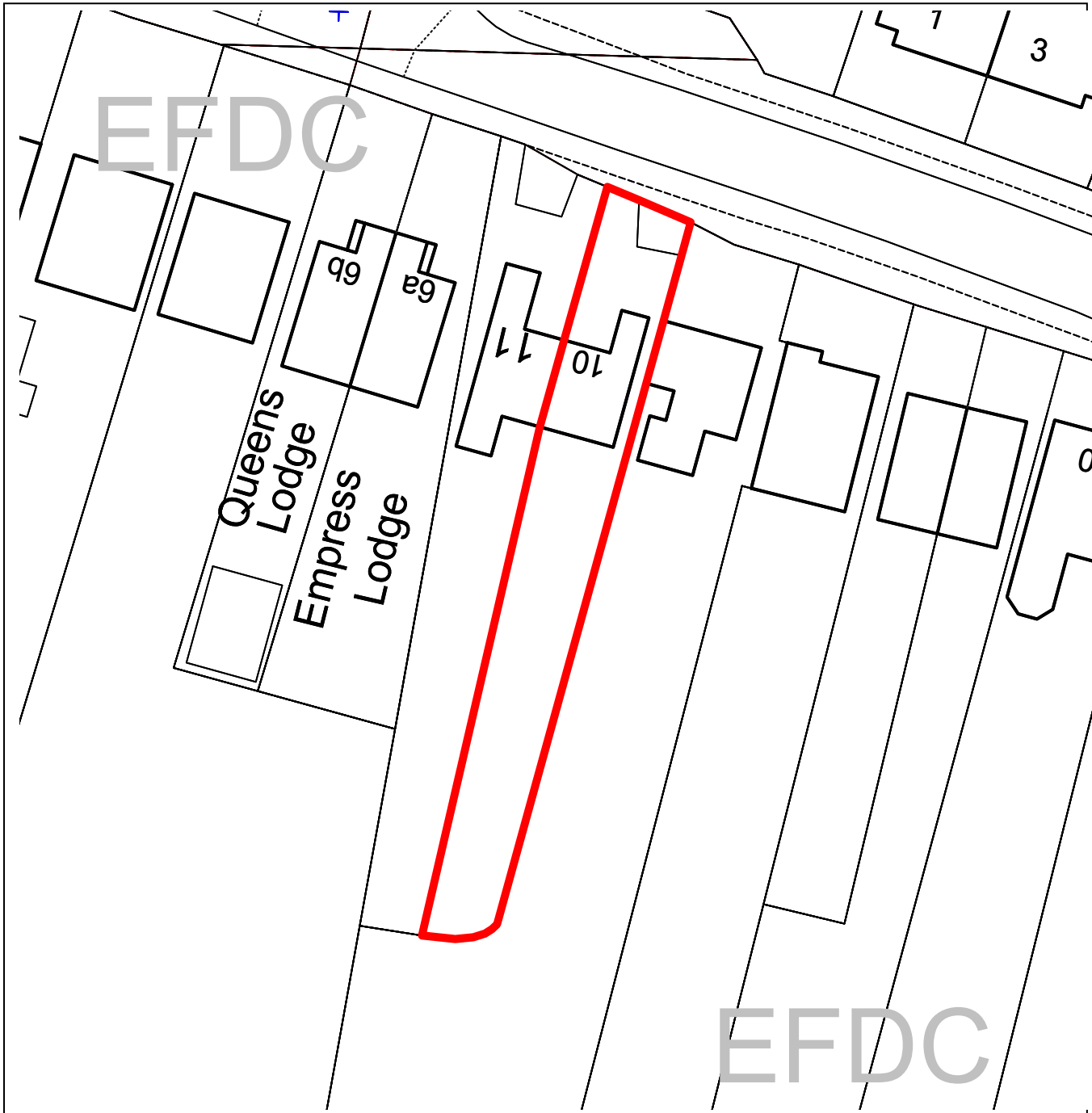


THIS PAGE IS INTENTIONALLY BLANK



# Epping Forest District Council

## Agenda Item Number 1



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/0206/16
Site Name:	10 Bridge Hill, Epping, CM16 4ER
Scale of Plot:	1:500

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0206/16
<b>SITE ADDRESS:</b>	10 Bridge Hill Epping Essex CM16 4ER
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr R Beech
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective planning for a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=582155](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=582155)

**CONDITIONS**

- 1 Within three months of the date of this permission, the proposal hereby approved shall be completed in accordance with the submitted drawings 1092 113D, 1092 114D and 1092 115D unless otherwise agreed in writing by the Local Planning Authority.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Access to the flat roof over both the ground and first floor extensions hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

*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: Scheme of Delegation, Appendix 3)*

This application was deferred from the last committee to enable members to carry out a site visit.

### **Description of Site:**

The application site contains a semi detached dwelling which is one of a matching pair on the brow of a hill and close to the junction of Bridge hill and Centre Drive. Ground levels fall away to the south

### **Description of Proposal:**

Retrospective planning permission is sought for the erection of a single storey and part second storey rear extension, loft conversion with rear dormer and internal alterations.

In terms of the works undertaken, when the property is viewed from the front, the roof has been altered from a hip to a gable end. A lawful development certificate was submitted proposing this and to this end could be built without planning permission. Notwithstanding this and although the alteration to a gable end creates an imbalance between the roofs of this pair of semi detached dwellings, the works are considered acceptable and would not appear at odds with the prevailing pattern of development in the area.

The front extensions approved under EPF/2225/16 have not been implemented.

To the rear, the works undertaken attempt to combine what has been approved under EPF/2225/16 and what was considered acceptable under a prior approval application for a 6m deep extension (EPF/0208/15). However, due to the fact that the hip roof has been altered to a gable and a large rear dormer has been inserted in the rear roof slope, the two storey element has not been built in accordance with the approved plans. The flank wall height appears similar as it follows the original eaves line and its depth is approximately 500mm deeper.

However, the width of extension reflects that approved still being set approximately 1.75m off the shared boundary. From this a single storey extension projects for an additional 2.9m when viewed from the neighbour at 12 Bridge Hill. When viewed from 8 Bridge Hill, the single storey rear extension is visible for a depth of 6m at an overall height of approximately just below 4m from the higher ground level adjacent to the rear elevation of the dwellings. However, 8 Bridge Hill benefit from decking approximately 450mm high which is similar to the finished floor level internally so the extension appears just over approximately 3.5m high.

The proposal as built is not considered acceptable by Officers and it was recommended that the overall height of the wall on the boundary with 8 Bridge Hill be reduced to an acceptable level. Revised drawings were submitted with the Town Council and neighbours re-consulted. The revisions show a slight reduction in the height of the ground floor extension overall with the main change relating to the design of the extension against the boundary with 8 Bridge Hill. This will alter to a hipped roof and a reduction in its height with the eaves when viewed from the decking at a height of approximately 2.65m.

### **Relevant History:**

EPF/0208/15 - Prior approval application for a 6 metre deep single storey rear extension, height to eaves 2.5 metres and overall height of 4 metres. Prior Approval Not Required – 09/03/15.

EPF/0350/15 - Certificate of lawful development for proposed roof hip to gable roof and rear dormer window in a loft conversion. Lawful - 24/04/2015.

EPF/1620/15 - Proposed two storey front and rear extension. Refuse Permission – 01/09/2015.

EPF/2225/15 - Proposed two storey rear and part first floor, part single storey front extension – Approved

EPF/0932/16 - Certificate of Lawful Development for proposed decking area – Lawful - 28/06/2016

## **Policies Applied:**

CP2 - Protecting the Quality of the Rural and Built Environment  
DBE9 – Amenity  
DBE10 – Extensions

## **Summary of Representations:**

Epping Town Council: OBJECTION (to both the originally submitted scheme and to the revised – these comments relate to the revised proposal) – Whilst Committee note the amended roof line and height, the structure that has been erected is a vast overdevelopment of the site which has resulted in an enormous loss of amenity for neighbouring properties in terms of light, visual impact and overlooking and this revised proposal, whilst slightly amended, would still result in this key loss of amenity. The applicant has ignored the proposal which was granted under EPF/2225/15 with no regard for the surrounding area and built something which far exceeds the dimensions approved. This revised proposal still far exceeds the dimensions approved. The rear extension has a detrimental effect on the existing and neighbourhood properties and the character of the surrounding area, contrary to policies CP2, CP7, DBE2, DBE9, DBE10.

6 Neighbours consulted – No responses received

Epping Society: OBJECTION (to the originally submitted scheme but no response received to the revised proposal) - The current retrospective application is for an extension that extends half way up the line of sight of the neighbouring first floor windows. This is an overdevelopment that also extends out an excessive distance. The sheer size has a negative impact on the adjoining neighbour and also the property at number 12. This has led to a loss of amenity for their neighbours. We are appalled at the disregard of the planning process.

## **Issues and Considerations:**

The main issues to consider relate to impact on living conditions of neighbours and the design of the proposal on the character and appearance of the area.

### *Living Conditions*

#### Impact on 8 Bridge Hill

The extension is to be reduced down to an eaves height of approximately 2.65m above the rear decking at this property. Between the extension and the decking this is a small trellis with planting to a height of 1.8m. Although this planting could be reduced in the future it does currently provide some softening of the extension. Once this wall is reduced further the wall would then extend for less than 1m above this up to the eaves before hipping away from the boundary.

At 6m, the depth is the same as that approved under the prior notification application EPF/0205/16. Under this application, no objection was received from this neighbour, and the application was approved without assessment. However this was at an eaves height of 2.5m from the ground level below the decking, which is lower than what is proposed however it is accepted that a 6m wall at this height could have been constructed on this boundary, so some weight is attached to this.

The neighbours also benefit from a rear extension across half the width of the dwelling themselves so the outlook from the rear lounge has restricted easterly views.

Notwithstanding this, the impact of the revised height on the attached neighbour has been assessed and in light of the changes it is Officer's views that the extension would not excessively

harm the living conditions of that neighbour so that it would appear so overbearing result in a material sense of enclosure; cause an unacceptable loss of outlook or result in an excessive level of overshadowing. The wall is to be rendered which would also improve its appearance.

#### Impact on 12 Bridge Hill

The rear extension projects beyond the ground floor rear of the neighbour at 12 Bridge Hill by approximately 6m (the submitted block plan does not show the wrap around side/rear conservatory erected at 12 Bridge Hill). It is set off the shared boundary by 1m as is the neighbour's extension. The ground levels here fall away from the rear of the properties, so when viewed from that dwelling, the extension would be on a lower ground level. This aids in reducing the impact on this neighbour in terms of the extension appearing overbearing or resulting in an unacceptable sense of enclosure and loss of outlook. In addition, given the orientation it is not considered that this neighbour would suffer from a material level of overshadowing across the rear of their property.

Although there are flat roofs above the ground floor and first floor extensions which creates the potential for them to be used as sitting out areas, a condition can be reasonably added which would restrict the use of these roofs. There are first floor side windows that overlook neighbours.

In light of the above, the proposal is considered to comply with Local Plan policy DBE9 in that extensions would not result in excessive harm to the amenity of neighbouring properties.

#### *Character and Appearance*

In terms of the character and appearance, when the property is viewed from the front, the hipped roof has been altered from a hip to a gable end. A lawful development certificate was submitted proposing this and to this end could be built without planning permission. The works are considered acceptable and would not appear at odds with the prevailing pattern of development in the area. Within the rear roof slope the dormer showed to be built under the lawful development certificate has also been constructed.

To the rear, a two storey extension with full width ground floor extension has been built, projecting a good distance from the rear of the original dwelling, approximately 6m overall – 3m at two storey and a further 3m at ground floor.

It is accepted that overall the proposal would add a great deal of bulk to the rear elevation however with more recent changes in permitted development rights larger alterations are being built with householders maximising opportunities to extend without the need for planning permission. In addition, given that it is located to the rear the works would not affect the prevailing pattern of development when viewed from within the streetscene.

Within this context, the design of the proposed works is considered acceptable and would comply with policies CP2 and DBE10 of the adopted Local Plan (1998) and Alterations (2006)

#### *Response to representations received*

The comments made by both the Epping Town Council and the Epping Society have been considered within the main body of the report.

In addition, comments regarding the retrospective nature of the application are noted however the disregard of a previous planning permission and/or the planning system cannot prejudice a formal decision on the proposal and furthermore does not form a material planning consideration in this instance.

**Conclusion:**

In light of the above, the revised proposal is considered to overcome previous concerns and it is therefore recommended for approval with 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: Steve Andrews***

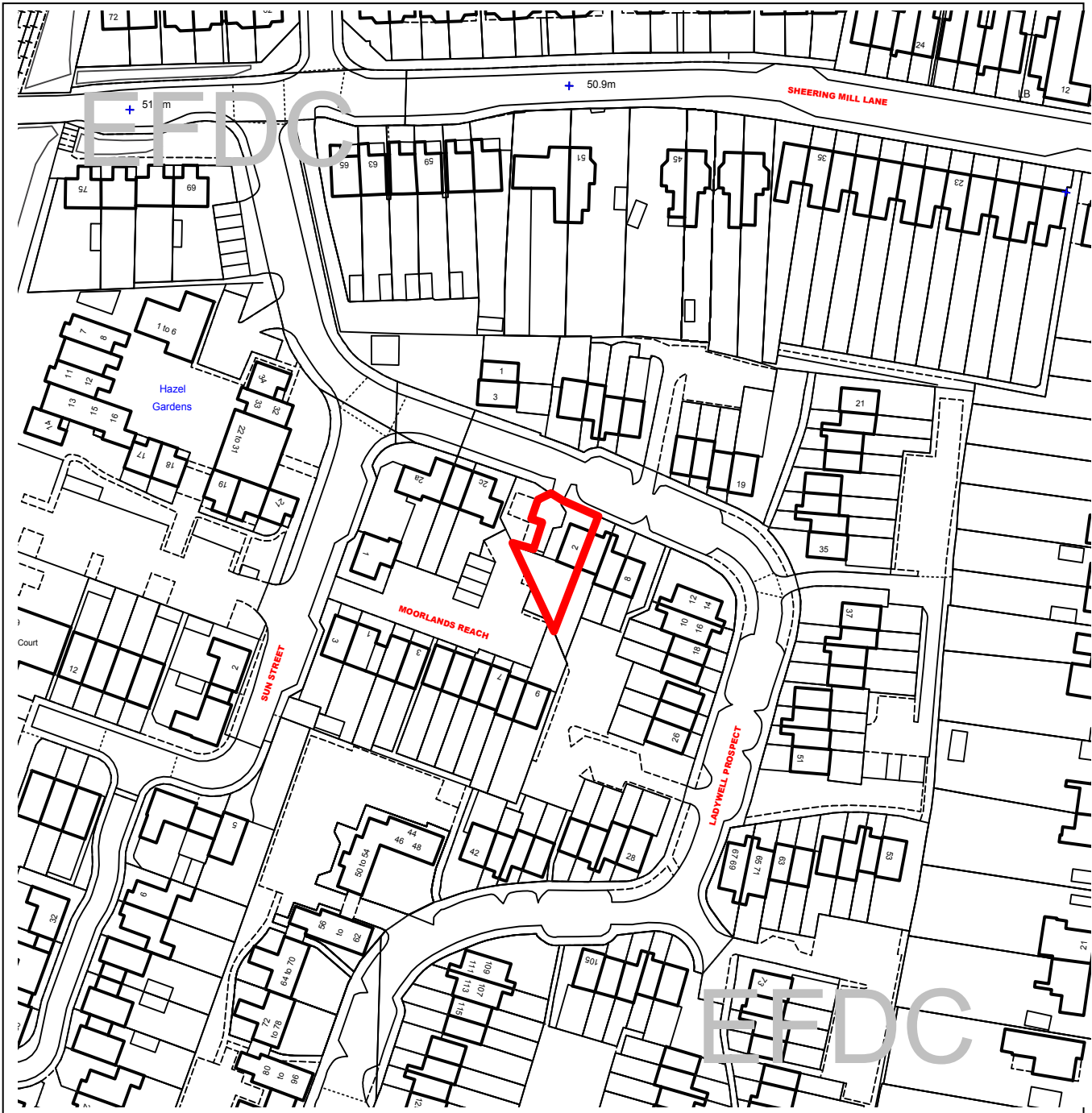
***Direct Line Telephone Number: 01992 564337***

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



# Epping Forest District Council

## Agenda Item Number 2



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/0880/16
Site Name:	2 Ladywell Prospect, Sheering, CM21 9PT
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0880/16
<b>SITE ADDRESS:</b>	2 Ladywell Prospect Sheering Essex CM21 9PT
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Miss Eloise Boxall
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from residential (C3) to a mixed use of residential (C3) and childminding (D1 Nursery) use.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583674](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583674)

**CONDITIONS**

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PROJ006/002/AO and Supporting Statement and Site Location Plan and no more than 3 children shall be cared for at any one time.
- 2 The change of use from residential (C3) to mixed use of residential (C3) and childminding (D1 Nursery) use hereby permitted shall not be open to customers / members outside the hours of 08:00 to 18:00 on Monday to Thursday and 08:00 to 17:00 on Friday and not at all on Saturdays, Sundays and Bank Holidays.

*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: Scheme of Delegation, Appendix 3)*

**Description of Site:**

2 Ladywell Prospect is a site which is irregular in size and proportion and accommodates a two storey dwellinghouse. The property is an end of terrace dwelling which benefits from a front and side forecourt which provides off street car parking. A triangular garden area is located to the rear of the site. A parking area which services Moorlands Reach is located adjacent to the rear boundary of the site. The immediate and surrounding area is residential in nature.

### **Description of Proposal:**

This is a revised application following a previously refused retrospective application for the change of use of this residential dwelling house to a mix of (C3) residential and childminding (D1 Nursery) which included the following child care provision:

*At ground floor the existing kitchen and converted garage have been allocated for D1 nursery use. The remaining living room and conservatory remain as C3 residential. At first floor level two small bedrooms have been allocated for D1 use. The remaining two bedrooms and two W/C's remain in C3 use. The rear of the property has been identified as an outdoor play area. A communal entrance is used to provide access to both D1 and C3 uses.*

*The childminding facility currently operates on a 6 (children) to 2 (staff) ratio but has the legal capacity for a ratio of 8 to 2. The hours of operation are 08:00 – 18:00 Monday to Thursday and 08:00 – 17:00 on Fridays and not at all during the weekend or bank holidays. It is noted that drop off and pick times along with the number of children can vary day to day.*

That application was refused for the following reasons:

- 1. An insufficient level of off-street parking has been identified for the combined D1 (childminding) and C3 (residential) uses. The lack of parking and safe manoeuvrability will have a negative impact on the traffic flow of this residential street, creating an increase to on-street parking and activity over and above that which is acceptable within a residential setting contrary to policies ST4 and ST6 of the adopted Local Plan and Alterations.*
- 2. The proposed combined uses will result in a level of noise and activity over and above that which is expected from a normal family home. In particular, occupants of No.9 Ladywell Prospect will experience noise and disturbance from both within the dwelling, from the outside garden area and the front access to the property throughout the day, to the detriment of the existing neighbouring and surrounding amenity and functions*

The current application seeks to overcome these issues for refusal and proposes a reduction in the number of children cared for to a maximum of 3 children with staggered drop off and pick up times. In addition, all play activity and sleeping will take place in the play room which is located in the recently converted garage to the west of the site which is not adjoining another property.

### **Relevant History:**

EPF/3263/15 – Retrospective planning permission for the change of use of this residential dwelling house to a mix of (C3) residential and childminding (D1 Nursery) – REFUSED.

Retrospective planning permission was sought following an Enforcement site visit on the 4<sup>th</sup> November 2015.

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
RP5A – Adverse Environmental Impacts (Noise and Disturbance)  
ST6 – Vehicle Parking  
ST4 – Road Safety  
DBE2 & 9 – Neighbour Amenity

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

### **Consultation and Representation:**

#### Surrounding Occupiers

13 surrounding occupiers have been consulted and 3 objections have been received regarding:

- The noise and disturbance to No.9 during the summer months.
- Parking.
- Increased traffic
- Rear entrance gate

#### Sheering Parish Council

Raise no objection

### **Issues and Considerations:**

The main issues relate to the principle of the development, the use and operation, travel, parking and visitors, as well as the impact on neighbourhood amenity. The comments of neighbour representation will also be considered.

#### Principle of Development – Use and Operation

It is noted that the applicant has considered the councils suggested way forward and amended the application accordingly. As such, the amended scheme conforms to the Councils core sustainable development objectives in that it meets employment and commercial activities that both meet local needs and reduce the need to travel and reduce the reliance on the use of the private car which is welcomed.

The submitted plans indicate that the number of rooms used for the provision of the child minding service has been reduced to 1 with the occasional use of the kitchen and bathroom which is essential. It is considered that this is an effective use of space and will not result in a general level of activity which would significantly alter the use of the C3 residential space during operational hours or subsequently alter the character of this residential dwelling house as the proposed D1 use remains the secondary use on site. Furthermore the reduced level of child care provision is only marginally over what would be achievable under permitted development. As such the amended application conforms to Council policy DBE2, DBE9 and RP5A.

#### Parking/Road Safety

The number of people visiting and using a childminding facility and how they get to the site can have a harmful environmental impact for others in the surrounding area. It is important that an application for a proposed change of use such as this demonstrates how this issue will be addressed.

The reduction of the number of staff from 2 to 1 and the children cared for from 6 to 3, combined with the staggered pick up and drop off times from 08:00 – 18:00 Monday to Thursday and 08:00 –

17:00 on Fridays and not at all during the weekend or bank holidays will significantly reduce the impact of the proposal upon parking function of the site and the surrounding area.

In addition it is noted that some of the patrons of the D1 use are local residents who will mostly access the facility by foot. In this instance the traffic generated will not be over and above that which is acceptable within this residential enclave.

The existing dwelling benefits from 2 parking spaces one of which is used by the business owner and occupier. The remaining parking space is considered sufficient for the patrons of the childminding facility provided that the pick up and drop off time remain staggered.

It is noted that an emergency access gate has been installed within the rear boundary of the site which is adjacent to the parking area servicing Moorlands Reach. Concerns have been raised that this gate will be used as an informal access to the site and would thereby cause additional traffic, parking and pedestrian footfall to Moorlands Reach. The emergency access gate was installed to comply with the health and safety legislation applicable to a D1 Nursery servicing 8 children with 2 staff members. Due to the reduced level of children and staff there is no longer an need for the emergency gate which should be removed upon determination of this application.

As such these amendments to the previous scheme are considered sufficient to overcome the previous reason for refusing the scheme and the proposal conforms to policy ST4 and ST6.

#### Neighbour Amenity

As previously stated D1 use is likely to create noise and disturbance resulting from children playing in groups larger than a normal family unit both inside and outside of the property. Internally generated noise can be an issue and it is necessary to consider whether this could be overcome for example by the installation of a noise insulation scheme to party walls.

However, it is considered that the reduction of the number of children will greatly reduce the potential level of noise, vibration and activity from the previous scheme and would not be over and above that which is expected from a normal family home or could be achieved from the provision of childcare under Permitted Development.

It is considered that, in particular the occupants of the adjoining dwelling, will not experience noise and disturbance from both within the dwelling and from the outside garden area and the front access to the property throughout the day over and above that which is expected of a normal family home.

#### Conclusion

Therefore the balance of considerations with this proposal would ensure that the application complies with the guidance contained within the Local Plan policies and DBE1, DE8, DE9 and ST6 the application is now recommended for approval, 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: Nicola Dawney  
Direct Line Telephone Number: 01992 564000**

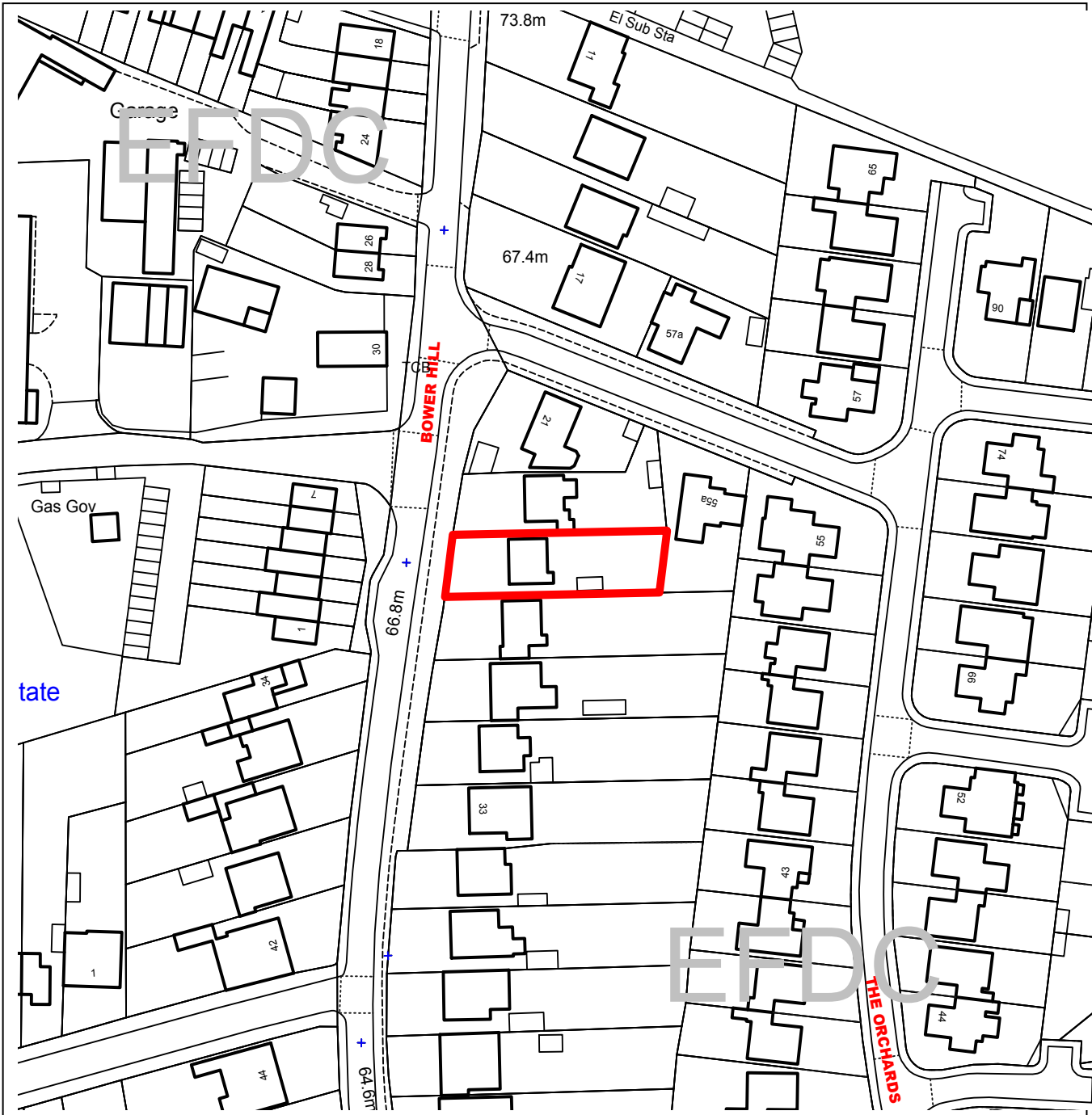
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

THIS PAGE IS INTENTIONALLY BLANK



# Epping Forest District Council

## Agenda Item Number 3



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/0926/16
Site Name:	25 Bower Hill, Epping, CM16 7AL
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0926/16
<b>SITE ADDRESS:</b>	25 Bower Hill Epping Essex CM16 7AL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Simon Leach
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and replacement with chalet style detached house.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=583739](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583739)

**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 nos: Site Location Plan, DD2273-1 rev E, DD2273-0 rev B, DD2273-0 sht1 of 3 revB, dd2273-1 sht 3 of 4 rev E, DD2273-1 SHT 2 of 4 rev E, DD2273-1 1 of 4 rev E
- 4 Prior to first occupation of the development hereby approved, the proposed first floor 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 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 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.
- 7 No development shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and access ways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 8 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.
- 9 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 10 No development shall take place until details of the proposed surface materials for the driveway have been submitted to and approved in writing by the Local Planning Authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. The agreed surface treatment shall be completed prior to the first occupation of the development or within 1 year of the substantial completion of the development hereby approved, whichever occurs first.
- 11 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.

*This application is before this Committee since the recommendation is for approval contrary to an objection from 4 local residents and a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

**Description of Site:**

25 Bower Hill is occupied by a traditional style bungalow with a detached garage to the rear. The plot is a rectangular shape and the host dwelling is set back from the highway forming an established building line the neighbouring dwellings. The general character of the area is predominantly bungalow dwellings, although many have been altered and extended in recent years. Recent approvals have also resulted in the approval of chalet style bungalows such as at No51.

**Description of Proposal:**

Planning permission is sought for the demolition of the existing bungalow and its replacement with a chalet style detached house. The proposed dwelling is slightly forward of the established building line with No.23 but retains its alignment with No.27. The dwelling will be located 0.5m from the common boundary of No.23 and 1.5m from the common boundary of No.27. The rear of the building will project no further than the rear of elevation of No.23. The proposed dwelling will measure 10.9m x 14.8m creating a footprint of 161.3m<sup>2</sup>. The dwelling will measure 6.3m from ground to ridge. The dwelling is single storey in nature with accommodation at ground floor and within the roof space. To the front the chalet style design includes windows at ground floor, a porch with enlarged pitch roof and two dormer windows within the front roof slope of the gable end roof structure. To the rear a partially pitched roof is proposed which includes two further dormer windows within each side elevation of the roof structure, Juliette windows within the rear roof structure and an expanse of bi-folding doors at ground floor level. No details of materials have been provided but these can be requested by condition should planning permission be granted.

**Relevant History:**

EPU/0119/61 - Erection of a garage. (BR/EW/EPU/119/61 - approved).

**Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment  
DBE9 – Excessive Loss of Amenity to Neighbouring Properties

## DBE10 – Design of Residential Extensions

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:**

14 neighbours were consulted – 4 replies received.

27 Bower Hill: OBJECTION – insufficiently detailed plans in terms of measurements.

49 The Orchards: - Loss of a bungalow, grossly overdeveloped in relation to the size of the plot, loss of privacy to surrounding neighbours, increased height.

51 and 53 The Orchards: - loss of privacy, loss of bungalow, over development of surrounding dwellings.

55 The Orchards: OBJECTION – increased height, detrimental to the streetscene, excessive dormer windows and balcony creating overlooking. Loss of bungalows.

PARISH COUNCIL: Objection. Overdevelopment of the site, detrimental to the streetscene and the loss of bungalow accommodation.

### **Issues and Considerations:**

The key considerations in this application relate to any potential impact on neighbouring amenity and design. Neighbourhood comments are also a material consideration when assessing this application.

#### Design

The principle of extending bungalows on Bower Hill in the roof with the insertion of dormer windows and raising the ridge level has been agreed on other properties in the vicinity. Furthermore a recent scheme at No11 Bower Hill, which was allowed on appeal following a refusal at committee (EPF/0891/13), has agreed the raising of the ridge level, insertion of dormer windows and redevelopment of houses with wider plots as being appropriate.

The Parish Council has raised concern that the proposed development would result in an overdevelopment of the site and be detrimental to the streetscene. It is accepted that the resulting dwelling would have more of a presence in the streetscene however, the proposed ridge is no higher than the recently approved schemes within the area and the proposed dormers are well proportioned and break up the expanse of roof within both the front and side roof slopes. The NPPF requires that newly designed development responds to local character and the current proposal endeavours to achieve this requirement.

It should be noted that the existing dwelling has not been extended at all and permitted development rights are still afforded to this dwelling. In such circumstance the property can be significantly extended to the side, rear and gable end and dormer windows can be constructed which greatly increases the scale and massing of the dwelling all without formal planning permission. It is considered that this scheme successfully strikes the balance with what is achievable by permitted development and a responsive design which will not excessively dominate the streetscene. The proposed design, bulk and scale of this submission is considered an acceptable way to extend this dwelling which indeed responds to the evolving character of the road as evident at the nearby recently extended properties.

#### Amenity

In general, it must be remembered that a development can seriously disadvantage a neighbour by being overbearing in size and scale, loss of privacy and reducing the level of daylight. It is

therefore, necessary to control the scale and form of extensions to ensure neighbours' amenities are protected. The amenity and privacy of neighbours must be considered before undertaking any developments.

The proposed scheme is located 0.5m from the common boundary of No.23. A side entrance and windows servicing non habitable rooms are located within this side elevation. It is considered that whilst the scheme will be located closer to the common boundary a distance of 3m is retained from the side elevation of the proposed development and No.23. This distance combined with the chalet style nature of the dwelling and the pitch of the rearward element of the roof structure will not result in a loss of privacy or a reduction in daylight over and above that which is expected of an established street scene such as this.

It is noted that windows to habitable rooms are located within the side elevation at ground floor of No.27. The proposed scheme will be located 3.5m from the side elevation of the No.27 this distance combined with the boundary treatment at a height of 1.5m and the design of the proposed dwelling is sufficient to reduce the impact of the proposal and retain a degree of separation which will guard against the development being excessively unneighbourly.

In terms of overlooking from the proposed Juliette Balcony, with distances in excess of 19m to the garden of No.55a The Orchard and 32m to the rear garden of No.53 The Orchard combined with the existing boundary treatments and vegetation it is considered that these are suitable distance to safeguard surrounding occupiers from overlooking.

The side facing upper floor windows which serve bathroom and are secondary windows to a bedroom, can be obscured glazed.

It is considered that the overall width and depth of the scheme when taking into account the existing dwelling to be demolished, its height and its orientation would not result in an unneighbourly and overbearing form for development which would adversely affect the amenity of the occupants of No.23 and 27. The proposed scheme by reason of its depth, size, orientation and bulk would not result in an unacceptable form of development, and is in keeping with the host and surrounding dwellings and complies with council policies DBE9 and DBE10.

#### Loss of a Bungalow

Whilst the government seeks to ensure a suitable mix of dwellings for the future there is no policy within the NPPF or the adopted Local Plan which seeks to prevent the conversion of bungalows to two storey dwellings. As such there are no policy grounds for refusal.

#### Conclusion

The proposed scheme would relate well to the surrounding dwellings and streetscene as a whole and the impact upon neighbour amenity is considered acceptable. It is therefore considered that the scheme is in compliance with national and local guidance with regards to house extensions and the application is recommended for approval with 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:**

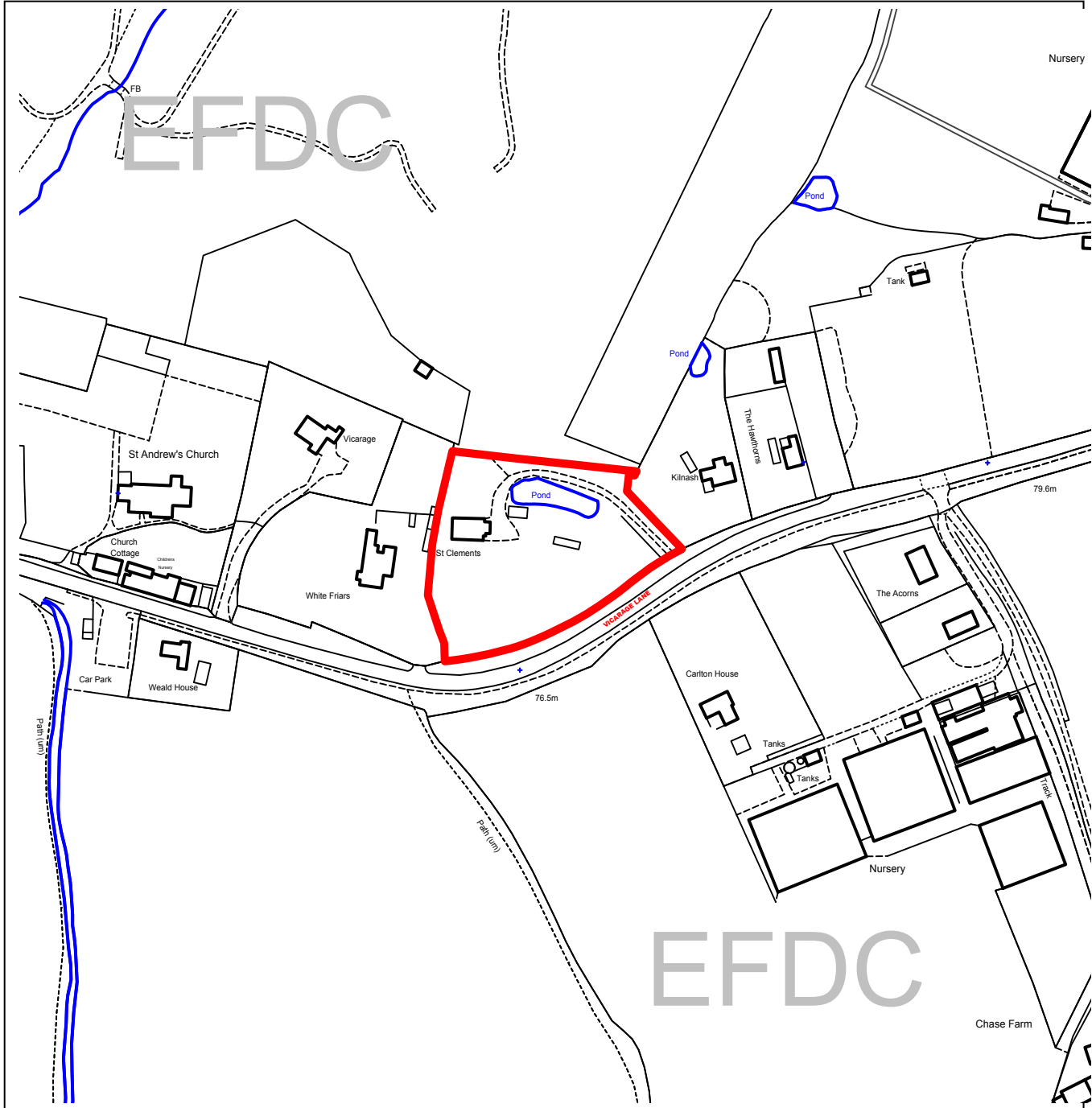
**Planning Application Case Officer: Nicola Dawney  
Direct Line Telephone Number: 01992 564000**

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



# Epping Forest District Council

## Agenda Item Number 4



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/0983/16
Site Name:	Saint Clements, Vicarage Lane, North Weald Bassett, CM16 6AL
Scale of Plot:	1/2500

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0983/16
<b>SITE ADDRESS:</b>	Saint Clements Vicarage Lane North Weald Bassett Epping Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr John Scott
<b>DESCRIPTION OF PROPOSAL:</b>	Timber framed office and store. (Revision to planning permission EPF/0269/14)
<b>RECOMMENDED DECISION:</b>	Approval Required and Granted (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=583894](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=583894)

**CONDITIONS**

- 1 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.

- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: Heritage Statement, Plan 1, elevations and site location plan.

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

### **Description of Site:**

The application site is located on the northern side of Vicarage Lane West approximately 200m 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:**

Retrospective planning permission is sought for the erection of a timber framed office and store. This development is an alternative to planning consent EPF/0269/14 which granted conditional planning permission for the erection of a cart lodge for two vehicles. The cart lodge was to be located close to the common boundary of White Friars to the west and to the rear of the host dwelling. The building was to measure 5.675m x 5m with a height of approximately 4.4m from ground to ridge.

The current application seeks a larger building footprint of 8.4m x 6m. The ridge height of 4.4m, siting and orientation remain the same. The building has been submerged by 1m closest to the common boundary to White Friars reducing to 0.1m fronting the driveway servicing the host dwelling. A log store which measures 4.2m x 1.7m and is 1.6m high abuts the side elevation closest to the host dwelling. The building provides a home office, storage and a WC and is constructed of timber boarding with a tiled roof.

### **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.

EPF/1008/15 - Erection of timber framed office/workshop/store, summerhouse, poolhouse and pool.

### **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

HC12 – Development affecting the setting of a listed building.

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:**

3 neighbours have been consulted and a site notice displayed. 1 objection has been received.

WHITE FRIARS: Objection. Deep foundations, no samples submitted for the previously approved cart lodge, water drainage issues leading to foul water on to property, 20 car parking spaces proposed. How will the building be used?, what will be stored?, what are the hours of use and what is the expected noise?.

PARISH COUNCIL: No Objection.

### **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 policies GB2A and GB7A 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. Although a vast majority of outbuildings can be constructed as permitted development under Class E within the green belt this particular site is occupied by a Listed Building and 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 and as a rule of thumb a double Garage/Store is considered a reasonable allowance for most properties. Equally there is no stipulation that such outbuildings cannot be used as part home office and part domestic storage. In 2014 consent was granted for a cart lodge building at the site. Subsequently in 2015 an application was submitted for the construction of a three outbuildings within the grounds of the property to replace two dilapidated structures which had been removed from site. These structures included an office/store, summer house, pool and pool house. However planning permission was refused as it was considered that the cumulative volume, together with their height and massing would result in a disproportionate enlargement of the built form within the curtilage of Saint Clements and would ultimately result in an inappropriate development within the Green Belt causing significant harm to the openness of the Green Belt.

The current application omits the pool and pool house and summer house from the previously refused scheme and seeks retrospective permission for the office/store. The site is a relatively large plot to maintain therefore the need for the storage of garden machinery can still be justified.

The site as a whole is well screened to views from Vicarage Lane by vegetation and in Officer's view the proposed increased footprint of the building can, on balance, be justified. Concern has been raised to the provision of 20 car parking spaces within the site. This information does not form part of this application and therefore cannot be taken into consideration.

### Setting of Listed Building

The house is Grade II Listed and the removal of the earlier outbuildings has no doubt improved this special setting. Furthermore the proposed outbuilding is traditionally designed and constructed of timber and is considered to preserve the special setting of the Listed Building.

### Amenity

Whilst concern has been expressed by the adjacent neighbours with regards to this scheme it is not considered that the proposed structure would impact excessively on amenity. The submitted plans indicate that the proposal is not particularly excessive in size and a reasonable gap to the boundary where there is some vegetation screening has been retained. It should also be noted that the building is submerged by 1m so as to reduce its impact upon White Friars and this should not be interpreted as unduly deep foundations. The proposal does not indicate any commercial use and use for domestic storage and a home office would not cause harm to residential living conditions. Whilst reference has been made to 20 parking spaces, this does not form part of this application, it is simply a statement on the application form of the amount of space available. No new hard surfacing or parking is proposed.

### Land contamination

Domestic dwellings with gardens are classified as a particularly sensitive use. However, no evidence of any potentially significant contaminating activities having taking place historically on the site (records indicate that although the site was formerly under the same ownership as the adjoining St Clements Nursery, that no horticultural activities took place on site. Due to the small size and distance from the proposed development, the former 200m<sup>2</sup> onsite pond infilled between 1920 and 1960 should not affect the development). Therefore as potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

### 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.

### Environment Agency

The Environment Agency has no comment to make on this application.

### **Conclusion:**

The proposed development is considered to be 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 retrospective 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:**

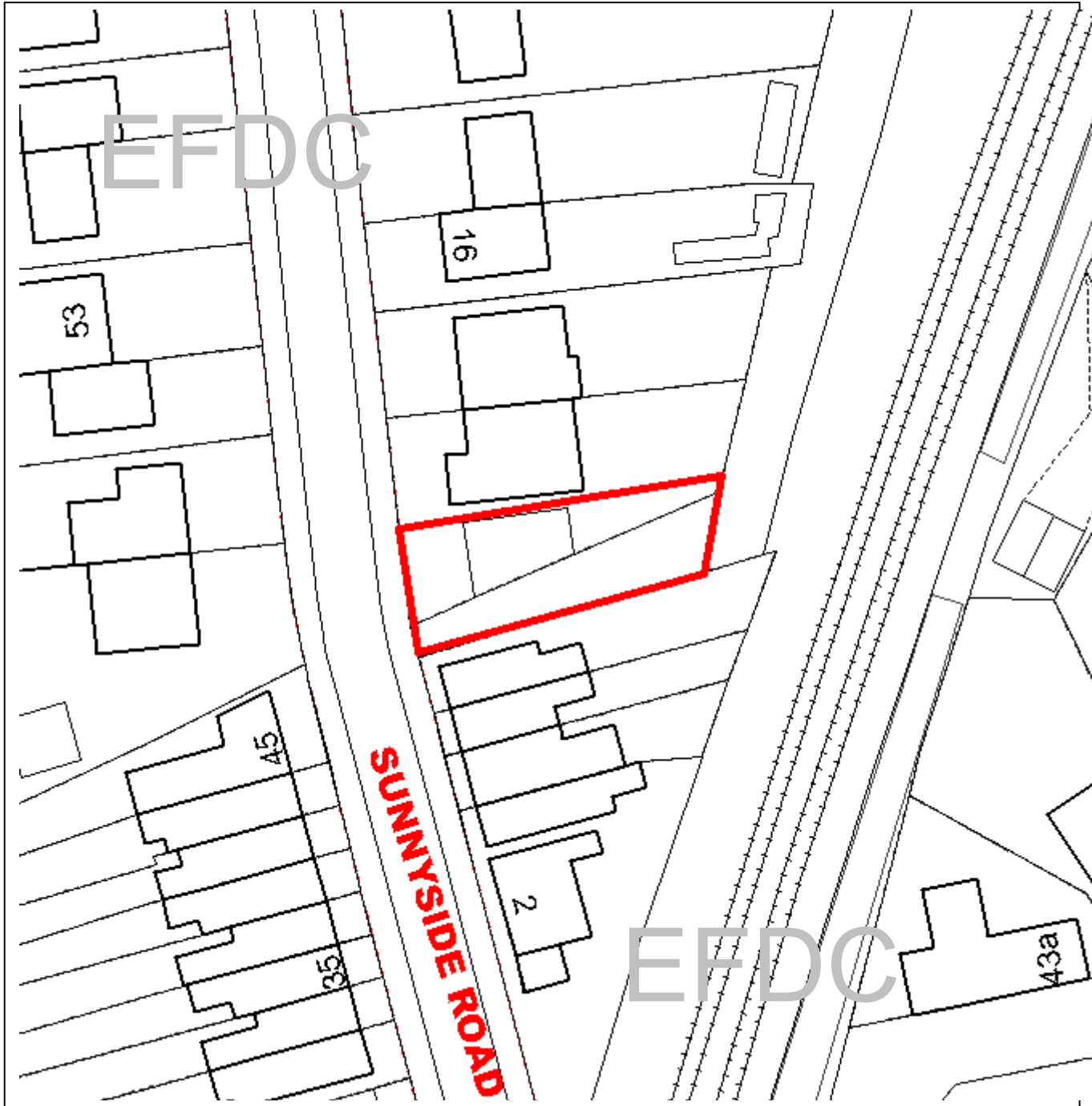
**Planning Application Case Officer: Nicola Dawney  
Direct Line Telephone Number: 01992 564000**

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



# Epping Forest District Council

## Agenda Item Number 5



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1040/16
Site Name:	Land between No. 10 & 12 Sunnyside Road Epping CM16 4JW
Scale of Plot:	1:500

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/1040/16
<b>SITE ADDRESS:</b>	Land between No. 10 & 12 Sunnyside Road Epping Essex CM16 4JW
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Kalman Developments Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a single 3-bedroom dwelling
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584016](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584016)

**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:  
  
PPA-885-001  
PPA-885-006  
PPA-885-011  
PPA-885-101\_A  
PPA-885-102\_A  
PPA-885-103\_C  
PPA-885-104\_C  
PPA-885-105\_C  
PPA-885-106\_C  
PPA-885-107\_C  
PPA-885-108\_B  
PPA-885-109\_C  
PPA-885-110\_B
  
- 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 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 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 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.
- 7 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 or B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 9 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]
- 10 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]

- 11 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]
- 12 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.
- 13 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.
- 14 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and

08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

This application was deferred from the last committee to enable members to carry out a site visit.

### **Description of Site:**

The application site consists of the side garden to No. 12 Sunnyside Road and currently contains a detached double garage with direct access from Sunnyside Road.

The site is located on the eastern side of Sunnyside Road within the town of Epping and is outside of any designated areas (i.e. Green Belt, conservation area). The site is on land higher than that at No. 10 and backs onto the railway line at the rear.

### **Description of Proposal:**

The proposed development seeks to demolish the existing double garage and erect a new detached three bed dwelling with a single off-street parking space to the front and private amenity space to the rear.

Due to the shape of the application site the proposed dwelling would have an angled southern wall and as a result would measure 7.75m in width at the front narrowing to 6.25m in width at the rear. The main dwelling would measure 8.3m in depth with an additional 3m x 1.9m single storey porch.

The application has been amended several times with the final plans proposing a gable ended pitched roof to a ridge height ranging from 8.9m to 9.3m. The dwelling would be two-and-a-half storeys (incorporating the roof space), with the upper level being served by two pitched roof dormer windows, a gabled window in each flank wall, and a single front rooflight.

### **Relevant History:**

None.

### **Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE8 – Private amenity space

DBE9 – Loss of amenity  
RP3 – Water quality  
RP4 – Contaminated Land  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking

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.

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

17 neighbouring properties were consulted and full consultations were undertaken on each of the revised plans. No Site Notice was required.

TOWN COUNCIL – No objection.

8 SUNNYSIDE ROAD – Object as there is insufficient parking, the noise from building works will cause a nuisance, there would be a loss of privacy and light to their garden, this constitute overdevelopment, and due to concerns about subsidence and impact on the sewer that runs through the site.

16 SUNNYSIDE ROAD – Object as the proposed building works would cause noise, traffic issues and undue disruption and since a new development would not be in keeping with the age and history of the street.

45 SUNNYSIDE ROAD – Concerned due to problems with the sewers and flooding and also about the loss of existing parking.

47 SUNNYSIDE ROAD – Object due to a loss of privacy and outlook to this neighbour, lack of parking and highway safety concerns, due to flood risk and possible contamination concerns, and since there are sewers running across this site.

49 SUNNYSIDE ROAD – Object due to existing parking congestion which this would impact on, due to drainage problems, and since this would cause a loss of light and outlook to them.

NO ADDRESS PROVIDED (ASSUMED TO BE 10 SUNNYSIDE ROAD) – Object due to overshadowing and loss of privacy, since this is overdevelopment and ‘garden grabbing’, since this would add to the existing parking congestion on the roads, as there is a sewer pipe running through the site, possible loss of trees at the rear, and as the dwelling would dwarf their property.

### **Main Issues and Considerations:**

The key considerations in this application are the principle of the development in this location, regarding parking provision, design and impact on the street scene, and any potential impact on neighbour amenities.

#### **Principle of development:**

The application site is located within the urban town of Epping and is less than 650m walk from the train station and some 950m from the designated Epping Town Centre. Epping is a self-sustained town that is served by a full complement of local amenities and facilities (such as schools, shops,

doctor's surgeries and a hospital) and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest. Several residents in Epping commute into London for work purposes.

Sustainable development is the 'golden thread' running through planning policy. Local Planning Authorities are required through paragraph 15 of the NPPF to "*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*". The encouragement of sustainable development is reflected within many Local Plan policies including CP6 which states that "*development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure*".

Paragraph 49 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decision, both within and outside of the district, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However it should be noted that within a recent appeal decision for one new dwelling in Nazeing (EPF/2015/15) the Planning Inspectorate concluded that, with regards to the benefits to the five year land supply, "*I attached only limited weight to that argument bearing in mind that the proposal is for one additional dwelling only, which would not make any appreciable difference in housing land supply*".

#### Parking provision:

One of the key concerns of neighbouring residents appears to be regarding parking provision and the potential impact that this development would have on the surrounding road network, which currently suffers from parking stress. Sunnyside Road benefits from residential parking restrictions between 10:00 and 16:00 Monday to Friday. Whilst this protects against commuter parking during the week it does not restrict on-street parking during peak times (i.e. evenings and weekends).

The proposed development would result in the loss of an existing double garage serving No. 12 Sunnyside Road and the erection of a new three bed dwelling with just one off-street parking space. The Essex County Council Vehicle Parking Standards recommends two off-street spaces for dwellings of this size, however does state that "*reductions of the vehicles standard may be considered if there is development within an urban area (including town centre locations) that has good links to sustainable transport*".

Although the proposed development would result in there being no off-street parking for No. 12 Sunnyside Road there is the ability for parking to be provided within the front garden. Given the location of the site it is not considered in this instance that the under provision of off-street parking would be sufficient enough to warrant the refusal of this application. Whilst now relatively old a previous appeal decision in Bower Vale (EPF/1300/08) was allowed on appeal despite the complete lack of off-street parking. Within this appeal decision it was stated that:

*In spite of the lack of parking on site, and the present amount of parking at the carriageway of Bower Vale, I consider that, since the site is located within an urban area well served by public transport, and within a short distance of shops and other facilities, there is no policy*



*objection to the proposal on this ground. In fact, current policy encourages development which promotes a reduction in private car use, and the provision of dwellings without parking provision, in locations such as this, should be given a positive response.*

Although this decision pre-dates the NPPF the current Government policies continue to promote sustainable development and therefore this decision is still considered to be relevant.

Essex County Council Highways have been consulted on this application and raise no objection since they consider that, from a highway and transportation perspective, the impact of the proposal is acceptable.

Design:

The proposed new dwelling has been subject to several amendments throughout the course of this application, primarily due to its visual impact. This has resulted in the proposed new dwelling being set in from both side boundaries by 1m, a more traditional style roof being added (although when viewed in plan form this appears somewhat unusual due to the angled southern wall), and the removal of the unsightly side dormer window. The revised scheme proposes a relatively simple and traditional dwelling that has a built form/footprint somewhere between the small cottages to the south and the larger semi-detached dwellings to the north. The height of the building would be marginally below the ridge height of the donor property at No. 12 Sunnyside Road and some 1.2m above that of No. 10, however due to the sloping road it is considered that this height difference is appropriate.

The detailing of the new dwelling would reflect that of the more historic cottages to the south with a brick finish and timber windows. The rear dormer windows are small pitched roof additions that would not appear incongruous or dominant within the roof slope and the proposed front porch projection would be similar in design and form to that of the property to the north.

It is not considered that the proposed development would appear cramped or out of keeping with the surrounding street scene and the existing gap between properties is sufficient in size to allow for a limited infill such as this. As such it is not considered that the proposal would be detrimental to the character or appearance of the area.

The subdivided rear garden area would provide 106m<sup>2</sup> of private amenity space to the proposed new dwelling, which would exceed the recommended 80m<sup>2</sup> for this size property. The proposed new dwelling would have a gross internal floor area (GIA) of some 92m<sup>2</sup>, which complies with the minimum GIA as prescribed by the Nationally Described Space Standards.

Neighbouring Amenity:

The proposed new development would be situated between No's 10 and 12 Sunnyside Road and would be set in 1m from each of the side boundaries. Whilst the proposal would not extend beyond the first floor rear wall of the donor property (No. 12) it would extend some 1.4m beyond the rear most wall (the single storey projection) of No. 10 and 4.8m beyond the closest corner (the first floor rear wall) of this neighbouring dwelling. Furthermore the application site slopes to the north so that the proposed new dwelling would sit on higher land than the neighbour at No. 10. It is understood that this neighbour has side doors within the single storey projection that serve their kitchen and would directly face the proposed new dwelling. It is also stated that there is a window serving the stairs, however this is only at ground floor level since there are no upper storey side windows within this neighbouring property.

Although there would clearly be some impact to the amenities of this neighbouring property as a result of the works the flank wall of the proposed new dwelling would be located 2.6m from the neighbours flank wall and some 3.7m from the neighbours kitchen door. The new dwelling would

be located to the north of the neighbour's site and therefore would not result in any loss of direct sunlight, however would inevitably reduce the level of daylight reached within the neighbour's immediate area of garden and closest windows. Due to this, whilst there would clearly be some detrimental impact on the neighbouring residents it is not considered that this would be excessive or severe.

Although there are a number of side windows proposed in both flank walls of the new dwellings these can all be conditioned to be obscure glazed with fixed frames to ensure that there would not be any loss of privacy or overlooking to the neighbours sites.

Concerns have been raised by the neighbours opposite the site due to a potential loss of light and outlook, however the front wall of the proposed new dwelling would be some 23m from the front wall of the houses opposite. This is no different from the existing situation between No' 12 and No. 49 Sunnyside Road and greater than the distance between No's 2-10 and No's 33-45 opposite. Whilst the erection of a two-and-a-half storey dwelling in place of a single storey garage would block the existing views through this space it is not considered that it would cause a detrimental loss of outlook, particularly given the urban nature of this site. There is no right to a view and therefore any loss of such views is not material to the planning merits of the case.

Concerns have also been raised with regards to disturbance, nuisance and parking problems as a result of construction works, however such matters are also not material planning considerations as this harm would only be temporary during the period of construction. Time constraints for construction works are suggested in order to minimise any impact on neighbours.

Other considerations:

Sewage:

Comments have been made by neighbours that there is a public sewer running through this site. Thames Water have been consulted on the application and state:

*There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings.*

The applicant has been made aware of the possibility that there is a sewer running through the site and informed that they require consent from Thames Water to build close to a public sewer (and also that a new build would likely be refused if proposed over such a sewer). The applicant has confirmed that they have applied to Thames Water for their approval but are awaiting the response.

Notwithstanding the above, the presence of a public sewer is not considered to be a material planning consideration since any development close to or over this requires separate consent from Thames Water. Should Thames Water not permit this proposal then the development cannot be undertaken, **irrespective of whether planning consent has been granted or not.**

Thames Water has advised that, with regards to sewage infrastructure capacity, they do not raise any objection to the proposed development.

### *Land Drainage:*

The applicant is proposing to dispose of surface water by soakaway, however the geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. Therefore further details are required, which can be dealt with by condition.

### *Contaminated Land:*

Due to the former use of the site as an access road forming part of the William Cottis & Sons Brickworks and later Engineering Works Site and British Matthews Ltd Engineering Works site, there is the potential for contaminants to be present over all or part of the site. Domestic dwelling with gardens are classified as a particularly sensitive proposed use and therefore an appropriate contamination assessment is required. As no assessment has been submitted with the application it would be necessary for this matter to be dealt with by way of conditions.

### *Impact on train lines:*

London Underground has been consulted and raises no comment on the proposal.

### **Conclusion:**

The erection of a detached dwelling within this location would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and would assist in the Council meeting its five-year supply of deliverable housing sites, albeit in a small way. Furthermore it is not considered that the new dwelling would be detrimental to the character or appearance of the street scene.

Whilst the proposed development would result in the loss of the existing off-street parking to No. 12 Sunnyside Road and only proposes one space to serve the new three bed dwelling it is considered that this is appropriate to this particular area. The development would also cause some loss of amenity to the neighbouring residents at No. 10 Sunnyside Road due to impact on daylight and outlook however due to the location and positioning of the proposed new dwelling it is not considered that this harm would be excessive or severe.

Due to this it is considered that the balance of issues is such that the proposal is considered to comply with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application 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:***

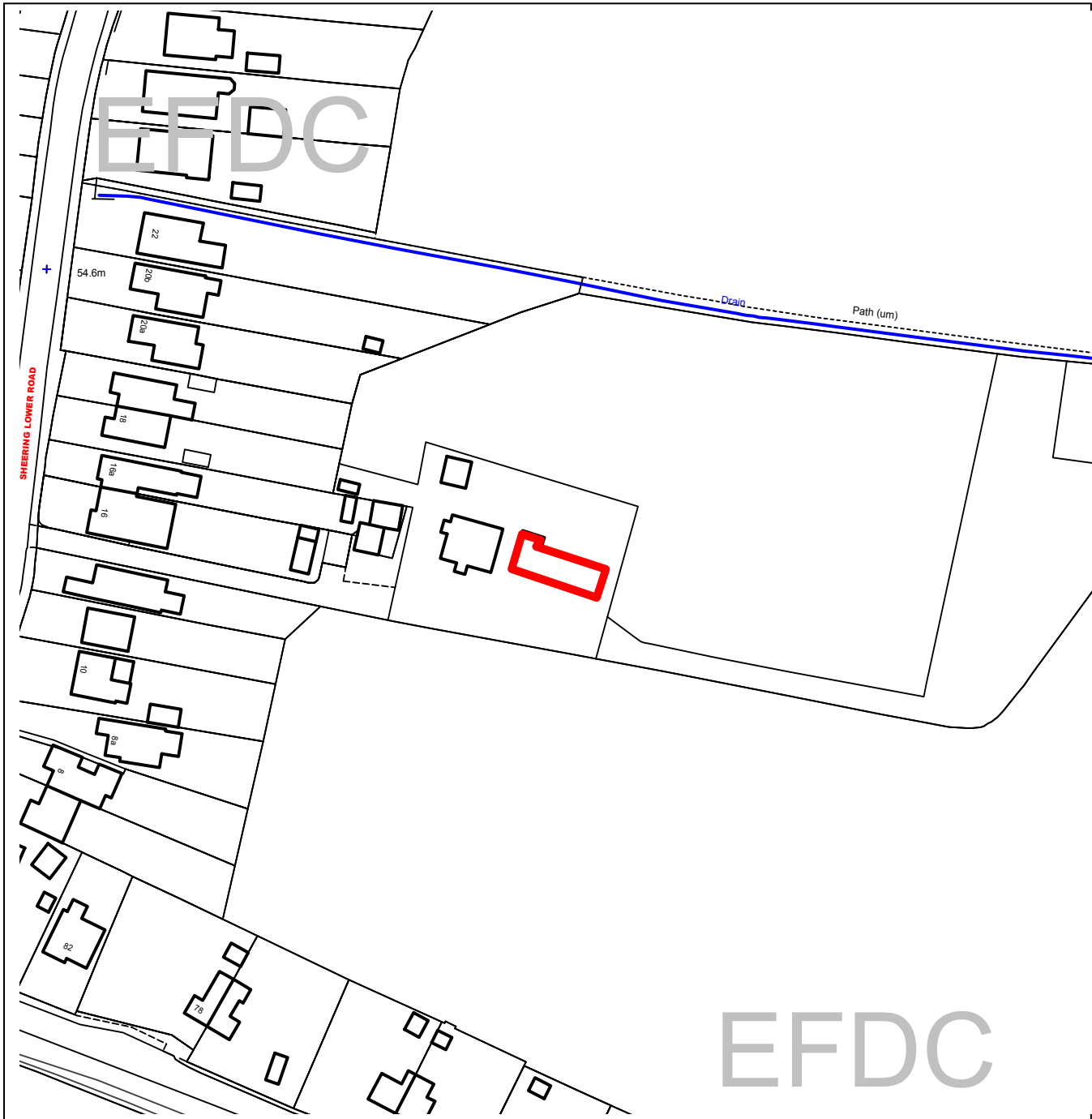
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 6



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1185/16
Site Name:	Rear OF 16 Sheering Lower Road, Sheering, CM21 9LF
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1185/16
<b>SITE ADDRESS:</b>	Rear of 16 Sheering Lower Road Sheering Essex CM21 9LF
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr Tommy Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of former agricultural building to create additional living accommodation for existing bungalow
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584365](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584365)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3603/10, 3603/11, 3603/12, 3603/13, 3603/14, 3603/14, Planning Statement and Site location Plan.

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

**Description of Site:**

The application site consists of a single dwellinghouse which currently benefits from a pergola, 3 bay garage and store all of which are located to the west of the site. To the east of the dwelling is

a former agricultural building which is a single storey building of brick construction with three openings to the south elevation. Historically the building would have been used to serve the original agricultural use of site by way of storage of agricultural machinery and tools. The site is extensive, incorporating the residential curtilage of the dwelling house to the west and a vast grassed paddock area to the east which is separated from the curtilage by a post and rail fence and surrounded by close boarded fencing on the outer boundary. To the far east of the site is a stable block for 4 ponies which is accessed via a track along the southern boundary of the site. The outer boundaries are defined by a covering of mature trees and shrubs. The site is within the Metropolitan Green Belt.

### **Description of Proposal:**

Planning permission is sought to change the use of the existing former agricultural building located approximately 6m from the host dwelling house to create ancillary living accommodation for the current occupiers of the existing bungalow.

The building measures approximately 4m x 14m and is 5m in height from ground to the ridge of the pitch roof. The change of use of the building would create an additional living space of 133m<sup>2</sup>. The openings within the southern elevation will be enclosed with blockwork and horizontal boarding which will encase four windows and an entrance door. The elevations to the north, east and west will remain unaltered.

### **Relevant History**

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

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

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

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

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

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

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

EPF/1392/14 - Use of land for domestic horsekeeping, erection of stables building for 3 ponies and laying of associated access track. (Revised application to EPF/0622/14) APPROVED. 27/08/14

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE9 - Loss of Amenity

GB2A – General Constraint

GB7A – Conspicuous Development

GB8A – Change of use and adaptation of buildings.

GB9A – Residential Conversion

LL10 – Adequacy of Provision for Landscape Retention

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans

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

### **Summary of Representations**

18 neighbours have been consulted: No replies received.

Parish Council: Strong objection to unacceptably high density / overdevelopment of the site, change of use from agricultural to residential and the effect on the character of the neighbourhood

### **Issues and Considerations**

The main issues to consider in this instance are, whether the development is appropriate within the boundaries of the Metropolitan Green Belt, design and amenity.

#### **Green Belt**

NPPF paragraph 90 of the NPPF states that certain forms of development are not inappropriate within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This list contains additional exceptions which include:

- *The re-use of buildings provided that the buildings are of permanent and substantial construction.*

Policy GB8A of the Local Plan supports this NPPF directive in that the Council will grant planning permission for the change of use and adaptation of a building in the Green Belt, provided that the building is of permanent and substantial construction, capable of conversion without major or complete reconstruction and is in keeping with its surroundings in terms of form, bulk and general design. Also the use should not have a materially greater impact than the present use on the Green Belt and the purposes of including land in it. The use and associated traffic generation should not have a significant detrimental impact upon the character and appearance of the country side. Furthermore, the council should be satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out.

The existing building is constructed of block work and brick on a solid foundation which are in a sound physical condition. The roof structure is formed of a timber frame and clad in red clay tiles. The existing roller shutters will be replaced with further brick work and horizontal boarding to match the existing building. It is evident that this built form is of substantial construction and is capable of conversion with a minimal of aesthetic changes. Aerial mapping confirms that the existing building was in situ during the early 1930's and would have been used to service the surrounding field/paddock. Subsequently, the historical agricultural use of the site has suitably change over time the building has not been used for its original purpose for some 40years and since the introduction of horse keeping and additional stabling in 2014, the building is now largely used for domestic storage. The proposal is to convert this building to create additional living space for the current occupiers and it is not anticipated that the provision of this space would result in an increase to traffic generation to the site over and above that which already existing and indeed over and above that which is expected from an area defined by the residential dwelling houses.

It should be noted that the proposal does not include the enlargement of the existing building that would result in additional bulk and massing which could possibly erode the openness of the Green Belt. Furthermore, the application does not include the extension of the existing residential curtilage to include the additional living space nor has it defined an additional curtilage associated with the proposed conversion. As such, the proposal would not introduce additional garden

paraphernalia which would impact upon the character of the Green Belt. Therefore, all factors considered, the change of use cannot be considered to have a materially greater impact than the present use upon the surrounding Green Belt.

Residential conversion within the Green Belt are further managed by policy GB9A which stated that residential conversions of rural buildings worthy of retention will not be permitted unless it is compliant with the policy GB8A and it has been clearly proven by the applicant that a business reuse is unsuitable. To this end it is evident that the field/paddock is for horse keeping in association with the existing dwelling house and the stables to the rear. Due to the existing uses on site, its orientation and location within a residential setting the introduction of further, independent agricultural business uses to the existing building would be wholly inappropriate within the confines and context of this site.

The Parish Council has raised concern regarding the unacceptably high density and over development of the site. It is not unreasonable for a dwelling within this particular setting to request or require ancillary/annexe accommodation. Indeed, it is a common form of development within rural locations which has been established for many years. The site in its entirety covers an area of approximately 12,000m<sup>2</sup> and accommodates x1 residential dwelling, x1 stable block and x1 storage building which vary in footprint from 130m<sup>2</sup> to 200m<sup>2</sup>. The conversion of the existing storage building to ancillary residential accommodation will not increase the built form on site and therefore cannot be considered as an overdevelopment. Furthermore the introduction of x2 additional bedrooms which are ancillary to the existing two bedroom cottage will not result in an increased density to such a significantly large site and a density calculation is not relevant to this application.

The Parish Council have also raised concern that the proposed building would affect the character of the neighbourhood. The building is already in situ and set some 55m behind linear residential dwellings fronting Lower Sheering Road. The building is within close proximity to the host dwelling and can not be viewed from the streetscene. Whilst each application should be judged on its own merits, it is difficult to see how the change of use of a relatively small single storey building to residential use, within close proximity to the host dwelling and within a vast field/paddock set well behind the existing residential dwellings which define the appeal of the area, would effect the character of the neighbourhood.

### Amenity

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

### Highways

No issues with regards to highway safety.

### Conclusion:

The proposed change of use of the existing agricultural building to create additional living accommodation/annex for the existing bungalow is considered to be an appropriate form of development in a Green Belt location. It is therefore recommended that consent is granted subject to condition.



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

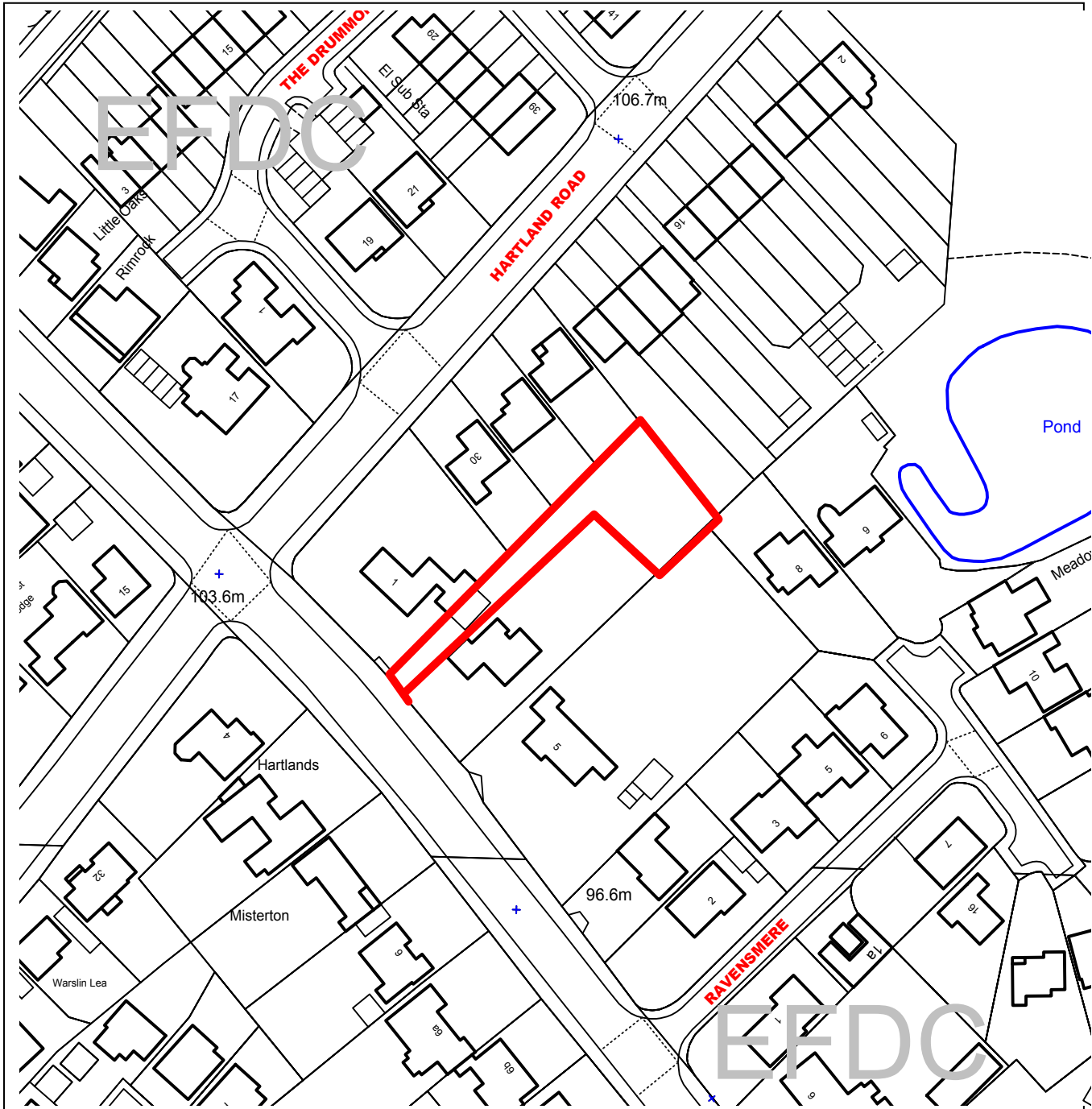
**Planning Application Case Officer: Nicola Dawney  
Direct Line Telephone Number: 01992 564000**

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



# Epping Forest District Council

## Agenda Item Number 7



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1231/16
Site Name:	3 Kendal Avenue, Epping, CM16 4PN
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/1231/16
<b>SITE ADDRESS:</b>	3 Kendal Avenue Epping Essex CM16 4PN
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Darren Hunt
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed detached dwelling with associated car parking and vehicular access to rear of 3 Kendal Avenue.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584475](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584475)

**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: BRD/16/032/001, BRD/16/032/002 (as amended), JK/3KA/03
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development 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.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 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 extensions generally permitted by virtue of Class A and B of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 7 If any tree, shrub or hedge shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 8 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.
- 9 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.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

- 11 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.

- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

This application was deferred from the last committee to enable members to carry out a site visit.

#### **Description of Site:**

The application site consists of the rear garden to No. 3 Kendal Avenue, which has recently been granted planning permission to be replaced.

The wider site contains a large detached dwelling located on the north eastern side of Kendal Avenue. The site is a larger than average plot within the urban area of Epping and contains a well-established boundary hedge and several trees. However the only preserved trees are towards the front of the property outside of the red line application site.

#### **Description of Proposal:**

The proposed development seeks to erect a new detached three bed dwelling with off-street parking and private amenity space to the rear. Whilst a bedroom 4 is shown on the latest plans this only has a small rooflight and is too small to serve as a usable bedroom and is most likely to be used as a study or 'hobby room'.

The proposed new dwelling would be a one-and-a-half storey L shaped building measuring a maximum of 12.6m in width and maximum of 12m in depth with a maximum ridge height of 7.6m. The application is a revised scheme to a previously withdrawn application whereby the proposed new build was for two semi-detached chalet-bungalows.

**Relevant History:**

EPF/2749/15 - Demolition of existing dwelling and erection of a replacement dwelling along with the erection of a pair of semi-detached properties – withdrawn 19/01/16  
EPF/0393/16 - Demolition of existing dwelling and erection of a replacement dwelling [**donor property**] – approved/conditions 18/04/16

**Policies Applied:**

CP1 – Achieving Sustainable Development Objectives  
CP2 – Protecting the Quality of the Rural and Built Environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
H3A – Housing density  
DBE1 – Design of New Buildings  
DBE2 – Effect on Neighbouring Properties  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
RP3 – Water quality  
RP4 – Contaminated Land  
ST1 – Location of Development  
ST2 – Accessibility of Development  
ST4 – Road Safety  
ST6 – Vehicle Parking

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.

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

19 neighbouring properties were consulted and a Site Notice was displayed on 6<sup>th</sup> June 2016.

TOWN COUNCIL – No objection.

EPPING SOCIETY – Object. The building in the garden of 3 Kendal Avenue will result in a loss of privacy for the neighbouring households. The creation of an access road will create noise and disturbance. The development will lead to a loss of amenity to 30, 28, 26 and 24 Hartland Road. It will also impact on number 8 Ravensmere. It will create a precedent for this type of development being inserted into garden spaces.

8 RAVENSMERE – Object as the site level is approximately 2m above theirs and will result in a loss of light and overshadowing, loss of privacy, noise and disturbance, and flooding issues. Also consider that this is too dense a development in close proximity to neighbours and concerned that the hedge may eventually be lost and first floor windows may end up being installed in the flank wall.

9 RAVENSMERE – Object due to a loss of privacy, sky line, sunlight and quietness.

26 HARTLAND ROAD – Object due to light and noise pollution from the new road and the new household, loss of light and privacy, overdevelopment of the site that could set a precedent, as it is out of keeping with Kendal Avenue, due to the loss of trees and wildlife, and as the new access would cause additional danger to pedestrians.

28 HARTLAND ROAD – Object due to a loss of privacy and light, additional disturbance, light pollution from the access road and any potential security lighting, loss of visual amenity, as this would be overbearing to the neighbours in Hartland Road that only have small gardens, the loss of trees and wildlife, increased pedestrian and highway safety concerns as a result of the new access, and since this is garden grabbing and may set a precedent for further development in No. 5 Kendal Avenue.

30 HARTLAND ROAD – Object due to a loss of light and privacy, additional noise and disturbance, overdevelopment of the site, as it is out of keeping with the area, and since this results in garden grabbing with no social benefit.

### **Main Issues and Considerations:**

The key considerations in this application are the principle of the development in this location, the impact on neighbour amenities, the overall design of the scheme, landscaping considerations and regarding highways and parking.

#### **Principle of development:**

The application site is located within the urban town of Epping approximately 300m walk from the designated Epping Town Centre. The site is also less than 500m from Epping train station, which is an average 6 minute walk. This provides trains into London by way of the Central Line. Several residents in Epping commute into London for work purposes. Epping is considered to be a self-sustained town that is served by a full complement of local amenities and facilities (such as schools, shops, doctor's surgeries and a hospital) and local transport links (such as Epping Station and several bus routes). There are also a number of open spaces in and around the town and easy access to Epping Forest.

Concern has been raised by neighbours that the proposal constitutes an overdevelopment of the site and is 'garden grabbing'. There are also fears that this development would set a precedent for similar development within the area (with particular reference to the neighbouring site at No. 5 Kendal Avenue).

The application site in itself is approximately 0.07 hectares however the size of the entire property of No. 3 Kendal Avenue (the land within the applicants ownership) is 0.18 hectares. Policy H3A states that housing developments should "*achieve a net site density of at least 30-50 dwellings per hectare*". The current site only achieves a density of 5.5 dwellings per hectare, which would increase to 11 dwellings per hectare with this proposal. This would still be well below the recommended density of housing sites, particularly those within urban areas such as this. The level of private amenity space exceeds the recommended figure and there is adequate off-street parking provided. Due to these factors it is clear that the proposal does not constitute an 'overdevelopment' of the site.

It is accepted that the proposal would involve the development in the rear garden of the donor property and that the definition of previously developed land as quoted in Annex 2 of the NPPF specifically excludes "*land in built-up areas such as private residential gardens*". This was initially introduced under previous Government guidance PPG3 to restrict 'garden grabbing' however does not preclude development within the curtilages of existing properties provided these comply with all other development plan policies. The presumption in favour of sustainable development is the 'golden thread' running through planning policy and Local Planning Authorities are required

through paragraph 15 of the NPPF to “*follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable is approved without delay*”. This encouragement is reflected within many Local Plan policies including CP6 which states that “*development and economic growth will be accommodated in a sustainable manner which counters trends to more dispersed patterns of living, employment and travel by: (ii) concentrating new economic and housing development and redevelopment within urban areas by maximising the use of spare capacity in terms of land, buildings and infrastructure*”.

The site is situated within a sustainable urban location close to local services, facilities and public transport and would make more efficient use of this large site. Given that 92.4% of the District is designated Green Belt the principle of further development within existing sustainable settlements outside of the Green Belt is generally considered to be appropriate, provided all other policies are complied with. In addition, paragraph 49 of the NPPF states that “*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the district that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission. However it should be noted that within a recent appeal decision for one new dwelling in Nazeing (EPF/2015/15) the Planning Inspectorate concluded that, with regards to the benefits to the five year land supply, “*I attached only limited weight to that argument bearing in mind that the proposal is for one additional dwelling only, which would not make any appreciable difference in housing land supply*”.

The last concern raised by neighbours with regards to the principle of this development is that it may set a precedent for similar proposals within the surrounding area, including at No. 5 Kendal Avenue. Whilst precedent is a material planning consideration the precedent of backland development such as this has already been set within the locality through the development at No. 18 and Whitebeams, Kendal Avenue. Slightly further afield other examples can be seen such as in No's 43a and 43b Charles Street and the rear of No. 9 Sunnyside Road. Furthermore the only sites within the immediate locality where such backland development could physically be possible are No. 5, No. 11 and No. 6a Kendal Avenue, however No. 5 would be unlikely to obtain consent for the subdivision of the site since the building is locally listed and its setting is important to its historic significance. The other two properties could theoretically follow suit with similar applications, although may have some problems obtaining access due to the presence of preserved trees.

Historically many of the surrounding sites, including those neighbouring properties within Hartland Road, were constructed within the gardens of much larger properties (in this case the garden of No. 5 Kendal Avenue). Whilst this does not hold much weight the more recent examples stated above, particularly No. 18 Kendal Avenue, have already set a precedent for this form of development and as such it is considered that the principle of the proposal is deemed to be acceptable.

#### Neighbouring Amenity:

The proposed new dwelling would be situated to the rear of No. 3 Kendal Avenue directly behind No's 26 and 28 Hartland Road. It would be set in 5m from the shared boundary with these two properties and sits on slightly lower land. The site backs on to the rear garden of No. 24 Hartland Road and the dwelling would be located between 3.5m and 4.5m from this shared boundary. The majority of the south eastern boundary is shared with the rear garden of No. 5 Kendal Avenue, however the last 2m adjoins the rear boundary of No. 8 Ravensmere, which sits on land



approximately 2m lower than the application site. There is a large, well established hedge along the three shared boundaries that is proposed for retention.

The proposed new dwelling would be one-and-a-half storeys to a maximum height of 7.6m and a dropped down projection to a ridge height of 7m. Whilst the erection of this dwelling would introduce a new build into this currently undeveloped garden, and as such would affect the outlook of the surrounding neighbours, given the relatively low height of the building, the level of set back from the shared boundaries, and the height of the existing hedge the physical impact on neighbours as a result of loss of light or outlook would be minimal. This is further reduced by the difference in levels between the neighbouring properties in Hartland Road and the application site. Whilst the new dwelling would appear significantly higher when viewed from No. 8 Ravensmere due to these level changes the dwelling would be situated some 6m from this shared boundary and as such only the top part of the roof would be visible.

The only proposed first floor windows are two rear dormers and a small rear rooflight and two front gable windows (one in the main building and one in the front projection) and two small front rooflights. The two rear dormers would be located 3.5m and 4.5m from the shared boundary with No. 24 Hartland Road, however due to the height and density of the existing hedge, which would be retained (and conditioned as such), there would not be any direct overlooking as a result of these windows. Furthermore the area of garden most affected by the new dwelling would be the end of a 38m garden and the first floor window closest to the neighbours dwelling would serve a bathroom and would therefore be obscure glazed. Due to all of these factors the impact on privacy to this neighbour would be minimal.

Concern has been raised by neighbours in Hartland Road that share the side boundary of the site with regards to loss of privacy and overlooking. These dwellings have very small gardens measuring some 13m in depth. Given the location of the proposed new dwelling and position of the closest first floor front window the only garden that would fall within a 45 degree angle of this window is that at No. 30 (with the exception of the very southernmost corner of No. 28's garden), however this neighbouring property would be in excess of 15m from the new first floor window and benefits from a high brick wall behind the large established hedge. Due this, combined with the neighbours higher land level, it is not considered that there would be any excessive or undue loss of privacy to this neighbour.

Given the oblique angle between the window and the rear of No. 28, and since there are no first floor flank windows proposed facing No. 26, there would be no loss of privacy or overlooking of these properties. Concern has been raised from the residents of No. 9 Ravensmere due to a loss of privacy however their property boundary would be some 17m from the closest first floor window and therefore would not be unduly overlooked by the proposed dwelling. No. 8 Ravensmere have also raised concerns that first floor side windows could be installed at a later date that would overlook their site, however permitted development rights require any above ground windows to be obscure glazed with fixed frames and therefore any future windows that may be installed would not cause any loss of privacy.

Concerns have been raised regarding additional noise and light pollution, particularly from the new access road, however given the presence and retention of the thick established hedge, the lower ground level of the application site, and since this proposal is for a single dwelling, it is not considered that there would be any excessive harm as a result of this development.

The only other concern raised was due to the impact on the skyline however there is unfortunately no right to a view and therefore any loss of views or impact on the existing skyline are not material to the planning merits of the case.

### Design:

The proposed dwelling would be a one-and-a-half storey property with half submerged rear dormer windows and would utilise traditional materials. Due to the location of the new dwelling this would not appear within any specific street scene, however the surrounding roads (primarily Kendal Avenue and Ravensmere) contain a varied mix of style and size dwellings. Due to this it is not considered that the design of the proposal would be detrimental to the overall character and appearance of the area.

The proposed new dwelling would be served by 199m<sup>2</sup> of private amenity space. Whilst parts of this would be narrow and slightly more awkward in terms of their space (such as the rear strip of garden) this would nonetheless adequately serve a purpose, even if it is utilised more as outdoor storage than as a 'sitting out area'. The main section of garden would be to the southeast of the proposed dwelling and would be adequate in size and shape. The level of amenity space would far exceed the recommended standards as laid out within Policy DBE8 and the Essex Design Guide.

The proposed new dwelling would have a gross internal floor area (GIA) well in excess of the minimum GIA of 93m<sup>2</sup> for a three bed two person dwelling (or even 106m<sup>2</sup> for a four bed six person dwelling) as prescribed by the Nationally Described Space Standards.

### Landscaping:

There is a well-established laurel hedge along the boundaries of the site and several trees within the rear garden, none of which are preserved and several of which are proposed to be removed. A tree report and Arboricultural Assessment has been submitted with the application and the removal of the trees is considered to be acceptable. The laurel hedge is proposed to be retained and as such this would need to be protected during development. This can be dealt with by way of conditions.

### Highways/parking:

The proposed new dwelling would be served by two dedicated parking spaces and a large turning area, which would also offer informal visitor parking. This complies with the recommended guidance contained within the Essex County Council vehicle parking standards.

Whilst neighbouring residents have raised concerns about the potential safety implications of the new access road Essex County Council Highways have been consulted on this application and raise no objection since they consider that, from a highway and transportation perspective, the impact of the proposal is acceptable.

### Other considerations:

#### Land Drainage:

The applicant is proposing to dispose of surface water by main sewer. The opportunity of new development should be taken to reduce the runoff entering the main sewer by incorporating sustainable drainage systems in to the drainage design. Techniques such as green roofs, rainwater harvesting and permeable paving should be given strong consideration. Due to this further details are required regarding surface water drainage, which can be dealt with by condition.

#### Contaminated Land:

All readily available Council held desk study information for this site has been screened and no evidence of any potentially significant contaminating activities appear to have taken place

historically on the proposed site (records indicate that the site formed part of an undeveloped agricultural field until the present dwelling was built at the beginning of the last century and that the site has remained in domestic occupation since this time).

As potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building & hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

**Conclusion:**

A precedent has been set within the surrounding area for backland development such as this and the erection of a detached dwelling within this location would comply with the 'presumption in favour of sustainable development' as laid out within the NPPF and assists in the Council meeting its five-year supply of deliverable housing sites, albeit in a small way.

It is not considered that the new dwelling would be detrimental to the character or appearance of the surrounding area and, due to its location, would not be visible within any street scene. Despite concerns from the neighbouring residents the proposal would not result in any significant loss of amenities to neighbouring residents, primarily due to the retention of the existing large established hedge. This can be retained and protected by way of a condition.

All relevant internal and external space standards have been met and there is adequate parking provided on site. No objection has been raised by Essex County Council Highways, the Councils Tree & Landscape Officer or Land Drainage and as such it is considered that the proposal complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies and the application 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:***

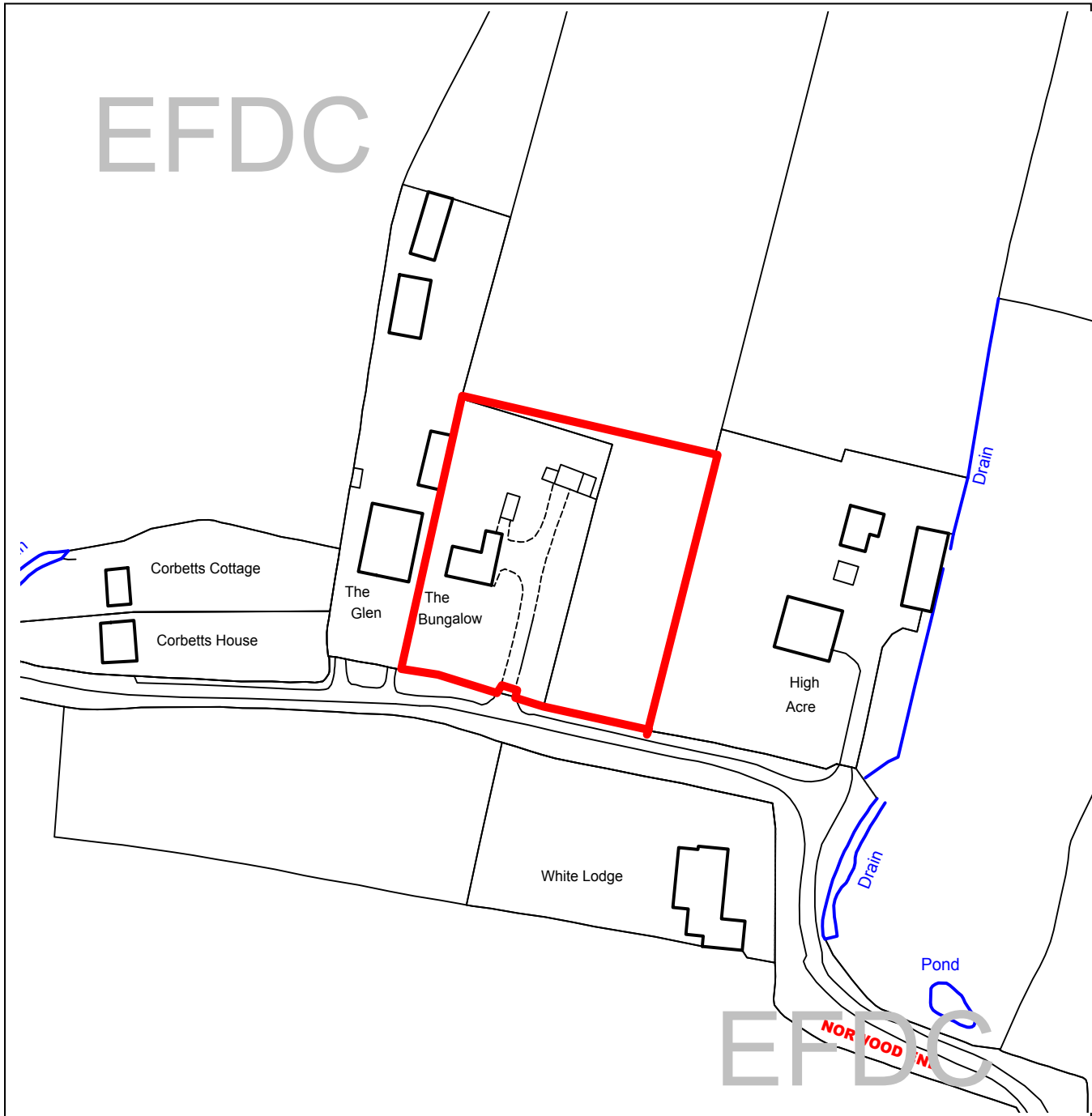
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 8



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1320/16
Site Name:	The Bungalow, Norwood End, Fyfield, CM5 0RW
Scale of Plot:	1/1250

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/1320/16
<b>SITE ADDRESS:</b>	The Bungalow Norwood End Fyfield Essex CM5 0RW
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Garry Hobson
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of a detached bungalow and erection of a detached dwelling (Resubmitted application to EPF/0564/16)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**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=584697](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584697)

**CONDITIONS**

- 1 The proposed replacement dwelling would be materially larger than the existing building and therefore constitutes inappropriate development harmful to the Green Belt. There are no very special circumstances that clearly outweigh the harm to the Green Belt and therefore the proposal fails to comply with the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations.

*This application is before this Committee since it has been 'called in' by Councillor Boyce (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is a detached bungalow located on the northern side of Norwood End. The application site is within the Metropolitan Green Belt and is part of a small enclave containing six dwellings on this part of Norwood End. When originally constructed both The Bungalow and The Glen were identical properties.

**Description of Proposal:**

Consent is being sought for the demolition of the existing bungalow and ancillary outbuildings and the erection of a new two storey dwelling. The new dwelling would measure a maximum of 18.2m in width and maximum of 10.8m in depth with a pitched roof with two front to back gable projections. These would each have a ridge height of 7.9m with the central section of roof between

the two being 7.5m in height. The central section of roof would have a catslide roof to the front with a single pitched roof dormer window.

**Relevant History:**

EPF/0564/16 - Demolition of existing bungalow and erection of a detached dwelling – withdrawn  
04/05/16

**Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
GB2A – Development within the Green Belt  
GB15A – Replacement dwellings  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE4 – Design in the Green Belt  
DBE9 – Loss of amenity  
RP3 – Water quality  
RP4 – Contaminated land

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

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

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

PARISH COUNCIL – None received.

HIGH ACRE, NORWOOD END – No objection to the proposed replacement house however concerned about some inconsistencies/errors on the plans.

**Main Issues and Considerations:**

The key considerations are the impact on the Green Belt, the design and impact on the area, and any harm to neighbours amenities.

**Green Belt:**

Paragraph 89 of the National Planning Policy Framework states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”, however does provide a list of exceptions to this. This includes “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”. Within this exception the key consideration relates to whether the replacement dwelling would have a greater impact on the openness of the Green Belt than the existing building.

The footprint of the existing dwelling on the site is 80.83m<sup>2</sup> and this has a total volume of 295.5m<sup>3</sup>. The proposed new dwelling would have a footprint of 127m<sup>2</sup> and volume of 830m<sup>3</sup>. As such the proposed new dwelling would be 57% larger in footprint and 180% larger in volume than the existing dwelling, which is clearly materially larger than the existing building.

The National Planning Policy Framework states that “*inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances*” and that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”. Paragraph 88 of the Framework states that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt*”.

The matters put forward by the applicant in favour of the proposal are summarised as follows:

- The proposed development involves the demolition of the existing outbuildings;
- The existing building benefits from a permitted development ‘fallback position’; and
- The neighbouring property at The Glen, which was originally the same size as The Bungalow, measures approximately the same as this proposal.

#### *Existing outbuildings:*

There are two outbuildings proposed to be removed as part of this application which have footprints of 16.6m<sup>2</sup> and 35.4m<sup>2</sup> and volumes of 45.38m<sup>3</sup> and 162.84m<sup>3</sup>. When taking into account the outbuildings to be demolished the proposed new dwelling would result in a 4.4% reduction in footprint but still increases the volume of the built form on the site by 64%.

Whilst there is no requirement to include the volume/floor area of outbuildings when assessing replacement houses such ‘trade-offs’ have been given some weight in certain instances. However in this case, even when taking into account the existing outbuildings the proposed replacement dwelling would still be some 64% larger than the existing built form on the site and therefore would continue to be material larger than the existing building(s). As such the removal of the outbuildings would not constitute very special circumstances that clearly outweigh the harm from this inappropriate development.

#### *Permitted development ‘fallback’:*

The existing bungalow has a single storey flat roofed rear addition however there does not appear to be any planning consent for this and the rear projection is visible on the 1972 plotting sheets. Therefore there is a chance that this extension pre-dates planning and would be classed as ‘original’. There have been no other additions to the original bungalow.

The existing dwelling benefits from full permitted development rights and therefore could significantly extend without the need for planning consent. In addition a number of further outbuildings could be erected without prior consent. Whilst the volume of this permitted development has not been calculated it is accepted that there is a likely ‘fallback position’ in this case that could see a significant increase in built form on site. Although this is given some weight in this assessment there has been no lawful development certificates granted, or indeed any plans indicating the level of permitted development fallback, and as such the weight currently given to this matter is fairly limited.

Whilst it is accepted in some instances that permitted development extensions can result in visually intrusive and poor development this is not always the case and it is perfectly feasible that appropriately designed extensions erected as permitted development could be undertaken on this site without causing undue harm to the character and appearance of the area.

#### *Neighbouring property:*

Both The Bungalow and The Glen were originally identical bungalows when erected. Whilst very little has been done to The Bungalow the adjacent dwelling has been extended on several occasions starting in 1966 and most recently obtaining consent in January 2016 to increase the ridge height and insert new dormer windows. As a result of the various extensions the neighbouring bungalow now has a footprint of 146m<sup>2</sup> and volume of 817m<sup>3</sup>.

It is accepted that the extensions added to the neighbouring property are a material planning consideration that weighs in favour of the proposal these extensions have been added over a long period of time, several of them predate the most recent guidance, and the requirements for residential extensions differ to those for new dwellings.

Although nearby development and 'precedent' are material planning considerations each proposal is assessed on its individual merits. Whilst it was clearly considered that there was sufficient justification to allow for the extension of the neighbouring property it is not considered that this matter is sufficient enough to allow for such a materially larger replacement dwelling on this site. It must be remembered that if planning permission is granted for a replacement dwelling, whilst permitted development rights could be removed, the new dwelling in planning terms would be the "original building" and future applications for extensions could only be refused if they were deemed to be fall outside the scope of the policy that allows proportionate extensions over and above the original building. Inspectors have in the past not accepted an argument that where we have allowed a larger house and removed Permitted development Rights further extension should be resisted.

#### *Green Belt conclusion:*

Given the above it is not considered that the matters put forward by the applicant in favour of the development are sufficient enough in themselves, or when considered cumulatively, to clearly outweigh the harm from this inappropriate development. Therefore the proposal would be contrary to the guidance contained within the National Planning Policy Framework and Local Plan policies CP2 and GB2A.

#### Design:

Whilst the proposed new dwelling would be two storeys it would be similar in height to the adjacent one-and-a-half storey chalet bungalow. The overall design of the proposed new dwelling is considered sufficient and would not be detrimental to the character and appearance of the street scene or surrounding area.

#### Amenities:

Given the location of the dwelling within the site there would be no physical loss of amenities to any neighbouring residents. Concern has been raised by the resident at High Acre that some of the submitted plans have incorporated an area of agricultural field into the residential site, however it is clearly stated within the submitted Planning Statement that "*for the purposes of the application we have defined the residential curtilage in red and the remainder of the site in blue*". This is shown on the proposed site plan as the smaller area, excluding the part of the field and could be conditioned as such.

#### Other Matters:

The applicant is proposing to dispose of foul sewage by package treatment plant and surface water by soakaway. The geology of the area is predominantly clay and infiltration drainage may not be suitable for the site. As such further details are required regarding drainage, which can be dealt with by condition.



Domestic dwellings with gardens are classified as a particularly sensitive use that are vulnerable to the presence of contamination. All readily available Council held desk study information for this site has been assessed and no evidence can be found of any potentially significant contaminating activities having taking place historically on the site (records indicate that the site has formed part of a field since at least the 19<sup>th</sup> Century) . As potential land contamination risks are likely to be low it should not be necessary for these risks to be regulated under the Planning Regime. It is the responsibility of the developer to ensure the safe development of the site and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

**Conclusion:**

The proposed replacement dwelling would be materially larger than the existing building and therefore constitutes inappropriate development harmful to the Green Belt. The matters put forward in favour of the development are not sufficient to clearly outweigh this harm and therefore there are no very special circumstances in this instance. Due to this the proposal fails to comply with the guidance contained within the National Planning Policy Framework and policies CP2 and GB2A of the adopted Local Plan and Alterations and as such is recommended for refusal.

**Possible way forward:**

Given the Green Belt designation of the site only a replacement dwelling not materially larger than the one that it replaces would be permitted.

***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:***

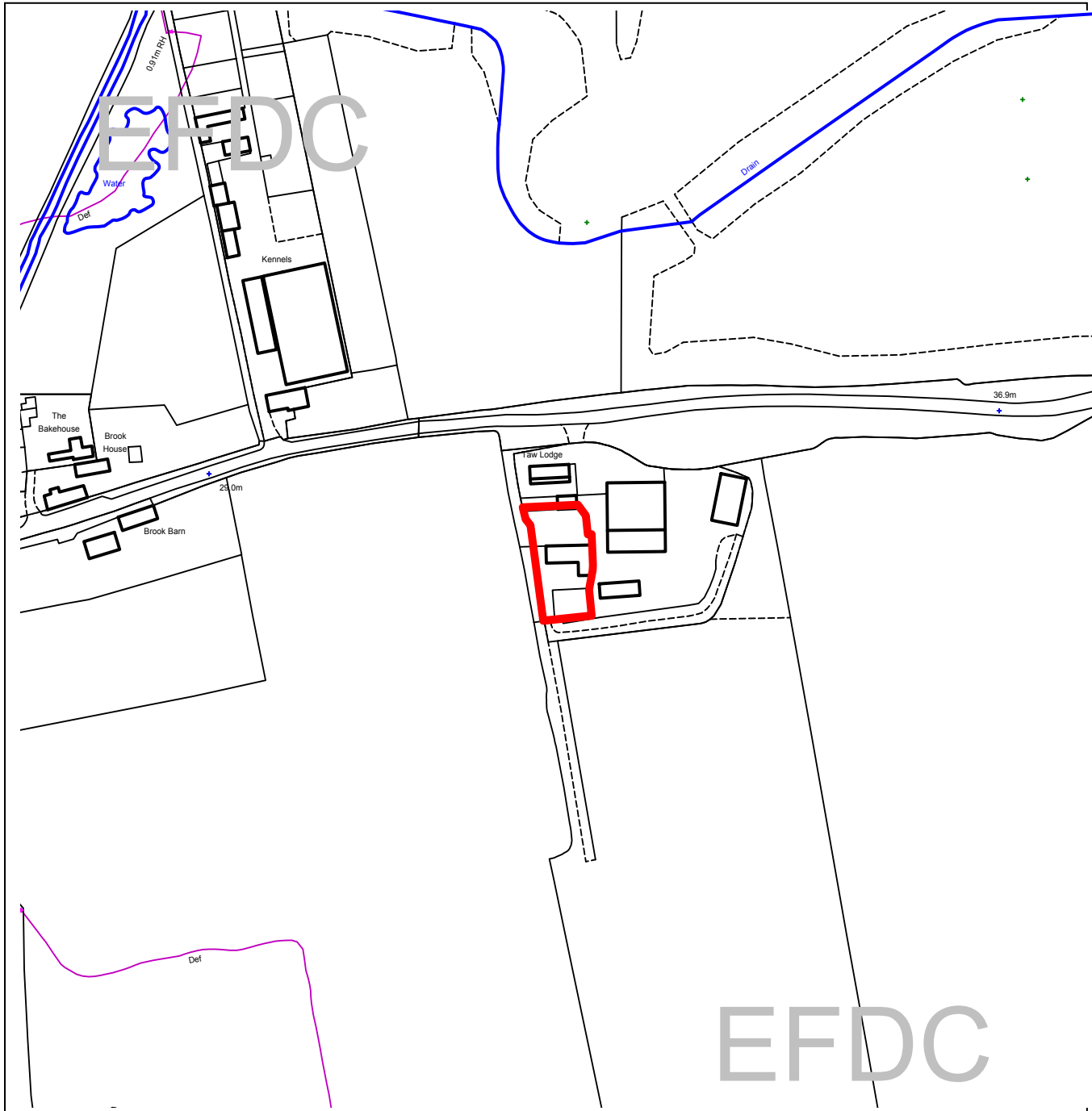
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 9



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1352/16
Site Name:	Land adjacent to Taw Lodge, Epping Lane, Stapleford Tawney, RM4 1ST
Scale of Plot:	1/2500

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1352/16
<b>SITE ADDRESS:</b>	Land Adjacent to Taw Lodge Epping Lane Stapleford Tawney Romford Essex RM4 1ST
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Robert Holloway
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement dwelling with associated landscaping, parking provision, new access, new fencing and 3 new gates.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584775](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584775)

**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 extent of curtilage to the proposed dwelling shall not be any larger than that indicated on the 1/500 block plan on Drawing number 1 hereby approved. This curtilage shall not be extended in the future without the further written approval of the Local Planning Authority.
- 4 The development hereby permitted will be completed strictly in accordance with the approved drawings numbered 1; 2; and 3631/A.
- 5 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 for approval is contrary to an objection from a local council which is material to the planning merits of the proposal, (pursuant to the 'constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A(g)).*

**Description of Site:**

A building contractors depot and yard, together with business workshops and a bungalow, located on the south side of Epping Lane approximately 300 metres to the east of its junction with Hobbs Cross Road. The site lies in the Green Belt.

**Description of Proposal:**

Demolition of existing storage building and erection of chalet bungalow, together with associated landscaping, new access and fencing, and new gates.

**Relevant History:**

The site has a long established use as a contractor's yard, and in addition planning permission was granted under EPF/1789/00 for use of the larger building on the site for class B1 workshops.

**Policies Applied:**

GB2A – Development in the Green Belt  
DBE1 – Design of new buildings  
DBE9 – Loss of amenity.  
ST6 – Vehicle parking.  
CP2 - Protecting the quality of the rural and built environment.

National Planning Policy Framework (NPPF)

**Summary of Representations:**

STANFORD RIVERS PARISH COUNCIL – object – unless this site is exempt from Green Belt rules for reasons of which we are unaware the Parish Council sees no justification for allowing a dwelling to be built in place of a recently built shelter of an insubstantial nature. Any approval would represent serious erosion of the Green Belt. Further, it would set a precedent that a house can be built wherever there is a shed. If Green Belt legislation can be circumvented by simply erecting a structure and then applying for consent for conversion to residential, then we consider this to be an abuse of process.

NEIGHBOURS - 5 consulted and no replies received.

**Issues and Considerations:**

This site as a whole has clearly been used for commercial purposes for a long period of time and meets the definition of brownfield land. The part of the site subject of this application contains a profiled steel clad building, between 3m and 4m in height. It is an 'L' shaped building which is 19m in width, and part 12.8m and 7.4m in depth. Its size and means of construction clearly reflects that the structure is a permanent building and not a temporary structure. The application site is roughly rectangular in shape measuring some 25m by 40m. The area around the storage building is hard surfaced with the exception of a 15m by 12m wide vegetable plot to the rear - which is used in connection with the existing bungalow on the site occupied by the applicant.

The main issue raised by this application is whether the replacement of the storage building, and mainly hard surfaced area, with a chalet bungalow and garden is an acceptable development in the Green Belt. The NPPF has introduced more flexibility for development of brownfield land that lies in the Green Belt. While it states that the construction of new buildings is inappropriate in the Green Belt it lists a number of exceptions to this general rule, with one exception being... *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt..'*

In terms of their comparative impact the volume of the existing storage building is some 600 cu.m and the volume of the proposed chalet bungalow is less at 550 cu.m. While the chalet bungalow will have a higher ridge line its eaves height will be similar to that of the existing storage building, and the proposed dwelling has a smaller footprint than the storage building it would replace. Also a significant area of hard surfacing would be removed to be replaced by a domestic garden. Bearing these points in mind the proposed chalet bungalow would not have a greater impact on openness of the Green Belt, and therefore it meets the 'exception' test set out in the NPPF. Consequently it would constitute appropriate development in the Green Belt.

With regard to the parish council objections it is clear that this storage building was refurbished and reroofed in about 2009, and photographs on the 'planning' file confirm that this substantial building existed in 2010. It is therefore not only a lawful building but also structure that is a lot more than just a 'recently built shelter'. It is therefore unreasonable to suggest that this planning application is submitted to exploit any loophole in the planning process - it is much more likely to have been submitted because the NPPF has now introduced a greater accommodation for new development to be carried out on brownfield land in the Green Belt.

The design of the proposed chalet bungalow is a simple and traditional one, and a condition is proposed requiring external materials to be submitted and approved. The proposed dwelling does not give rise to any loss of amenity issues, and makes adequate provision for off street parking. The proposed side and rear garden would measure some 20 by 25m and the proposed domestic curtilage is considered to be an appropriate size. However, a condition is proposed ensuring that this curtilage cannot be extended without a further approval.

### **Conclusion:**

For the reasons set out above the proposal complies with relevant planning policies, and it is recommended that planning permission be 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:***

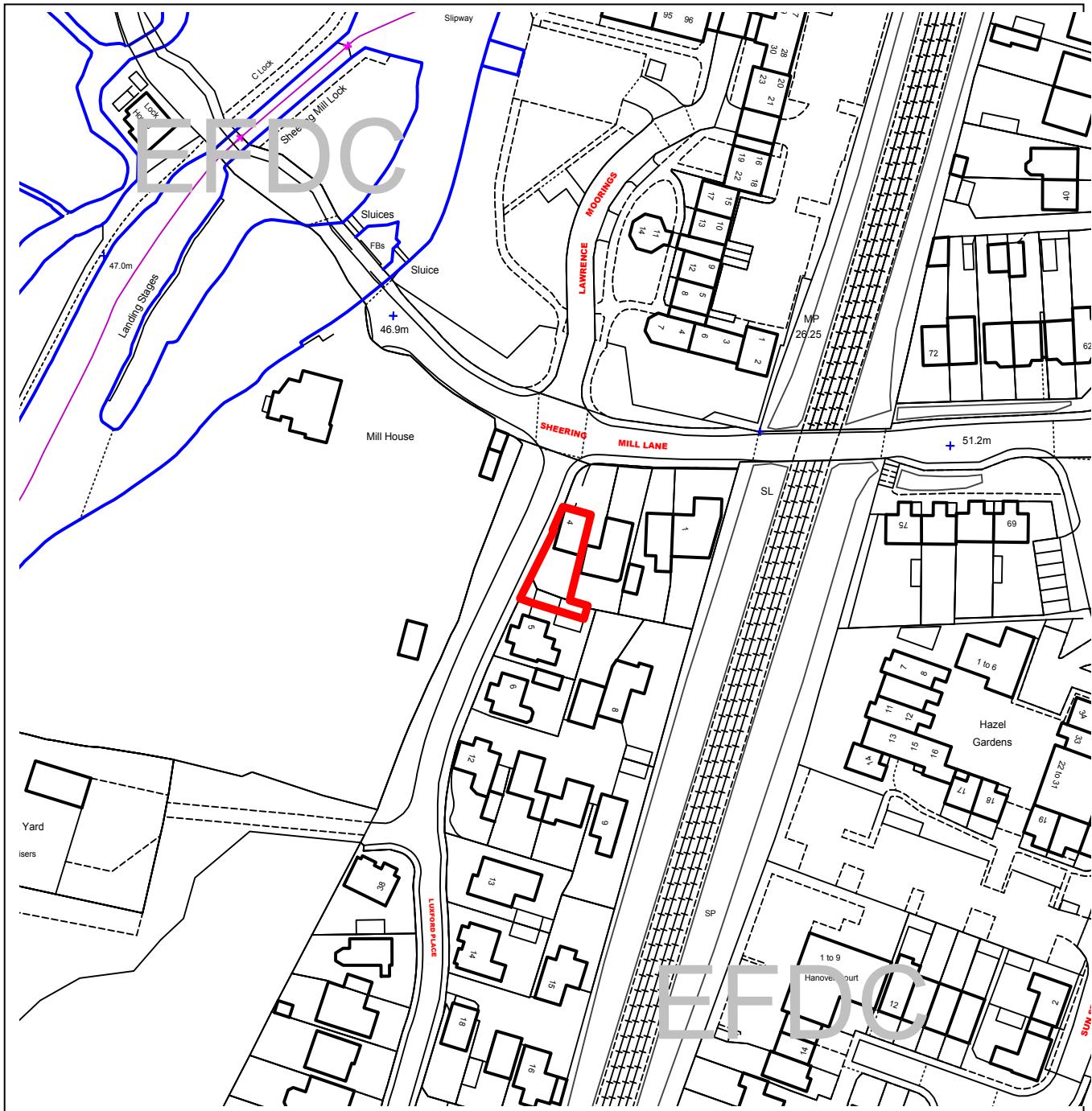
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## Agenda Item Number 10



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1394/16
Site Name:	4 Luxford Place, Sheering, CM21 9JB
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1394/16
<b>SITE ADDRESS:</b>	4 Luxford Place Sheering Harlow Essex CM21 9JB
<b>PARISH:</b>	Sheering
<b>WARD:</b>	Lower Sheering
<b>APPLICANT:</b>	Mr Paul Pritchard
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of existing roof and its replacement with a steeper and higher pitched roof incorporating additional habitable accommodation in roof with a single dormer window and cantilevered first and roof extension to the eastern elevation.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584833](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584833)

**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 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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

Two storey detached dwelling located on the eastern side of Luxford Place with a return frontage to the north along Mill Lane to the north. Views into the site from Mill Lane are limited due to screening along the northern boundary.

The dwelling has been designed as such that its western flank elevation runs parallel with Luxford Place and contains its front door.

### **Description of Proposal:**

Planning permission is sought for the removal of the existing roof and its replacement with a steeper and higher pitched roof incorporating additional habitable accommodation in roof with a single dormer window and cantilevered first and roof extension to the eastern elevation.

The overall height of the dwelling would be increased from approximately 8.25m to 9.5m. This would facilitate the roofspace being used for additional habitable space in the form of two bedrooms one with an ensuite bathroom. A second floor window to the northern elevation along with a small bonnet dormer in the western roof slope would serve these rooms along with a small obscured window in the proposed cantilevered side extension. This side extension would also accommodate an ensuite bathroom to the front bedroom at first floor level with a window to this western elevation.

### **History:**

There is no relevant recorded planning history for the subject site.

### **Policies Applied:**

Local Plan policies relevant to this application are:

- CP2 – Protecting the rural and built environment
- DBE9 – Loss of Amenity
- DBE10 – Residential Extensions

Nation Planning Policy Framework

### **Summary of Representations:**

SHEERING PARISH COUNCIL – OBJECTION

- Effect of the development on the character of the neighbourhood
- Unacceptably high density/overdevelopment of the site
- The proposed development is overbearing, out of scale or out of character in terms of its appearance compared with existing development in the vicinity.

NEIGHBOURS – 15 neighbours consulted – no responses received.



## **Issues and Considerations:**

The main issues to be addressed are as follows:

- Character and Appearance
- Effect on Living Conditions

### *Character and Appearance*

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

In design terms, the proposed raising of the ridge and first floor extension is considered to be in keeping with the character of the host dwelling. The dormer window proposed would appear subservient to the size of the roofslope it would be erected on.

Although the dwelling would increase in height by 1.25m not a great amount of additional bulk is being produced as the width of the dwelling would remain the same as the new roof would still rise up from the existing eaves, just at a steeper pitch. Ground levels do slope gently down from Nos 1 to 4 Luxford Place and the ridge of the resulting dwelling would be higher than its immediate neighbour to the east at 3 Luxford Place; however given the different designs of the dwellings and that the view of the front of these properties from both Mill Lane and Luxford Place are limited due to existing tree screen along the boundary with Mill Lane and the angle at which one would view the houses in relation to each other from Luxford Place, the increase in height is acceptable.

The side extension has been reduced in depth to overcome the issue of overhanging the highway outside of the applicant's ownership and reduces its bulk when viewed from within the streetscene. This would overcome Essex County Council's concern relating to the development encroaching on Highways land. The extension would appear in keeping with the style of the existing dwelling and this cantilevered feature is not uncommon within developments across the district. It would be finished in weatherboarding.

In light of the above, Officers consider that the proposal would not detrimentally affect the character of the area, would not be overdeveloping the building and would not appear overbearing or out of scale in relation to the existing development in the vicinity. Therefore the proposal would comply with policies CP2 and DBE10 of the adopted Local Plan and Alterations.

### *Living Conditions*

Due consideration has been given in respect to the potential harm that the proposed development might have upon the amenities enjoyed by adjoining property occupiers.

The proposal would not result in excessive harm to the amenities of adjoining property occupiers. None of the proposed windows (including the dormer) would overlook neighbouring dwellings.

The increase in height is not considered to materially affect the level of overshadowing to neighbours gardens and would not appear overbearing when viewed from neighbouring plots.

Therefore in conclusion, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policy DBE9 of the Local Plan (1998) and Alterations (2006)

### *Response to Parish Council objections*

The issues raised by the Parish Council have been considered above and the additional reduction in size is considered to overcome the concerns further.

**Conclusion:**

The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and the NPPF. It is therefore recommended that permission be 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: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

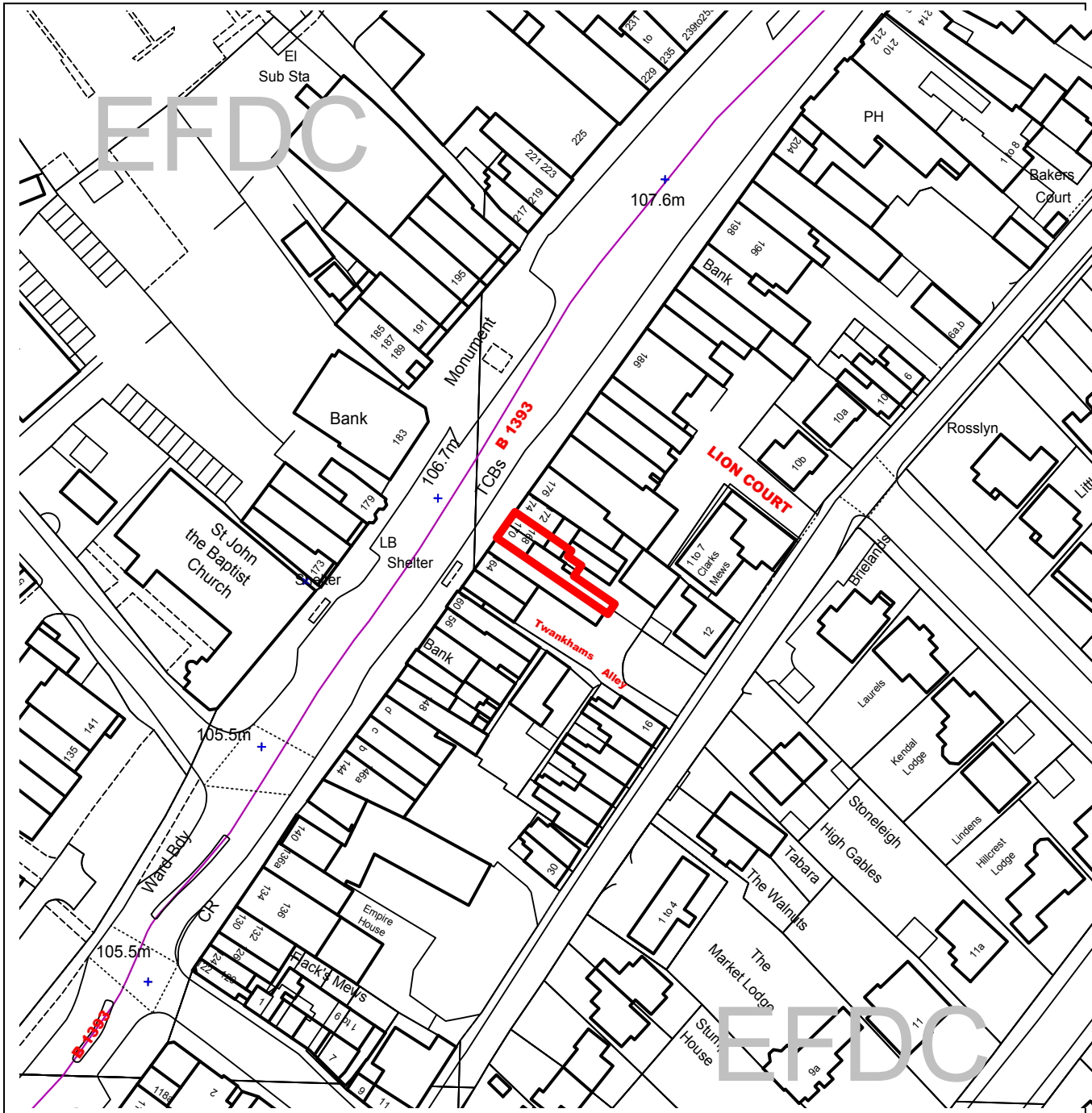
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

THIS PAGE IS INTENTIONALLY BLANK



# Epping Forest District Council

## Agenda Item Number 11



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/1442/16
Site Name:	170 High Street, Epping, CM16 4AQ
Scale of Plot:	1/1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/1442/16
<b>SITE ADDRESS:</b>	170 High Street Epping Essex CM16 4AQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Ms Sharmila Bhoulanath
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from retail (Use Class A1) to restaurant (Use Class A3) to link with the existing restaurant at 168 High Street.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584902](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584902)

**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 A3 use hereby permitted shall not be open to customers outside the hours of 0800hrs to 2330hrs.
- 3 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2017/0076/001, 2017/0076/002, 2017/0076/003.

*This application is before this Committee since it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)*

**Description of Site:**

The application site is a two storey building currently vacant located on the southeast side of High Street, Epping. Immediately adjacent at 168 High Street is an existing restaurant. At first and second floor level above 172/174 High Street are commercial units. To the rear there is ancillary parking connecting with Hemnall Street beyond. There are a number of flats to the rear but these do not appear to be immediately adjacent to the application site.

### **Description of Proposal:**

The application is for the change of use of the ground floor retail unit to merge with the existing A3 restaurant adjacent. Both the ground and first floor levels would be used for an additional 24 covers but as can be seen from the proposed floor plans the use would be restricted to the front part of the building at first floor. The shopfronts would remain in situ however two new internal openings would be created to allow access between the units.

### **Relevant History:**

None

### **SUMMARY OF REPRESENTATIONS:**

30 neighbouring properties were consulted and a site notice was displayed on the 24<sup>th</sup> June 2016  
– No responses received

TOWN COUNCIL – No objections

### **Policies Applied:**

CP1 - Achieving sustainable development objectives  
CP2 - Protecting the quality of the rural and built form  
CP6 - Achieving sustainable urban development patterns  
HC7 - Development within the Conservation Area  
TC3 - Town centre function  
TC4 - Non-retail frontage  
DBE2 - Effect on neighbouring properties  
DBE9 - Loss of amenity

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.

### **Issues and Considerations:**

The main issues to consider are the impact of the development on the Town Centre/key retail frontage, the conservation area, and regarding the potential impact on surrounding properties.

#### **Town Centre:**

The site is within the Key Frontage and as such policy TC4 is of particular importance in any judgement. This is a long established policy which aims to protect primary shopping areas from excessive amounts of non-retail uses. A fall below 70% retail or more than two adjacent units in non-retail use is considered undesirable.

The most recent Town Centre Survey figures (October 2015) for non-retail uses in the Key Frontage in Epping indicate that 31.8% of the frontage is in non-retail use, which is already contrary to the aims and objectives of this policy. In addition, paragraph 11.50a of the policy states that:

“The Council will refuse planning permission for any applications that would result in the 30% non-retail limit being exceeded.”

Although the policy indicates that this proposal should be refused, since the adoption of the Local Plan Alterations in 2006, there have been changes to the permitted development regulations with one of the aims being to facilitate the conversion of units within town centres to other uses. The clear aim is to ensure the planning system plays a part in aiding continued growth to the benefit of the economy.

Paragraph 23 of the NPPF 2012 still suggests that Local Authorities should set policies which identify primary shopping areas and which recognise town centres as the heart of the community. This would suggest that in the long term such policies should remain. It also points out that policies should promote competitive town centres that provide customer choice.

In addition, recent reports point to the fact that in the near future “*retail will have a diminished role in town centre activity*” and that town centres “*should become community hubs with housing, education, entertainment and leisure facilities*” (The Planner November 2013). Furthermore, recent changes to the system aiming to facilitate switches from retail to alternative uses (specifically including A3 uses for a temporary period) point to a trend continuing in the direction of a much more multi-faceted town centre. In a recent appeal decision in Warrington for a change of use from A1 to A3 an Inspector described the local Key Frontage policy as “*an aspiration in the face of current realities*” (APP/M0655/A/13/2198097). He determined that a use which secured an active presence in the Key Frontage and encouraged footfall should be promoted. An A3 use should encourage more footfall than the current vacant A1 use and would continue to retain a primary retail frontage to this unit. Furthermore, the unit will continue to be flanked by retail uses that will ensure that this part of the High Street is well trodden. The applicant proposes to open the restaurant at 11.30am so this would not lead to dead frontage during the daytime which tended to be a concern in the past where restaurants opened in the evening.

In addition to the above, whilst no information has been forwarded from the applicant relating to the vacant premises the ground floor unit itself is smaller than most of the other retail units in the High Street at approximately 20sqm. This would restrict the types of retailers wishing to occupy a unit of this size.

The second criterion of the policy is met as the resulting combined unit would be flanked by a mixed use unit to one side in the form of the Chinese Herbs and Acupuncturist and a bakery with sandwich bar the other side so no more than two non-retail units would be adjacent to each other.

On balance therefore whilst the use would be contrary to criterion (i) of Policy TC4 it is not considered that the use would materially detract from the vitality and viability of the Town Centre which is the thrust of National Policy. Therefore it is considered in this instance that the proposed expansion of an existing A3 use into the adjacent unit is acceptable.

#### Conservation area:

There are no concerns regarding the proposed change of use as it is in keeping with the internal character and appearance of the property and there would be no external alterations required for the proposed development apart from some redecoration which could take place without the need for planning permission. Therefore the application would not have any detrimental impact on the conservation area.

#### Impact on neighbours:

Whilst there are some residential flats close by to the rear it is not considered that the expansion of this existing unit would be unduly detrimental to the amenities of these neighbours by way of noise

or odour nuisance. No noise complaints have been received from the Council's Noise team since the restaurant has been in use and only the front of the building overlooking the high street would be used. Since a new flue has been approved and installed at the rear there have been no complaints relating to odour. The adjacent first floor use above the Acupuncturist is commercial.

However, whilst not anticipated should there be any future nuisance as a result of the proposed use then this can be dealt with by Environmental Health.

**Conclusion:**

Although contrary to criterion (i) of policy TC4, it is not considered that the proposed change of use would have an adverse impact on the vitality and viability of the town centre or have any detrimental impact on the amenities of surrounding residents. Therefore it is considered that the proposed development complies with guidance contained within the NPPF and the relevant Local Plan policies and the application is recommended for approval.

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

***Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564337***

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

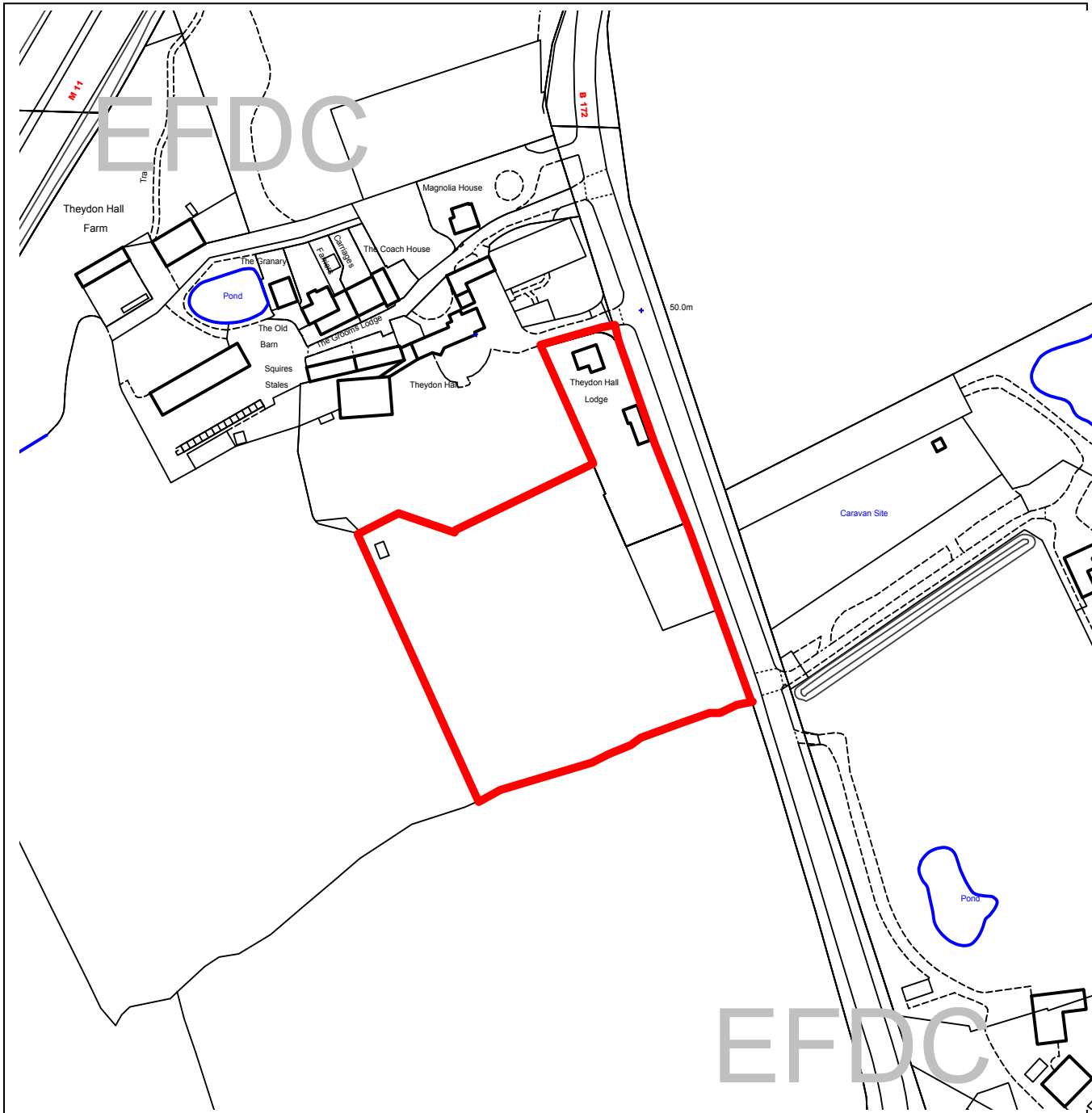


THIS PAGE IS INTENTIONALLY BLANK



# Epping Forest District Council

## Agenda Item Number 12



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1464/16
Site Name:	Theydon Hall Lodge, Abridge Road, Theydon Bois, CM16 7NR
Scale of Plot:	1/1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/1464/16
<b>SITE ADDRESS:</b>	Theydon Hall Lodge Abridge Road Theydon Bois Epping Essex CM16 7NR
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr Roger Mansfield
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of existing storage building into a two-bedroom annexe.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=584924](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=584924)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Theydon Hall Lodge

*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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

Theydon Hall Lodge is located to the east of Abridge Road. The main building lies towards the northern end of the site and comprises a two storey detached house. To the south, abutting the road boundary but set behind the high boundary wall to the site lie two structures; closest to the house is a timber garage building and to the south of this lies the building subject of the application comprising a garage / store and three stable stalls. Vehicle access to the site lies immediately south of this building.

The area around the buildings is laid as gardens and driveway and is visually distinct from the area to the south of the vehicle access, wherein lies an area of hard surface but not maintained to the same standard, and a paddock to the south west.

The site lies immediately south of the entrance to Theydon Hall which is set back from the road and there are other buildings to the north of this is residential use, otherwise the site is generally surrounding by open land. The whole area is within the Green Belt.

### **Description of Proposal:**

The application proposes alterations to the stable / store building to create a two bedroom self contained unit to be used as an annexe to the existing house. Planning permission is effectively required as a variation to conditions imposed on the construction of the building which state:

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1988 (or of any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and for no other purpose whatsoever.

The proposed stable accommodation shall be used solely for the domestic needs and personal enjoyment of the occupants of the dwelling and shall not be used for any form of business or commercial use whatsoever.

The external alterations to the building are all on the west face of the building; two stable doors are replaced by glazed doors and one is bricked up and the garage opening is replaced doors by in the centre with brickwork to the remainder of the opening. No other alterations to the site layout are proposed.

The applicant has submitted a supporting letter confirming the building is intended for use by a dependant relative, his brother, who currently resides in a care home in Sussex with no other relatives in the area, and that he has considered using the accommodation alternatively for his daughter to live in.

### **Relevant History:**

EPF/1152/94 Detached garage and stables in rear garden – approved subject to conditions including the above.

EPF/0500/98 Garden implement building – refused on Green Belt grounds. This building was located south of the vehicle entrance gate.

- EPF/1119/98 Garden implement building –approved. This building is that located north of the application building.
- EPF1421/15 Chalet bungalow with cart lodge and new access – refused on green belt and sustainability grounds. This application proposed a separate unit on the southern part of the land within the site and was substantially different to the current scheme.

### **Policies Applied:**

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

NPPF 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.

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

Date of site visit: 11 July 2016

Number of neighbours consulted: three

Site notice posted: No, not required

Responses received: No response received from neighbours, however local amenity groups Theydon Bois & District Rural preservation Society and Theydon Bois Action Group (TBAG) have both objected to the application. Both groups consider that the size of the unit and nature of the accommodation mean the proposal effectively creates a separate unit which is functionally independent. They raise further concerns that the building is too remote from the main dwelling. Reference is also made to previous applications, including the conditions on the earlier permission and the refused application for a separate dwelling in 2015.

TBAG also refer to there being two accesses into the site which would facilitate independent use but this is incorrect, the access closest to the existing building serves only Theydon Hall and all access to the Lodge site is from the access to the south.

TBAG have also supplied a 2013 appeal decision relating to ancillary residential accommodation within the curtilage of a dwelling house. This is considered further below.

Parish Council: Theydon Bois Parish Council objects to the application and have commented as under:

We would first refer to a previous application no. EPF/1152/94 for a detached garage and stables (now referred to as an existing 'storage building' in the current application) which was approved with the following conditions:

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and for no other purposes whatsoever.

4. The proposed stable accommodation shall be used solely for the domestic needs and personal enjoyment of the occupants of the dwelling'

Further, application no EPF/1119/98 for a new garden implement building was approved and was built and is now being referred to as a separate 'garage'. This 'garage' further emphasises the physical separation of the subject of this application, the 'storage building', from the main dwelling and its positioning within the plot boundary to facilitate independent vehicular access. In addition, a further recent application no EPF/1421/15 to create a new dwelling within the boundary lines of this site as presently shown on the current plans was refused.

The conditions imposed under EPF/1152/94 clearly show there was a concern to specifically restrict the use of this site. The current application would create a fully self-contained new dwelling within the green belt with all services and situated some distance from the main dwelling and in a site situation where separate access and parking could easily be established for each dwelling. The applicant has not demonstrated any special circumstances in support of the current application for consideration and the conditions as above under EPF/1152/94 together with the Green Belt NPPF and Local Plan provisions should take precedence and this application be refused.

Lastly, we are concerned that the plans submitted are misleading in that the plot boundary is lined in red when the boundary should be in blue and only the residential curtilage outlined in red. We would therefore ask that this application should not be considered until the boundary and residential curtilage are correctly defined on submitted plans.

In the event that permission should be granted, we would ask that conditions are imposed which ensure that all future use of this building must remain as an ancillary to the residential use of the main dwelling and not become a separate primary dwelling with independent access and separate permitted development rights."

### **Main Issues and Considerations:**

In considering the application, it is firstly necessary to determine whether the proposal can be considered as ancillary to the dwelling and thereafter to assess the application against national and local policy and assess amenity considerations.

Comments from residents groups and the Parish Council raise matters relating to the siting of the building, and to issues around what may constitute the residential curtilage. While the application does not seek specifically to establish the extent of the residential curtilage, it is evident on site that the building does lie within the part of the site that is recognisable as such..

The appeal decision submitted with the comments provides useful comment. That decision, relating to a Lawful Development certificate, identifies that there should be some functional relationship between the primary use and the ancillary use. The Inspector also cites the case *Uttlesford DC vs SSE & White (1992)* where the Court considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit, it is a matter of fact and degree.. The Inspector further stated that if the outbuilding remains part of the same planning unit, and the planning unit remains occupied in single family occupation, then no material change occurs. In the appeal case, the Inspector identified evidence of physical separation between the dwellings including separate gardens fenced off (which is evidently not the case with the current application).

Officers are satisfied that there is physical connection between the two buildings. Irrespective of the precise distance between the buildings, they clearly lie within residential part of the site, share the same access and are not visually or physically separate; in fact it would not be possible to separate without significant and disruptive alterations to the grounds.. Planning permission would be required to utilise the unit as a separate dwelling and this is not what has been applied for here.

Given the length of time since the original consent for the building it is not considered that there has been any intention to deceive,. The building was clearly built and used for its then stated purpose.

In Green Belt terms, the development is not proposing any additional built development or expansion of curtilage, nor does it result in the creation of a new dwelling and as a result does not adversely impact on the protection of the Green Belt. In amenity terms, buildings on adjoining sites are some distance from any common boundaries and no adverse impact results. The physical alterations to the building are minor and raise no design concerns.

While noting the conditions imposed on previous permissions, officers consider these specifically related to the issues arising from the application proposals and were not intended to permanently preclude consideration of any other use of the buildings.

**Conclusion:**

The proposal meets the key tests for ancillary accommodation in that the building lies within the established residential curtilage, is not physically separate within the site and shares the same access. The previous conditions, which the application effectively seeks to remove, were not intended to prevent any alternative use, simply to ensure that such a use was considered through the appropriate process.

***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:***

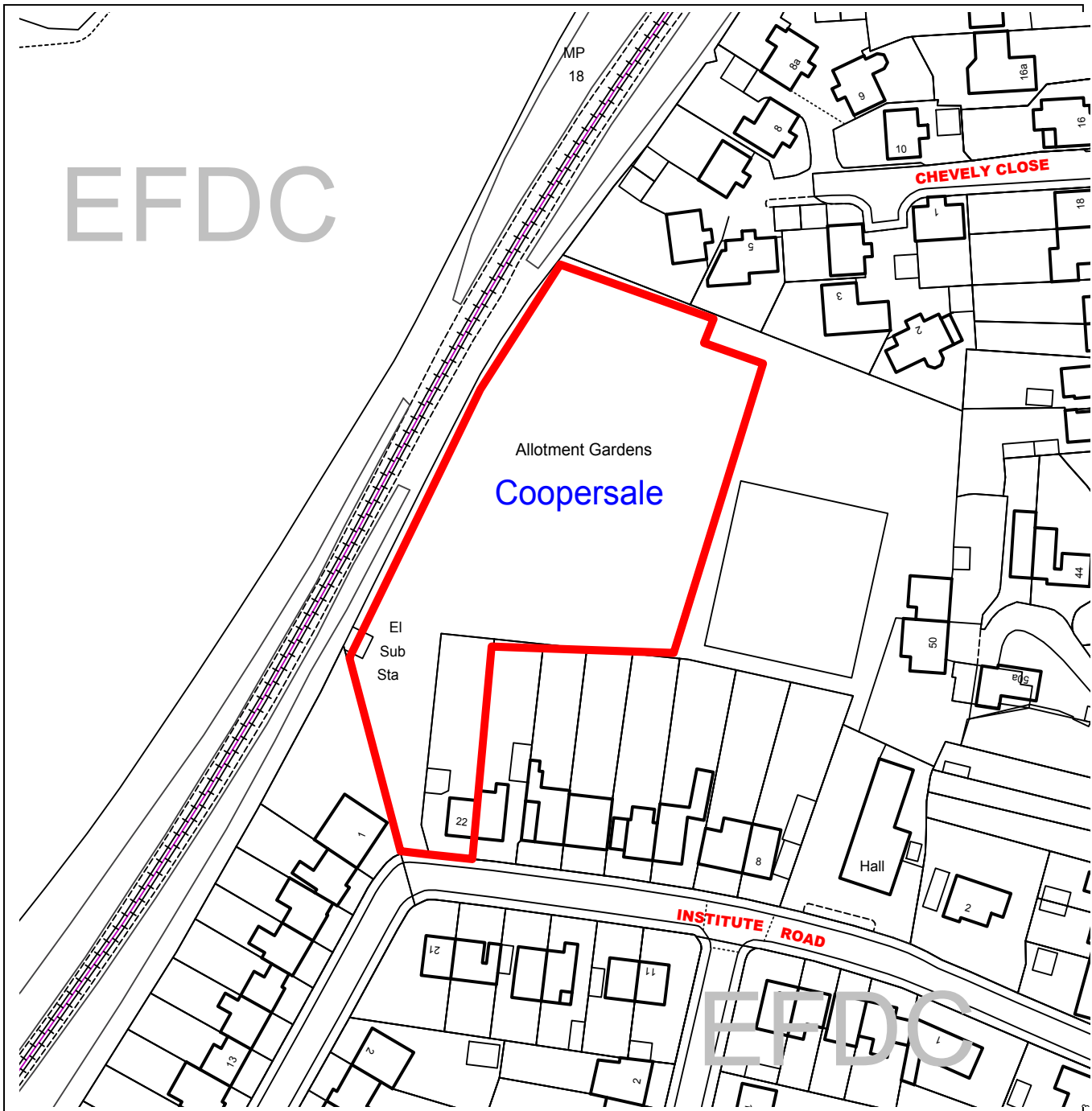
***Planning Application Case Officer: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

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



# Epping Forest District Council

## Agenda Item Number 13



Unauthorised reproduction infringes  
 Crown Copyright and may lead to  
 prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
 Crown Copyright 2013 EFDC License No:  
 100018534

Contains Royal Mail Data. © Royal Mail  
 Copyright & Database Right 2013

Application Number:	EPF/1549/16
Site Name:	Allotments rear of 8 to 22 Institute Road, Coopersale, Epping, CM16 7QY
Scale of Plot:	1/1250



**Report Item No: 13**

<b>APPLICATION No:</b>	EPF/1549/16
<b>SITE ADDRESS:</b>	Allotments rear of 8 to 22 Institute Road Coopersale Epping Essex CM16 7QY
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Phillip Wright
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 19 dwellings, including access, parking, amenity and landscaping, re-submission following the refusal of application EPF/2163/15
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585157](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585157)

**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:001. 200.0.18, 201 0.6, 202 02, 203 0.3, 204 0.3, 205 0.2, 206 0.0, 207 0.3, 208 0.3, 209 0.2, 211 0.3,
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until details of foul and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 5 No development shall take place until wheel washing or other cleaning facilities for vehicles leaving the site during construction works have been installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.

- 6 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garage(s) hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 7 Before any preparatory demolition or construction works commence on site, an ecological mitigation strategy for the site shall be submitted to the Local Planning Authority for agreement in writing with a working methodology for site clearance and construction work to minimise impact on any protected species and nesting birds. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 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 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.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

- 11 The turning area shown on the approved plans shall be provided prior to the first occupation of the site and retained thereafter free of obstruction to enable a vehicle to turn and leave in a forward gear.
- 12 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 tools. 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.
- 13 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]
- 14 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]
- 15 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]

- 16 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.
- 17 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.
- 18 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.
- 19 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.

- 20 Prior to the first occupation of the development the access arrangements and visibility splays shown in principle on drawing number 410.201 rev 06, including the implementation of a Traffic regulation Order for parking restrictions in the vicinity of the site access on Institute road, shall be fully implemented and maintained as such in perpetuity.

**And subject to the applicant first entering into a Legal Agreement under Section 106, to secure 6, two bed apartments as affordable rented accommodation and 3, three bed dwellings as shared ownership units. The agreement must be completed before the 5<sup>th</sup> of September 2016 unless an alternative date has been agreed in writing with the Local Planning Authority.**

This application is before this Committee since;

*it is an application contrary to the provisions of an approved draft Development Plan or Development Plan, and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(a)), and, it is an application for residential development consisting of 5 dwellings or more (unless approval of reserved matters only) and is recommended for approval (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(d)), and, it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).) and, 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 consists of privately owned former allotment land located to the rear of properties in Institute Road, Coopersale, bounded to the west by the Epping to Ongar railway line and to the north by properties in Chevely Close. To the east there is a hard court belonging to the adjacent village hall and further allotments. Access is at a sharp bend in the road between number 1 Laburnum Road and number 22 Institute Road, via a gated track. The site itself amounts to approximately half a hectare in area and slopes gently up from south to north. There are trees and hedgerows around the perimeter of the site and it is currently overgrown. The site is not within the Metropolitan Green Belt or a Conservation Area.

### **Description of Proposal:**

The application under consideration is for the erection of 19 dwellings consisting of 6 two bed apartments (with shared ownership) in a 2.5 storey block, 5 three bed houses and 8 four bed houses.

The proposal is that the 6 apartments will be affordable rented units and 3 of the three bed houses will be shared ownership, the remaining houses would be open market housing.

The dwellings are traditionally designed 2 and 2.5 storey dwellings set around a cul de sac. The proposed houses all have on site parking for at least 2 cars and the flats each have 2 allocated spaces. In addition 5 visitor parking spaces are proposed close to the entrance to the site.

### **Relevant History:**

In 1964 Outline Planning permission was refused for development of the allotments as a residential estate, on Green belt and access grounds. EPF/2163/15 for 18 dwellings was refused on the basis that inadequate affordable housing was proposed. That decision is currently at appeal.

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
CP3 – New development  
CP6 – Achieving sustainable urban development patterns  
CP7 – Urban form and quality  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE8 – Private amenity space  
DBE9 – Loss of amenity  
H1A - Housing provision  
H3A - Housing Density  
H4A - Dwelling mix  
H5A – Provision of Affordable housing  
H6A - Thresholds for Affordable housing  
H7A - Levels of Affordable Housing  
H8A - Availability of Affordable housing in Perpetuity  
LL5 – Protection of Urban open Spaces  
LL6 – Partial Development of Urban Open Spaces  
LL10 – Adequacy of provision for landscape retention  
LL11 – Landscaping schemes  
ST1 – Location of development  
ST4 – Road safety  
ST6 – Vehicle parking  
U3A – Catchment effects  
U3B – Sustainable drainage Systems  
RP4 – Contaminated Land  
RST13 - Allotments

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:**

158 neighbours were consulted and a Site Notice was displayed,

OBJECTIONS were received from the following addresses:

6, 7 CHEVELEY CLOSE,

2, 6, 17 , 35 LABURNUM ROAD

14, 15, 16, 18, 20 INSTITUTE ROAD

66A COOPERSALE COMMON

2 St ALBANS ROAD

EPPING SOCIETY

The objections received relate to the following issues;

- Harm to highway safety, due to increased traffic on very narrow road where cars frequently park on the pavements and there is congestion particularly when the adjacent hall is in use. Also concern over increased use of the junction of Institute Road with Coopersale Common, which is seen to be dangerous. Concern that the traffic survey was carried out at wrong time and in wrong way giving false results. Proposed access inadequate and dangerous. Inadequate access for emergency vehicles.
- Inadequate parking provision within the site. likely to result in increase in on street parking in surrounding roads, which are already over parked. Loss of on street parking in Institute Road will cause inconvenience.
- Development is too large for the village out of character with the rural/village nature of the area, flats and houses not in keeping with local design and layout.
- Harm to residential amenity and highway safety during the construction period, with heavy vehicles likely to cause damage and congestion as well as noise and disturbance.
- Loss of the allotments, which have not been well advertised and some local people showed interest in them but received no reply to their calls. Deliberately kept vacant in order to enable redevelopment. Contrary to original intentions when land was given over for recreation of villagers
- The development will cause loss of light and privacy to numbers 5 and 6 Chevely Close, due to proximity to south facing rear gardens and windows. Proposed boundary planting will cause additional loss of light.
- Both the local school and the local doctor's surgery are oversubscribed and the development is not therefore sustainable.
- Inadequate water pressure in the area to meet the needs of the new development.

- Electricity problems in the locality with frequent power cuts at peak times. This will make it worse.
- Loss of important natural habitat.
- Development will be harmful to quality of life of surrounding residents and the village community.
- The opportunity should be taken to improve facilities for the community which has been growing over the years with now new facilities.
- Harm to tree in my garden
- Proposed garages too close to rear garden.
- Loss of light outlook and privacy.

TOWN COUNCIL - Committee Object to this application. Whilst committee note the new application, their major concerns have not been addressed. The access to the site for both vehicles and pedestrians is not adequate and is likely to lead to an excessive degree of traffic congestion and have an adverse effect on the character and environment of the existing area, contrary to ST4.

The NPPF, para 32 states that safe and suitable access to the site should be achieved for all people. This would also have a detrimental effect on neighbouring properties in terms of noise nuisance and disturbance, contrary to DBE2 and DBE9.

Committee also have concerns over the capacity of the existing infrastructure to cope with an additional 19 dwellings (including doctors and schools) and the removal of vital street lighting, in accordance with policies CP3(i) and U1. The position of street lighting would result in loss of amenity for neighbouring properties in terms of light nuisance (policies DBE2 and DBE9)

The planning system has a social role in supporting strong, vibrant and healthy communities, by providing not only the housing required to meet present and future generations but also creating accessible local services that reflect the community's needs and supports its health and cultural well-being.

### **Main Issues and Considerations:**

This application is very similar to the previous application EPF/2163/15 which was refused for only one reason;

The proposed development fails to provide an adequate amount of suitable affordable housing on site despite an independent assessment showing that such development would be economically feasible. The development is therefore contrary to Policies H4A, H5A, H6A H7A and H8A of the Adopted Local Plan and Alterations.

The key issue is therefore whether the affordable housing element now on offer is sufficient to overcome that previous reason for refusal, however this report will also cover the suitability of the site for such a development, affordable housing considerations, amenity considerations, design, highway and parking considerations, trees and landscaping, ecology, land contamination, flooding and drainage.



### Suitability of site:

The site is within the urban area of Coopersale, is privately owned, but has been used as allotment land.

Policy RST13 of the Local Plan states:

“The Council will: (i) Not permit the development or change of use of existing allotment sites unless adequate replacement facilities are provided in close proximity: and (ii) seek to provide conveniently located allotments should there be a satisfactory demand.”

At present the applicants argues that only one of the allotments is utilised and that there are other allotment sites available close by. They also state that the allotments have been marketed but that there was only very limited interest which emphasises the lack of demand. They have provided a report that details this. Whilst objectors have raised issue with the extent and veracity of the marketing exercise it is clear that the site has not been heavily used as allotment land for many years. This is privately owned land and there is no way to insist that the owners of the land keep it in such use. The allotment society has been consulted on the application but no response has been received. The land is not identified as Statutory Allotment land and is therefore not statutorily protected.

Given the current significant housing need in the District and the lack of a five year housing land supply, it is considered that this kind of site, outside of the Green Belt, can be suitable for residential development. In addition whilst the site can currently be regarded as Urban Open Space, which, in dense urban areas we would seek to retain for the benefit of the community, this site is within close proximity of public footpaths with access to the surrounding rural area, open spaces and Epping Forest and as such the need to retain such open space is less critical.

The site is largely hidden from public view by the surrounding housing and is therefore not as important as many urban open spaces with regard to contributing to the character and amenity of an area.

The site is within a relatively sustainable location close to the village shops and facilities.

On the basis of the above it is considered that the site is suitable for residential redevelopment.

### 5 Year Housing Land Supply

Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.

The Council is currently in the process of preparing a new Local Plan where sites will be identified for residential development however the latest figures reveal that the Council can currently only demonstrate a 1.35 year supply of land for housing purposes. Due to this it has been shown in several recent appeal decisions, both within and outside of the District, that such a lack of a demonstrable five year supply of housing weighs in favour of granting planning permission.

### Affordable Housing

The site is within a settlement with a population of less than 3000 and is a green field site, as such there is a requirement under current policies for 50% of any residential development to be affordable housing.

The current proposals would provide 6 no. 2 bed flats as affordable rented accommodation and 3, three bed shared ownership dwellings. This means that 9 out of the 19 dwellings would be

“affordable” within the current definitions, which amounts to 47%. This is a significant improvement over the previously refused application EPF/2163/15, which included only 6 apartments for shared ownership with no affordable rented properties.

The Council’s Senior Housing Development Officer has been involved in the negotiations with regard to the affordable housing provision within the application, and whilst the affordable housing provision is not at the level and in the form that the Council would normally support he considers that there are factors which weigh in favour of the proposal such that it can now be supported.

*“The Council currently has in excess of 1,500 applicants on our Housing Register, and the proposed provision of affordable housing at this location would assist in providing much-needed affordable rented housing. I would confirm that the location is sustainable in terms of the provision of affordable rented housing for sufficient numbers of applicants already on our Housing Register.*

*In addition, as you are aware, property prices are very high in the Epping Forest District. Indeed, as evidenced by the National Housing Federation in their annual “Home Truths” studies, the ratio of average property prices (and lower quartile property prices) to average earnings is consistently the highest in Essex - and is within the highest 5 local authority Districts in the East of England. Therefore, the inclusion of an element of shared ownership is welcomed.*

*As you are aware, under Policy H6A of the Council’s Local Plan, in settlements with a population of 3,000 population or less, the Council will seek affordable housing on developments comprising 2 or more dwellings on a greenfield site (subject to the site area being 0.1Ha or larger) or 3 or more dwellings on a previously developed (i.e. “brownfield”) site (subject to the site area being 0.2Ha or larger).*

*On such sites, under Policy H7A of the Local Plan, 50% of the total number of dwellings will be sought as affordable housing on either greenfield or brownfield sites (or 33% where there is a total of only 3 dwellings).*

*Since this proposal is on a previously developed (i.e. brownfield) site in Coopersale, which I understand is a settlement with a population of less than 3,000, and only 9 of the total 19 dwellings (47.4%) are proposed as affordable housing, the affordable housing provision is just under the level that we would normally expect.*

*However, I confirm that the level of affordable housing reflects what we agreed through negotiations and is therefore acceptable.*

*Since 3 of the affordable housing dwellings will be delivered as shared ownership units, which is slightly more than the maximum 30% allowed by the requirements of the Council’s Shared Ownership Policy, it is important that the other requirements of the Council’s Shared Ownership Policy are met.*

*It needs to be understood that the mix of the affordable housing, compared to the mix of the market housing, is the main aspect with which the proposal does not meet the Council’s normal expectations.*

*Ordinarily, the property mix for the affordable housing should reflect the property mix of the market housing, in terms of the ratio of 1, 2, 3 and 4 bedroom properties, which this application clearly does not.*

*However, I confirm that the mix reflects what we have agreed through negotiations and is therefore acceptable.*

*The Council would want to see the affordable housing provided by (i.e. sold by the developer to) one of the Council's Preferred Housing Association Partners.*

*This will be part of the legal agreement under Section 106.*

*Despite the fact that the affordable housing provision is not at the level and in the form that the Council would normally support, and only because the proposals meet other important planning objectives - particularly an improvement on the current usage of the land - the affordable housing proposals are supported."*

On the basis of the above the question is whether the early development of this site which is not Green Belt and is located in a relatively sustainable location for much needed housing is sufficient to outweigh the usual policy requirement for 50% affordable housing reflective of the overall housing mix within the development.

Given that the proposals are now relatively close to meeting the current policy requirement, it is not considered reasonable to further delay development of much needed housing in the hope of achieving a marginal increase in affordable provision, particularly bearing in mind that in the longer term the Government is seeking changes to the definition of affordable housing which may lead to a significant change to our current policy requirements.

#### Amenity considerations:

The development is located such that very few properties are likely to be impacted by the built development. Whilst concern has been raised regarding overlooking and loss of privacy to the rear of properties in Institute road, the back to back distance is approximately 40m which is well in excess of the standard requirements, so there will be no adverse overlooking or loss of privacy. The other two properties most likely to be impacted are numbers 5 and 6 Chevely Close. These properties have shallow rear gardens bounded by the application site and whilst there are some existing trees along this boundary they are relatively sparse in winter. There is concern that the bulk and massing of the proposed nearest dwellings, which will be 2.5 storeys in height will have an adverse impact on light and outlook from these dwellings. Since the original submission the plans have been amended to remove side facing windows that would have overlooked these properties, in addition the houses have been handed, so that the greatest mass of the building is now set away from these properties. The orientation of the properties in Chevely Close is such that they are not facing directly on to the application site, and although there will be some loss of outlook and a greater sense of enclosure, it is not considered that there will be excessive loss of residential amenity as a result of the development, provided suitable landscaping, which is not of excessive height, can be provided along the shared boundary. This can be covered by a landscaping condition.

Concern has been raised regarding the impact of the proposed garage buildings on plots one and two which are close to the rear garden boundaries of properties in Institute Road, However these are some distance from the rear of the dwellings and will not cause an excessive harm to residential amenity.

The previous application was not refused on the grounds of any harm to residential amenity.

#### Design and layout

The development which results in the creation of a cul de sac off Institute Road provides a logical way of developing this site. The buildings are set more than 45m back from the access and will not be read as part of the street scene of Institute Road. The design of the buildings is relatively

traditional with pitched roofs, gables and dormers and an appropriate palette of materials. Development provides a unified development which with suitable landscaping will provide an attractive street scene. There would not be excessive inter-overlooking between the properties and they will provide a good standard of accommodation with adequate private amenity space.

Whilst this proposal has achieved one additional dwelling over the previously reused scheme, this is achieved without harm to the basic layout and character of the development which was previously considered acceptable.

#### Parking provision/Highways:

It is acknowledged that Institute Road and the surrounding roads are narrow and suffer from on street parking, it is important therefore to ensure that the proposed development does not add to this problem.

The Essex County Council Vehicle Parking Standards require two parking spaces for every 2+ bed residential unit, plus 0.25 visitor spaces per unit (rounded up). The proposed development, originally indicated only one space for each of the two bed flats, but this has since been rectified. The scheme now more than meets the adopted standards, with 2 spaces for each of the flats, a space and a garage for the 3 bed units, and two spaces and a garage for each of the 4 bed units plus 5 visitor spaces. The garages and spaces are to the required Essex parking standard size, and conditions can be attached to prevent the loss of the garage spaces to other uses.

The proposal includes improvements to the existing access and adequate sight lines are achieved. The road and parking layout meets the required standards and there is no objection, subject to conditions, from Essex as the highway Authority. Adequate turning space is available and the site will be accessible to larger service vehicles.

Concern has been raised with regard to the increase use of the junction of Institute Road with Coopersale Common, which is perceived as a dangerous junction, this has been investigated but this is an existing heavily used junction within a 30 mile an hour area and it is not considered that and the increase in traffic from this relatively small development would have an adverse impact, the additional movements generated even at peak times will be relatively small. The accident data for the last 5 years and there are no recorded accidents at this junction or along Institute road

The applicants have offered to make an application to County for the introduction of double yellow lines in Institute road in order to reduce the on street parking and visibility problems that currently exist, particularly when the adjacent hall is in use, and Essex County Highways consider that these restrictions are appropriate and can be required by condition.

There are no highway objections to the proposal subject to appropriate conditions.

#### Trees and landscaping

Tree and landscaping details were submitted with the application which indicate that trees along the boundaries of the site can largely be kept; only poor quality or category c trees are to be lost. There are no preserved trees at the site. The tree and landscape officer is satisfied that a suitable landscape scheme can be achieved at the site and that the development is appropriate in landscape terms so has raised no objection subject to conditions.

#### Ecology and wildlife

The site is significantly overgrown and at the pre application stage the applicant was advised to carry out a phase one habitat survey, they submitted with the application a phase 1 survey

An ecological assessment was submitted with the original application including an assessment for protected species and the ecological impacts of the development together with suggested mitigation.

This identified that the site provides a habitat for reptiles as slow worms were found, there is in addition medium potential for bats, high potential for breeding birds, low potential for badgers, medium potential for hedgehogs, low potential for dormice, low potential for Great crested newts and negligible potential for water vole and otter.

The report recommended additional surveys for reptiles and bats and these have now been carried out and submitted in support of the current application. The Council's Countryside Manager is satisfied that with suitable mitigation as set out in the submitted reports the ecological value of the site can be maintained and the development is acceptable.

#### Contaminated Land:

A preliminary risk assessment indicates that there are potentially unacceptable risks of contamination on this site given that residential properties are considered a particularly vulnerable use; as such the contaminated land Officer has suggested the imposition of our standard contaminated land conditions to ensure that this is fully investigated and where necessary mitigated prior to development.

#### Flooding and Drainage:

The site is not within flood zones 2 or 3 where we would seek to restrict residential development , but The proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Major developments are required to demonstrate that they have given priority to the use of SuDS in line with the Ministerial Statement made on 18 December 2014

A Flood risk assessment has been submitted and the applicants are in consultation with our land drainage section. It is clear that a scheme can be provided which will meet SuDs requirements and it is therefore considered that conditions can be applied to ensure suitable surface water drainage is provided. In addition land drainage consent is required.

#### **Other issues**

##### *Water pressure and electricity problems.*

Concern has been raised that the water pressure in the area is low and that there are problems with the electricity supply. Whilst these issues can be material to planning it is not considered that the scale of the development here is such that such matters would be grounds to refuse the application. It is for the providers of these services to ensure that adequate provision is made.

##### Inadequate school and GP places available.

Considerable concern has been raised with regard to the lack of primary school facilities and doctors in the vicinity. With regard to the primary school provision the education authority did confirm at the pre application stage that there is a shortfall in primary and early years provision in the locality, and suggested the imposition of a legal agreement to provide contributions towards such provision. Since then, however the ability to require such contributions has been severely restricted such that County are only requesting such contributions with regard to particularly major development.

Whilst the pressures are acknowledged, given the overriding need for additional residential development throughout the District it is not considered that the relatively small increase proposed will lead to such pressure as to warrant refusal of the application.

Parking, noise, disturbance and damage to roads and pavements during construction.

Considerable concern has been raised with regard to these issues, which is understandable due to the proximity of large numbers to residential properties and the narrowness of the surrounding road network. These are not material to the determination of the application, but a condition can be applied which requires details of the site management during construction to be agreed prior to commencement. This can cover how deliveries are handled, and the provision of storage parking and turning space within the site. In addition restrictions to the hours during which works can take place can be applied.

**Conclusion:**

Whilst the proposal still falls slightly short of the required 50% affordable housing provision it is considered that given the lack of a demonstrable 5 year housing land supply and the changing government emphasis and definitions of affordable housing, the marginal shortfall is not sufficient to warrant refusal of this application which will provide much needed housing. The proposals are therefore considered sufficient to overcome the previous single reason for refusal. In all other aspects the application is in general accord with the NPPF and the adopted policies of the Local Plan and Alterations and is therefore recommended for approval subject to conditions and to the prior completion of a legal agreement under section 106, to secure the affordable housing.

***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: Jill Shingler  
Direct Line Telephone Number: 01992 564228***

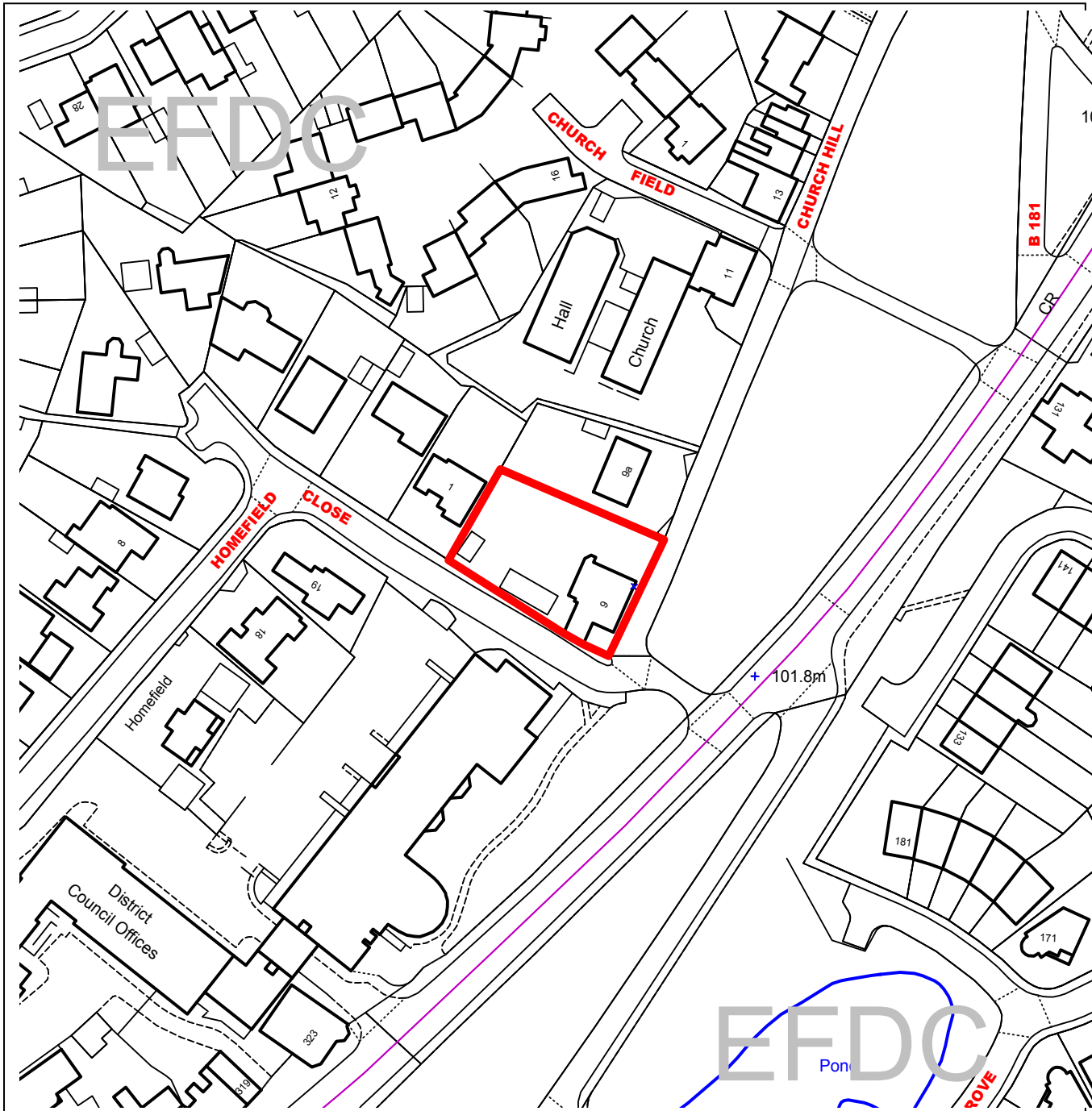
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

THIS PAGE IS INTENTIONALLY BLANK



# Epping Forest District Council

## Agenda Item Number 14



Unauthorised reproduction infringes  
Crown Copyright and may lead to  
prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

Application Number:	EPF/1572/16
Site Name:	9 Church Hill, Epping, CM16 4RA
Scale of Plot:	1/1250



**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/1572/16
<b>SITE ADDRESS:</b>	9 Church Hill Epping Essex CM16 4RA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Alan Dickinson
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of the existing single and 1.5 storey garage/store with the erection of a replacement single storey and 1.5 storey outbuilding providing ancillary accommodation to the main house
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=585218](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=585218)

**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 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Dane Lodge, 9 Church Hill, Epping.
- 4 Additional drawings that show details of proposed new windows, doors, rooflights, eaves, verges, fascias, cills, and structural openings, by section and elevation at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works.
- 5 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: Scheme of Delegation, Appendix 3)*

### **Description of Site:**

The application site currently contains a large detached two storey dwelling with a collection of outbuildings located on the corner of Church Hill and Homefield Close. The dwelling is locally listed and sits within Epping Conservation Area.

Immediately adjacent to the site to the north and west are residential dwellings, and on the opposite junction of Homefield Close are the Council Offices. Adjacent to the site to the east is public open green space.

### **Description of Proposal:**

Consent is being sought for the demolition of the outbuildings to the rear of the property and the erection of a replacement outbuilding. The proposed new detached building would measure 11.9m in depth and 5m wide. The building would be formed from two sections and would be used as ancillary residential accommodation. The section closest to the dwelling would be single storey with a ridge height of 4.5m and the furthest section would be two storeys with a maximum ridge height of 6.2m.

### **Relevant History:**

EPF/3024/15 - Demolition of a two storey extension and conservatory on the rear elevation of Dane Lodge and its conversion into three apartments, the demolition and replacement of the rear outbuildings to provide one apartment and the erection of a new detached two storey building providing two mews houses, together with the provision of associated on-site covered parking and a bin store – refused 16/03/16 (currently being appealed)

### **Policies Applied:**

CP2 – Protecting the quality of the rural and built environment  
HC6 – Character, appearance and setting of conservation areas  
HC7 – Development within conservation areas  
HC13A – Local list of buildings  
DBE1 – Design of new buildings  
DBE2 – Effect on neighbouring properties  
DBE3 – Design in urban areas  
DBE9 – Loss of amenity

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:**

3 neighbouring properties were consulted and a Site Notice was displayed.

TOWN COUNCIL – Object to this application. Whilst committee note the new application, many of their concerns have not been addressed in this new proposal. The proposal is an overdevelopment of the site in terms of its mass and scale; it does not respect the character and setting of the conservation area and does not appear ancillary to the main accommodation. The proposal would have a detrimental effect on the street scene and within a conservation area, planning permission should not be granted for any development that is detrimental to the character, appearance or setting of the conservation area. The proposal includes the demolition of outbuildings which are integral to the character of the property and form part of its unique and historic character and setting. The demolition of a building in a conservation area will only be permitted if that building does not make a significant contribution to the character and appearance of that area. This property is a prominent locally listed building, which should receive special consideration in the planning process. Maintenance of these buildings should be encouraged and neglect taken into consideration in planning decisions. Committee request that any permission granted for this application is subject to a condition that states it must always be used as ancillary accommodation to the main dwelling and must not be used as a separate dwelling.

LITTLE DAYNE, 9A CHURCH HILL – Object as this is similar to part of the previously refused scheme, which proposed this building as a separate residential unit. This application would therefore conflict with the previous refusal.

1 HOMEFIELD CLOSE – Object as this appears to be the same as part of the previously refused scheme and therefore conflicts with the previous refusal.

7 HOMEFIELD CLOSE – Object as this new building would be out of character with the area as the walls are largely blank and featureless and would be detrimental to the street scene. Regret the loss of the historic building since this was allowed to fall into disrepair and request that conditions are imposed about the use of the building and drainage details.

### **Issues and Considerations:**

Whilst concerns have been raised that the proposed replacement outbuilding is similar to part of the previously refused application, which proposed the provision of six residential units on the site, this proposal purely relates to the replacement of the existing outbuilding with a new outbuilding that would be used for ancillary residential purposes. The purpose of this application is due to the structural concerns regarding the existing outbuilding.

Due to this the main issues to be considered are the overall design and impact on the conservation area and locally listed building and regarding the potential impact on neighbour amenity.

#### **Design:**

The existing property is a late 19<sup>th</sup> century locally listed building within Epping Conservation Area. It occupies a prominent position on the corner of Church Hill and Homefield Close overlooking the green. The outbuilding is a historic feature of the site and can be seen on the Ordnance Survey Map dating back to 1862-1893.

The existing outbuilding to the rear is in poor structural condition and the application has been submitted with a Structural Survey. This concludes that "*The building is in a very poor structural condition and in my opinion a dangerous structure. The existing building is of its time and due to its condition has surpassed its life span. The property could be upgraded to current design standards;*

*however, the cost would be uneconomical and inefficient with regards to both finances and energy levels; this upgrade would be a temporary measure and would not prolong the sustainability of the building. The existing building could also be seen to be an inefficient use of site footprint. It is the conclusion of this survey and report that the most efficient proposal would be to demolish and rebuild a replacement dwelling so to achieve up to date levels of sustainability and energy efficiency”.*

The officer site visit to this outbuilding revealed that the building is in a poor state of repair and therefore, whilst it is regrettable to lose this historic outbuilding, the removal of this structure is considered to be acceptable.

The proposed building heights and fenestration detailing preserves the subservient character of this element of the existing building. Whilst concerns have been raised about the blank fascia of the replacement building this reflects the existing blank fascia of the existing outbuilding, plus the new development would be provided with visual interest through the use of high level fenestration.

Due to the above it is not considered that the proposed development would harm the character or appearance of the conservation area, the locally listed building or the street scene.

Amenities:

The proposed new outbuilding would replace the existing on the same footprint. As such this would not have any additional detrimental impact on the living conditions of neighbouring residents.

Other considerations:

Use:

Whilst concerns have been raised since this application is similar in form to part of the previously refused scheme ref: EPF/3024/15, which proposed the use of the new ‘outbuilding’ as a single self-contained residential unit this application is not proposes any separate residential use on the site. The intended use of the new outbuilding is for ancillary residential purposes (i.e. a ‘granny annexe’).

Although this permission would not allow for the use of this building as a separate dwelling, since further planning consent would be required for this, a condition could nonetheless be imposed to ensure that the building is only used for purposes incidental to the enjoyment of the main dwellinghouse and for no other purposes.

Drainage:

There has been no proposal to dispose of surface water. Since the geology of the area is predominantly clay, and therefore infiltration drainage may not be suitable, further details will be required regarding surface water drainage. This can be dealt with by way of a condition.

Conclusions:

Whilst it is regrettable to lose this historic outbuilding the existing building is in a poor state of repair and therefore the removal of this structure is considered to be acceptable. The proposed replacement building preserves the subservient character of this element of the existing building and would not harm the character or appearance of the conservation area, the locally listed building or the street scene. Therefore this application complies with the guidance contained within

the National Planning Policy Framework and the relevant Local Plan policies and is recommended for approval.

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

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

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