenity

Concerns about overlooking and loss of daylight/sunlight are difficult to substantiate. The proposed dwelling is not much bigger than most permitted development summerhouses. Similarly there would be no significant loss of amenity from rear gardens of Cunningham Rise and the house is low set and off the boundary. There cannot be serious overlooking from a single storey unit with conventional front and rear facing windows. Whilst neighbours have raised concern about future extensions in the roof, in reality the proposed plans include a roof too shallow to enable living space at first floor. Any plans to increase the ridge height would require planning permission where the scheme could be judged accordingly. Whilst concern has been expressed that the proposed development would breach the Human Rights of neighbouring occupants it is not considered that this scheme would seriously infringe amenity and the peaceful enjoyment of their homes. A new property could be developed at this site without serious impact on amenity.

Trees and Landscaping

Previously submitted Tree Surveys have demonstrated that the development is feasible in relation to trees on and near the site and an appropriate tree protection condition should ensure their health and well being during construction.

Highway Safety/Parking

Two parking spaces are considered a sufficient provision at this location. The Highways Section at Essex County Council has provided the following comments;

“The proposed development provides appropriate parking, turning and excellent visibility onto the High Road so consequently the scheme will have no detrimental impact upon highway safety or efficiency at this location”.

In light of these comments the Local Planning Authority are content to conclude that the scheme is acceptable from a safety and parking viewpoint.

Land Drainage

Concern has been expressed with regards to potential flooding if this site is developed. The scheme is of a size to require a Flood Risk Assessment which should address the issue of potential flood risk. Details of surface water drainage are also deemed necessary.

Neighbour Comments

No22 Princes Close has raised concern that the development will encroach into their garden area. It is difficult to ascertain this from the submitted plans but any issue of encroachment is a civil matter and there has been no prejudice in terms of an application being made without members of the public with an interest in the land being aware.

Conclusion:

The proposed development is considered to be in principle acceptable and would not be out of character with the existing pattern of development. Impact on the amenity of neighbours would not be excessive and the design and layout of the scheme is appropriate. It is therefore 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