

AREA PLANS SUB-COMMITTEE 'EAST'

15 February 2017

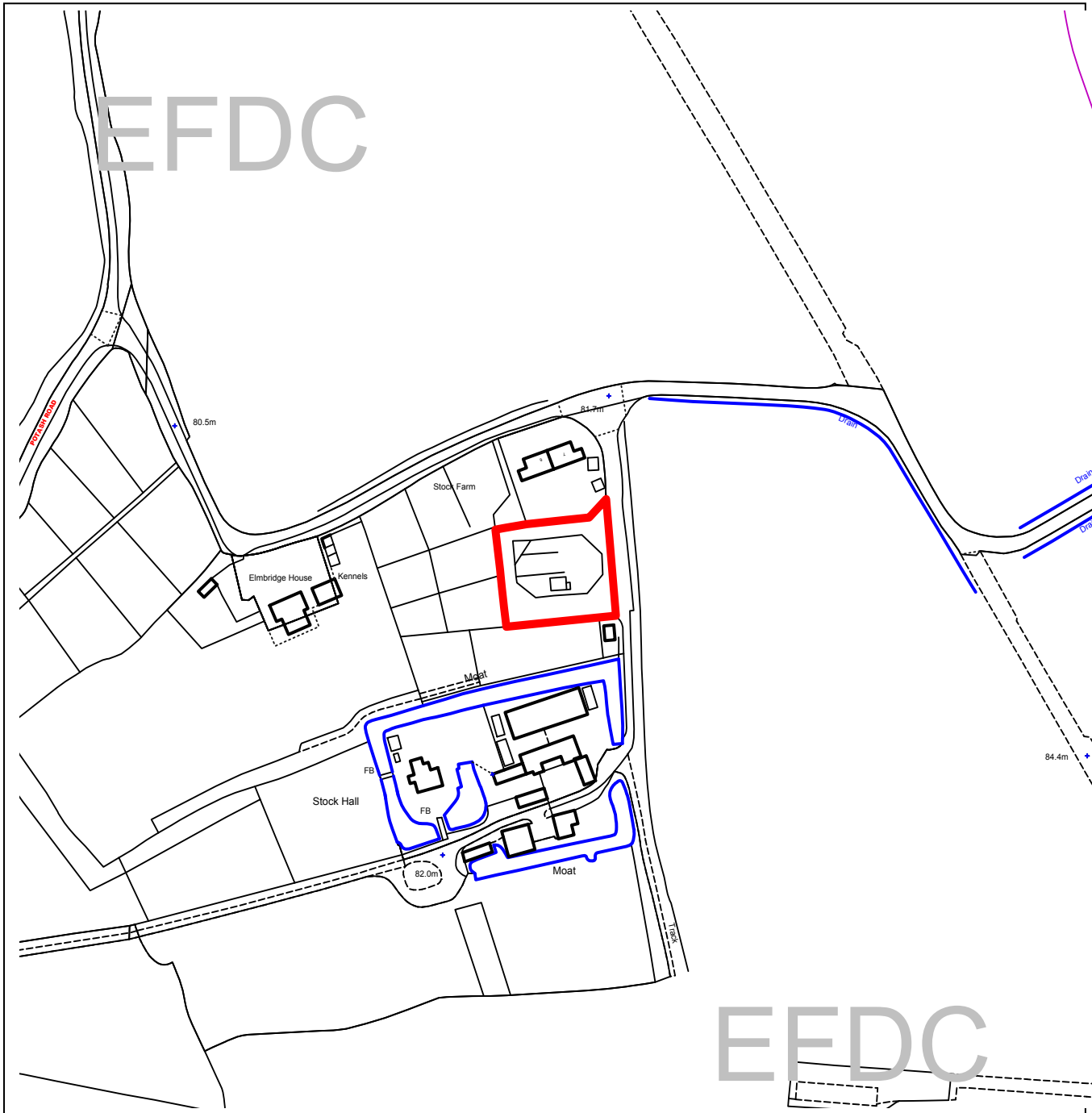
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Epping Forest District Council

Agenda Item Number 1



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Application Number:	EPF/2724/16
Site Name:	Land at Potash Road, Matching Green, CM17 0RN
Scale of Plot:	1/2500

Report Item No: 1

APPLICATION No:	EPF/2724/16
SITE ADDRESS:	Land at Potash Road Matching Green Essex CM17 0RN
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr R Tomkins
DESCRIPTION OF PROPOSAL:	Erection of two dwelling houses.
RECOMMENDED DECISION:	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=588555

REASON FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt which, by definition, will cause significant harm to its openness and very special circumstances have not been demonstrated to clearly outweigh this identified harm. The proposal is therefore contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, policy SP5 of the Epping Forest Draft Local Plan (2016), and with the objectives of the National Planning Policy Framework.

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

Description of site

The application site is located within a sporadic area of development to the east of Matching Green. Access to the site is through a private road, over which the applicant has right of access to and which adjoins Potash Road to the north. To the immediate north are two neighbouring bungalow style dwellings, whose rear gardens are approximately 21m long and back onto the application site. The adjacent land to the west is frequently used as a paddock for horses, the land to the immediate south is used as a ménage for their exercise, the barn to the north east of the site is used for their stabling and the large barn to the south, separated by a moat, is a large barn used as an indoor training area and stable. Elmbridge House is located to the west of the site beyond

the paddocks at a distance of approximately 80m from the site. Currently on the site are various underground storage tanks however the only visible features are the pipework that connects them and an above ground, rather dilapidated looking single storey building. The site is located within the boundaries of the Metropolitan Green Belt. It is not in a Conservation Area.

Description of proposal

The proposed development is to demolish and remove the existing building, the pipework and the underground storage tanks and to erect two new dwellings in their place. The buildings would be detached and semi underground structures.

Relevant History

CLD/EPF/0173/99 - Certificate of lawful development application for use of land for underground storage - Lawful

Policies Applied

The following saved policies within the Council's adopted Local Plan (2004) and Alterations (2008) are relevant:

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
ST4 – Road Safety
LL1 – Rural Landscape
LL9 – Felling of Preserved Trees
LL10 – Adequacy of Provision for Landscape Retention
LL11 – Landscaping Schemes
DBE1 – Design of new buildings
RP4 – Contaminated land
U3B – Sustainable drainage
DBE8 – Private amenity Space
ST6 – Vehicle parking standards
ST1 – Location of development
ST2 – Accessibility of development
H1A – Housing Provision
GB2A – Development in the Green Belt
GB7A – Conspicuous Development

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.

Epping Forest Draft Local Plan consultation document (2016)

The Epping Forest District Draft Local Plan is the emerging Local Plan and contains a number of relevant policies. At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies within the Draft Local Plan are:

SP1 – Presumption in favour of sustainable development
SP5 – Green Belt and district open land
H1 – Housing mix and accommodation types

H2 – Affordable housing
T1 – Sustainable transport choices
DM1 – Habitat protection and improving biodiversity
DM2 – Landscape character and ancient landscapes
DM10 – Housing design and quality
DM12 – Subterranean, basement development and lightwells
DM16 - Sustainable drainage systems

Consultation carried out and summary of representations received

5 Neighbours Consulted and Site Notice Displayed –

MATCHING PARISH COUNCIL – FULLY SUPPORTED – Excellent use of a contaminated brown field site. Environmentally friendly application.

STOCK FARM/ 7 POTASH ROAD – OBJECTION – The proposal is inappropriate development in the Green Belt and would harm its openness, would harm the character and setting of the moat around Stock Hall, the increase in traffic and pedestrian movements will cause harm to residents and to the access, the development will cause significant harm to the authorised equestrian use surrounding the site

STOCK HALL – OBJECTION – The development will cause harm to the character of the Grade II listed building of Stock Hall, there are significant waste water concerns in relation to our moat.

6 POTASH ROAD – OBJECTION – The proposal will harm the living conditions of my dwelling, my horse which is stabled nearby, the driveway is not suitable for more vehicles, construction will cause significant harm, the new dwellings will appear overbearing and cause a loss of privacy.

ELMBRIDGE HOUSE – OBJECTION – concerns regarding the excavation, water supply issues, the tanks could contain contaminants.

Issues and considerations

The main issues to consider when assessing this application are the existing housing position, the potential impacts on the Green Belt, the living conditions of the neighbours, the design of the proposal in relation to its setting, land drainage issues, land contamination, trees and landscaping issues, parking and access, and any other material planning considerations.

Housing supply

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. This should therefore be attributed weight in favour of approving this planning application but is not sufficient in itself to outweigh Green Belt restrictions.

Green Belt

The National Planning Policy Framework (NPPF, CLG, 2012) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. However, there are exceptions to inappropriate development which are listed in paragraphs 89 and 90 of the NPPF, one of which is the:

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 and the purpose of including land within it than the existing development.

The first part of this assessment is to consider whether the site can be classified as previously developed (brownfield) land.

The NPPF defines previously developed land as:

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The Council granted a Certificate of Lawfulness in 1999 for the use of the site for the purposes of underground storage in connection with a chemical company which established that the site is not currently within an agricultural use, but is instead an underground storage use. In the definition of previously developed land given by the NPPF, land which was previously developed but where the remains of a permanent structure or fixed surface structure have blended into the landscape in the process of time are specifically excluded from the definition. This site has been unused for a number of years and the building is now somewhat dilapidated, however it is a prominent feature in the street scene that does not blend into the landscape. Consequently the site is considered to constitute previously developed land for the purposes of planning policy.

The fact that the building has not been used for some years is irrelevant when considering it against this exception to inappropriate development given by the NPPF and therefore the next stage of the assessment is to consider whether the proposed new development would have a greater impact on the openness of the Green Belt or to the purposes of including land within it.

The volumetric increase of a proposed development over and above the existing is a good benchmark for assessing whether the redevelopment of previously developed land would cause greater harm to the openness of the Green Belt. In this case however, much of the volume of the existing development (fuel tanks) and the proposed development (residential space) is located underground.

The NPPF advises that openness and their permanence are essential characteristics of Green Belts. The attributes of openness are largely related to the absence of buildings or development but which also have a visual dimension. Given that there are existing underground tanks on the site, which would be replaced with residential underground development it is not considered there would be any further impact on the openness of the Green Belt due to the underground development. In considering the visual aspect of openness it is acknowledged that the frontage of the underground section emerges to the south and east, however will not be overtly visible or noticeable due to its sunken terrace feature.

Excluding the existing underground tanks and the proposed underground elements of the residential dwellings, the existing building on the site has a volume of approximately 108 cubic metres; the two replacement dwellings will add 250 cubic metres or an increase of 142 cubic metres over and above the existing. This corresponds to a volumetric increase of 131% of above ground built form in the Green Belt.

Whilst the volume of the existing building on the site is relatively low, the increase in volume on the site over and above the original cannot reasonably be considered to not cause greater harm to the openness of the Green Belt, as required by this exception to inappropriate development. As such it is considered that the proposal would conflict with the fundamental aim of the Green Belt, which is to keep land permanently open. The proposal is therefore inappropriate development which, by definition, would cause harm to the Green Belt and to which the NPPF indicates should be given substantial weight in the decision making process.

The proposed residential curtilage is not disproportionate to the new dwellings and would facilitate the removal of much of the existing hardstanding, but would result in a potential increase in residential paraphernalia, including car parking, garden furniture and other items all of which also have an impact on openness. Whilst it is accepted that there is existing hardstanding at the site there is no lawful use of this and action has been taken in the past to secure the removal of parked vehicles.

Very Special Circumstances

Once considered to be inappropriate, a development is required to demonstrate very special circumstances to clearly outweigh the identified harm to the Green Belt.

The applicant contends that the new development will significantly improve the appearance of the site by removing its unsightly and derelict building, the existing prominent and unattractive fencing and the majority of its hardstanding and replacing it with an innovative proposal for new sustainable housing, which could involve new landscaping.

The existing building on the site is indeed unsightly, derelict and does not contribute in a positive way to the character or appearance of the locality, the high and prominent fencing and area of hardstanding are also rather conspicuous features within the context of the site, however, the site is not in a publically visually prominent location, accessed only via a private access track. It is accepted that that the proposed development could greatly improve the appearance of the site and it is acknowledged that the Council could impose landscaping conditions to ensure a suitable appearance to the new dwellings. Such an improvement to the visual aspect of the site is attributed moderate weight.

The application site has been identified as having a former use in connection with a World War II military fuel depot, a 1970s chemical storage depot and has the presence of made ground. As such there is the potential for contaminants to be on the site which are harmful to both human health and to the environment. The Contaminated Land Officer contends that if these contaminants are identified through a Phase 2 report, such risks associated with them could be remediated through the use of planning conditions. Such remediation is only necessary once it has been demonstrated that there are harmful contaminants on the site and therefore whilst this is likely, the applicant has not yet submitted a phase 2 report which demonstrates it. Therefore, whilst the redevelopment of the site would give the opportunity for remediation, it is only attributed limited weight as it has not currently been demonstrated that they are present in the soil.

Officers consider that the issues raised do not amount to the very special circumstances required to outweigh the substantial weight attached to the harm to the Green Belt which has been previously identified.

It is therefore considered that there are currently no very special circumstances which clearly outweigh the harm to the Green Belt and therefore the proposal conflicts with policies GB2A and GB7A of the Adopted Local Plan and with the objectives of the NPPF.

Living Conditions of Neighbours

There are two neighbouring dwellings to the north of the application site, both of which have rear gardens approximately 21m long. The proposed dwellings are set away from the shared boundary with these neighbours by 12m and will only have a modest height above ground level. Such a relationship with these neighbours will ensure that they will not appear overbearing, cause any loss of light or any overlooking to these neighbouring dwellings.

Concern has been raised by the neighbour that the construction of the new dwellings will disrupt the day to day activities of horses using the adjacent and nearby land for stabling, exercising and training purposes. Officers accept that there will be some degree of noise and dust disturbance to horses using this adjacent land, however the planning system generally accepts that whilst this harm is present, it is short term and cannot justify withholding planning permission. In any event, it is not considered that the construction will cause such significant harm.

Neighbours have also raised objection on the basis that the introduction of two new houses will cause significant disruption in terms of an increase in vehicle and pedestrian movements adjacent to their properties. On the contrary, officers consider that such a small scale development will not cause a noticeable difference to existing vehicle or pedestrian movements and would not therefore cause any harm to the living conditions of existing residents.

Design and appearance

As previously identified, the development has potential to greatly improve the visual appearance of the existing site with an innovative and interesting design which effectively utilises the excavation of the underground tanks for subterranean residential space.

The two dwellings have an identical appearance to each other and have resemblance to the single storey bungalows to the north of the site in terms of their overall scale and pitched roofs. The new dwellings will not have any direct relationship to any public area and won't be overtly visible from public viewpoints given that they are accessed from a private road. It is therefore considered that there will not be any significant harm to the character and appearance of the locality as a result of the development.

Land Drainage

The site is not located within an Epping Forest District Council Flood Risk assessment zone, however there are no details regarding the disposal of surface and foul water drainage. These issues can be resolved through the use of planning conditions, which is both reasonable and necessary.

Land Contamination

As previously identified, due to its former use as a WW2 Military Bulk Fuel Storage Depot and 1970s Chemical Storage Depot and the presence of Made Ground there is the potential for contaminants to be present on site.

The Phase I report submitted with the application is satisfactory and has identified potential risk of contamination and has recommended that further investigation is carried out.

This is both reasonable and necessary to secure through the use of planning conditions.

Trees and landscaping

The Councils Tree and Landscape team have not raised an objection to the scheme subject to a suitable hard and soft landscaping scheme; this can be secured through condition and has the potential to greatly improve the character and appearance of the existing site.

Parking and Access

The new dwellings will have a significant space to allow for suitable parking and will utilise an existing access. Through discussion with the Councils Highway Advisor from Essex County Council, there are no objections to this and no conditions are required.

Sustainability

The site is not well located with regard to access to facilities, and any new occupants will be heavily reliant on car transport for everyday activities, whilst this weighs against the proposal, the dwellings have been designed to incorporate high levels of sustainable design and construction, and the poor location, is not considered sufficient grounds in itself to warrant refusal of such a small scheme.

Other issues

The neighbour of the relatively distant listed building, Stock Hall, has raised concern that the new development may cause some degree of harm to the setting of the listed building. Through conversation with the Councils Heritage and Conservation team it has been agreed that since Stock Hall is located approximately 65m away from the southern edge of the site it would not be harmed by the proposal.

The archaeological team at Essex County Council have commented that the proposed development would be on a World War II fuel store, associated with the USAAF. Therefore the team has recommended an archaeological condition to ensure that no finite or fragile material is lost due to the development.

The ecology team have raised no objection to the application on the proviso that planning conditions are imposed to ensure that no protected species are harmed through the development.

Conclusion

The proposal is considered to be inappropriate development in the Green Belt and very special circumstances have not been demonstrated to clearly outweigh the harm which would be caused. Therefore it is recommended that planning permission is refused.

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

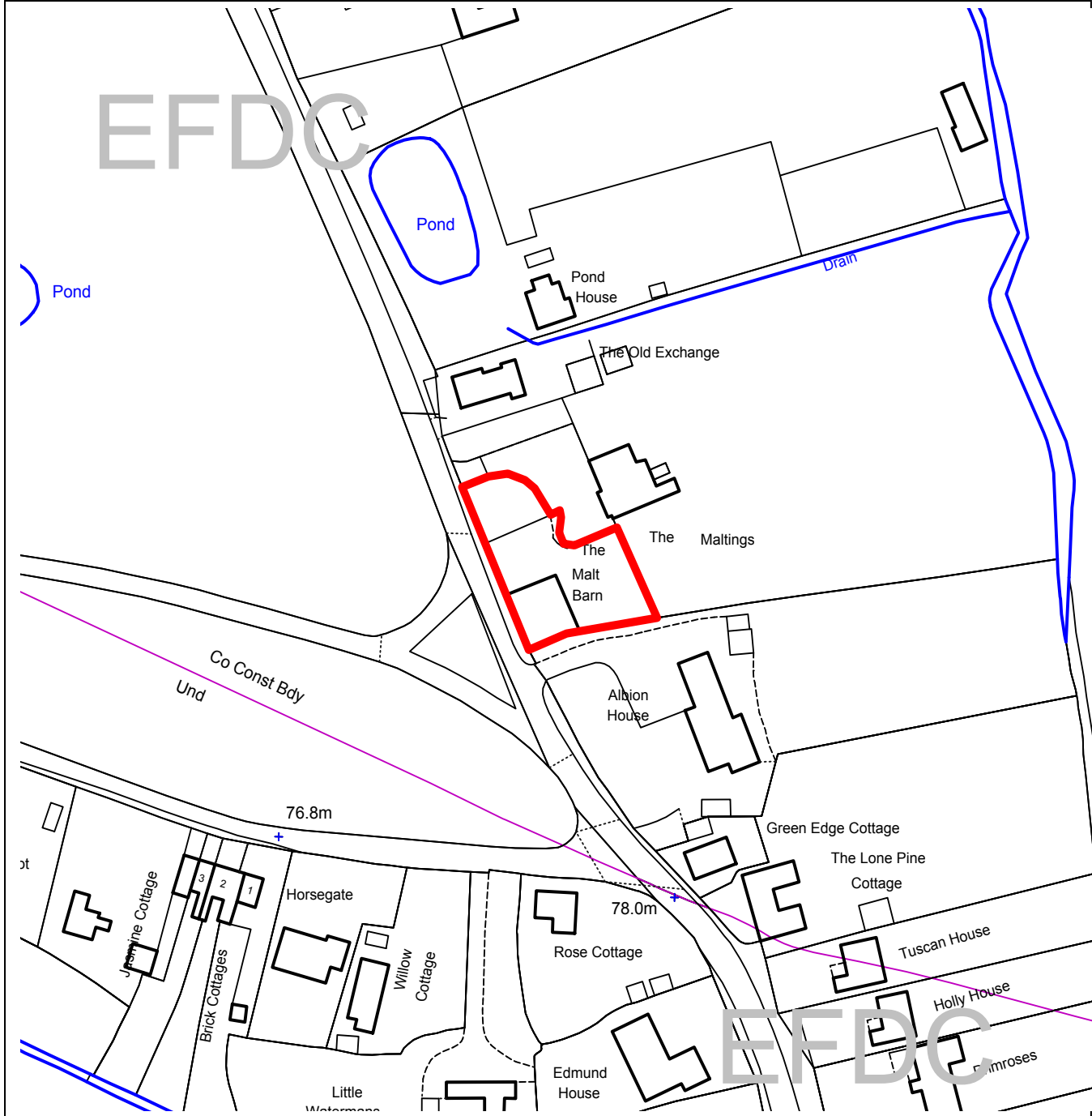
**Planning Application Case Officer: James Rogers
Direct Line Telephone Number: 01992 564 371**

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



Epping Forest District Council

Agenda Item Number 2



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Application Number:	EPF/2782/16
Site Name:	The Malt Barn, Matching Green, Matching, CM17 0QE
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/2782/16
SITE ADDRESS:	The Malt Barn Matching Green Matching Harlow Essex CM17 0QE
PARISH:	Matching
WARD:	Hastingwood, Matching and Sheering Village
APPLICANT:	Mr Richard Porter
DESCRIPTION OF PROPOSAL:	Ground floor rear extension, two storey rear extension and internal alterations.
RECOMMENDED DECISION:	Refuse Permission (Householder)

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=588724

REASON FOR REFUSAL

- 1 The proposed part single storey and two storey extension by reason of its depth, bulk and scale would result in an overbearing and dominant addition detracting from the character and appearance of both the host dwelling and surrounding conservation area contrary to policies DBE10, HC6 and HC7 of the Epping Forest District Council Local Plan (1998) and alterations (2006).

This application was considered at the last Plans East Sub Committee but deferred for a member site visit and for the Conservation Officer to attend Committee.

The original report is reproduced below.

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

Description of Site:

The Malt Barn is a converted barn adjacent to the highway of Matching Green which formed part of a larger barn of which much has been demolished. The Malt Barn is located forward of the established building line of The Maltings which is a large detached dwelling and within the setting of the grade II listed building Albion House a 17th century dwelling.

The detached dwellings and associated outbuildings surrounding the Green are arranged irregularly although with most immediately fronting the Green. The architectural style of the dwellings within the area differs greatly providing a distinctive character to the Matching Green Conservation Area.

Description of Proposal:

Planning permission is sought for the erection of a part single storey, part two storey rear extension which measures 7.025m wide and projects 3m from the existing additions to the rear of the dwelling. The single storey element includes a pitched roof which will be integrated with the half pitch of the existing single storey addition to be extended. A pitch roof is also included in the two storey element which extends the existing first floor addition. The extension would be constructed from a mixture of weatherboarding and red brick to match the existing. The proposed fenestration would match the existing configuration.

The changes to the previously refused application (EPF/0159/16 – see history below) is a reduction in depth of the extension by 500mm and changes in the proposed materials which would include a mix of weatherboarding and brick to match the existing.

NB: Revised drawings have been submitted purely to regularise the situation relating to the design of the western elevation which had been incorrectly drawn originally and did not reflect the current design of the dwelling which would remain the same when viewed from the green.

Planning History:

EPF/0891/74 The Maltings – planning permission was granted to rebuild the barn to provide off street parking.

EPF/1058/99 The Maltings – permission granted for the renovation of the outbuilding (the barn) and the erection of a garden store. Alterations to the barn included the erection of a rear extension (subject to alteration in this application) the extension of the existing roof structure and alterations to the existing carport canopy to create an annex to The Maltings. The outbuilding was conditioned for ancillary use.

EPF/0027/08 The Maltings – Permission refused for the separation of the barn to be used as a separate dwelling but subsequently allowed on appeal. The inspector also it acceptable to allow the conversion of the existing carports to residential use effectively creating a separate two bedroom dwelling house now known as The Malt Barn

EPF/0159/16 – Malt Barn - Permission refused for a part single storey, part two storey rear extension. The proposal was refused on the grounds that its depth, bulk and massing failed to relate to the original form of the Malt Barn resulting in an over development of the host dwelling. The proposal would result in an overbearing and dominant addition out of keeping with the surrounding Green Belt, Conservation Area and setting of a grade II listed building and contrary to policies DBE1, DBE10, GB2A, GB7A, HC6, HC7, HC12 of the Epping Forest District Local Plan (1998) and alterations (2006) published 2008.

Comments and representations:

Surrounding neighbours have been notified and a site notice was erected.

Matching Parish Council - The Parish Council SUPPORTS this application as it does not interfere with the amenities of any neighbouring property and is well secluded.

Three letters of objection have been received by neighbouring occupiers. These are summarised below:

ALBION HOUSE – OBJECTION – Impact on trees on the boundary; separating wall not shown on plans – is this to be removed or retained? Very little light involving areas of ground floor which could mean a future application for windows overlooking our property which we would object to vehemently; Historical print in Design and Access Statement misleading; further development would be detrimental to site and conservation area; realignment of living quarters could be done without further extension.

THE OLD TELEPHONE EXCHANGE– OBJECTION – Outline of the planning history on the site; internal re-arrangement of rooms has taken place; barn doors to west elevation has been removed; window added to north elevation overlooking our property; further decrease in visual aspect enlarging the existing two storey rear extension dominating the skyline; the application is overdevelopment in the green belt and within a conservation area contrary to policies DBE9, GB7A and HC6 and HC7.

ROSE COTTAGE– OBJECTION – since permission for building to become a house the garden room has been converted to a bedroom and the barn doors to the west elevation are shown to be removed; Malt Barn in its present form already dominates the skyline more than the old barn used to and obliterates view of The Old Telephone Exchange and everything but the roof of the Pond House; the proposal is overdevelopment of the green belt and conservation area; Malt Barn is surrounded by 9 Grade II Listed Buildings; it is the only black barn facing the green and to be developed here is massive overdevelopment and would not be in keeping with the character, style and openness of this beautiful, historical conservation area.

Policies Applied:

DBE9 – Loss of amenity.

DBE10 – Residential extensions

GB2A – Development in the Green Belt

GB7A – Conspicuous development

HC6 – Character, Appearance and setting of Conservation Areas

HC7 - Development within Conservation Areas

HC12 – Development affecting the setting of Listed Buildings.

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.

National Planning Policy Framework 2012

Principle of development/main issues:

The main issues of consideration in this instance are the design and the impact of the proposed development upon the host dwelling and the conservation area; setting of a listed building; the impact upon the Green Belt and potential impact on the living conditions of neighbouring occupiers.

Character and Appearance

The Malt Barn was subject to alterations during 1999 under planning permission EPF/1058/99. The erection of a two storey rear extension and alterations to the roof structure increased the bulk and mass of the barn. The original carport canopy although increased in depth and width retained an element of openness and enhanced the historical character of the barn.

The conversion of the barn to a separate residential dwelling in 2008 also allowed the conversion of the adjoining carport canopy into habitable rooms. The alteration of the carport effectively created an enclosed single storey element to the building adding to the bulk and mass of the residential conversion.

The current proposal seeks to further increase the depth of the existing single storey and two storey additions to the rear. Conservation Officers are primarily concerned with the fact that the 1999 permission introduced domestic elements with the agricultural building losing part of its original character. The proposal here would, by reasons of its scale and massing cause further harm to the Malt Barn, denying the hierarchy within the building and making the original building extremely difficult to read and understand. The gable element which should always remain subservient spatially and visually to the main body of the building, would become extremely

dominant. Its disproportionate dimensions would unbalance the building and the main body would appear completely overwhelmed by the extension.

Whilst the building is now used for domestic purposes in the form of a residential dwelling, any development within a conservation area should preserve or/and enhance the character and appearance of the area; the proposal is not considered to do this due mainly to its disproportionate size in relation to the existing dwelling. The cumulative impact of both the previous alterations and the proposal would cause undue harm to the Malt Barn and as a consequence be detrimental to the character and appearance of the conservation area.

With regards to the potential impact on Albion House, the Council's Conservation Officer considers that the proposal would not materially affect the setting of this Grade II Listed Building given the slight reduction in depth and change in materials which would soften its impact.

However, in light of the above, the depth, bulk and massing created by the proposal is considered unacceptable. The additions will result in an over-dominant structure which fails to relate to the original form of the barn or the barns position with this historic complex of buildings which fails to conform to Local Plan policies DBE10, HC6 and HC7.

Impact on the Green Belt

Whilst the previously submitted application was refused on the grounds that it would be out of keeping with the green belt, the building has not been extended since it was converted to a dwelling. The extension to the rear was approved prior to its conversion and therefore the dwelling is still in its original form with the proposal constituting a limited extension to that dwelling. However the NPPF does state that extensions should not be disproportionate to the size of the original building. As can be seen from the historic photograph on page 13 of the Design and Access Statement the original building was larger than the building as extended in 1999. There is not clear evidence which shows that the larger element of the building was removed, i.e. pre-1948 so it is difficult to say for certain how large the building was at that time.

Therefore, it is not considered that the two extensions, (this and the 1999 permission), would result in disproportionate additions over and above the size of the original dwelling and even in relation to the building prior to the 1999 extension, this and the previous addition increases the size of the building by approximately 30% in volume terms as much of the floor space created previously was within the roof.

Furthermore, the dwelling sits within the existing village envelope where the principle of limited infilling is acceptable so extending the building to this degree is considered acceptable in terms of potential impact on the green belt. The slightly smaller proposal here is therefore considered to comply with Local Plan policies GB2A and GB7A and paragraph 89 of the National Planning Policy Framework 2012.

Neighbours Living Conditions

In general, it must be remembered that the erection of extensions can seriously disadvantage a neighbour by being overbearing in size and scale, create a loss of privacy and reducing the level of daylight. The amenity and privacy of neighbours must be considered before the erection of an addition.

In order to establish the impact of the proposed development upon the amenity of the neighbouring properties, it is important to consider any loss of outlook or sense of enclosure that may result from the proposed extension. In this instance the proposed extensions are located 16m from the corner of The Maltings to the northeast, 20m from the nearest point to Albion House to the southeast and in excess of 40m from The Old Telephone Exchange further to the north. These distances are sufficient to safeguard occupiers from a loss of outlook or sense of enclosure

and not to result in any material level of overshadowing. The size of the addition has been slightly reduced in depth from the previously refused application which was not refused on the grounds that the proposal would materially affect the living conditions on neighbours.

A window is proposed in the first floor northern elevation but this is set in excess of 40m from facing windows at The Old Telephone Exchange and at an angled distance of approximately 18m from the nearest corner of The Maltings to the Northeast.

It is still considered that the proposal would not result in an excessive loss of amenity to neighbouring occupiers therefore complying with DBE9 of the adopted Local Plan and Alterations.

Response to Neighbour Representations

Impact on Trees on the boundary – No objections have been received from the Councils Tree and Landscape Officer. The trees within the neighbours have permission to be removed which the objector states that they will do this when the weather is better.

Separating wall not shown on plans – It appears that the wall would be removed where the extension would be as shown on proposed plan RHP15627/02A. However this is not considered pertinent to the application. If the wall belongs to the applicant then this could be removed without permission at any time. A means of enclosure in this location could be erected to a height of 2m. Very little light at ground floor may result in future application for a window in the side – windows proposed to eastern elevation so it may not be necessary to insert a ground floor window in the side. However the insertion of new windows and doors that are of a similar appearance to those used in the construction of the house are permitted without requiring planning permission and it is not considered that a window overlooking the driveway area would result in an excessive loss of amenity to that neighbour.

Historical print is misleading – Whilst the original malt barn formed part of a larger site initially, the rationale behind including the photograph was to show the size of the building in relation to what is there currently.

Further development would be detrimental to site and conservation area – See Character and Appearance section

Realignment of living quarters could be done without further extension – This may be true but does not stop an application being submitted and considered.

Internal re-arrangement of rooms has taken place – doesn't require planning permission

Barn doors to west elevation have been removed – this has since been amended and the barn door would be retained to the front.

Window added to north elevation overlooking our property – considered above – too far to cause loss of privacy

Further decrease in visual aspect – dwelling is in excess of 40m from the proposed extension so impact is not considered excessive when viewed from this property

Application is overdevelopment in the green belt and within a conservation area – Issues considered in main body of report

Malt Barn in its present form already dominates the skyline more than the old barn used to and obliterates view of The Old Telephone Exchange – the view across third party land is not a

significant planning consideration. This objectors dwelling is considered too far for their outlook to be materially affected.

Conclusion

The proposed part single storey and two storey extension by reason of its depth, bulk and massing fails to relate to the original form of the Malt Barn resulting in an over development of the host dwelling. The proposal would result in an overbearing and dominant addition out of keeping with the Conservation Area and setting of a grade II listed building and contrary to policies DBE10, HC6, HC7 of the Epping Forest District Local Plan (1998) and alterations (2006) published 2008.

Way Forward:

The proposal is not considered to materially impact on the openness of the green belt nor on the setting of the listed building at Albion House to the south. Therefore any proposed extension would have to satisfy concerns relating to impact on the conservation area and would have to be designed such that it would not detract from the character of the existing dwelling and surrounding area.

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 564 337**

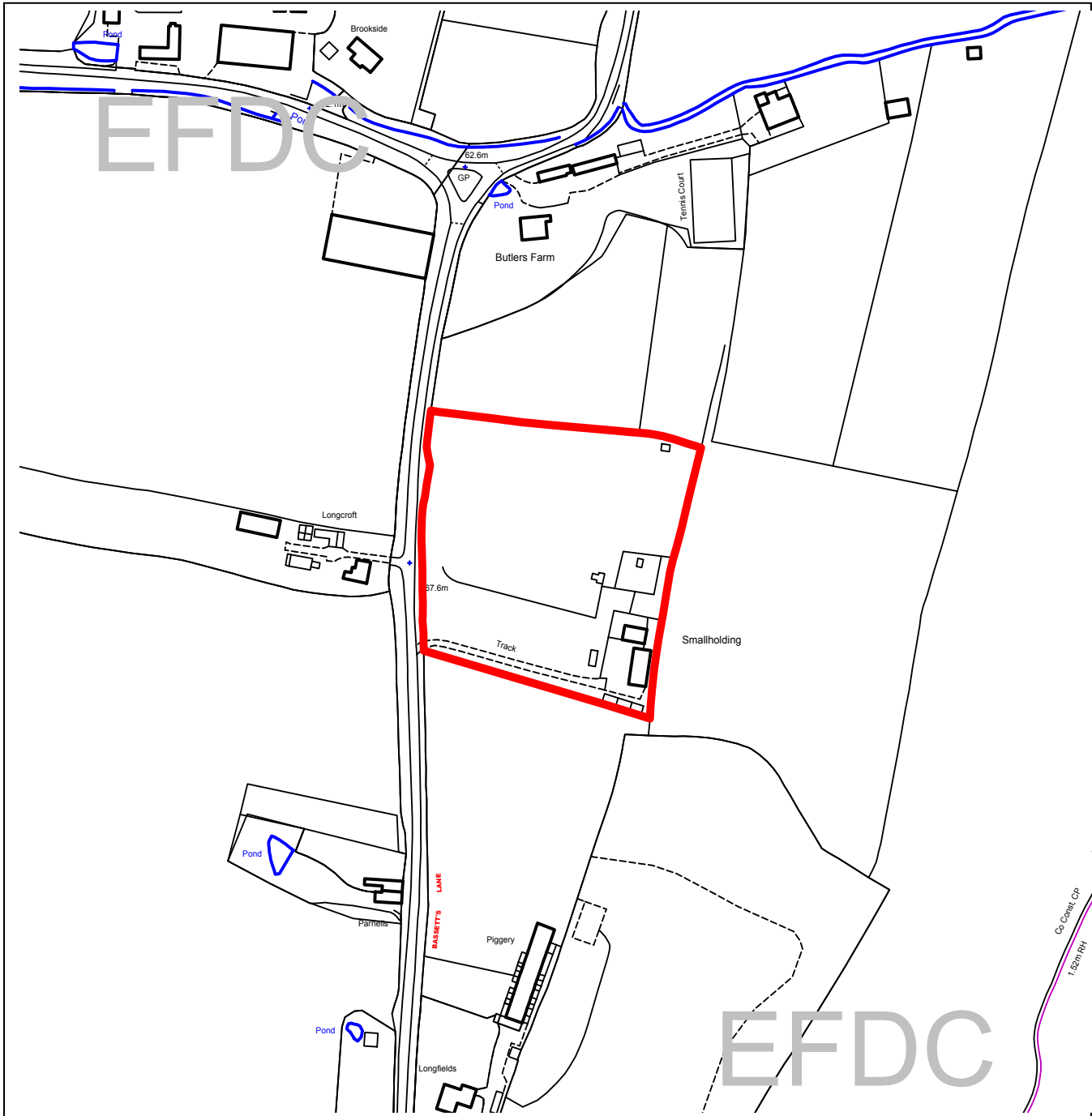
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Epping Forest District Council

Agenda Item Number 3



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Application Number:	EPF/2843/16
Site Name:	The Oaks, Bassetts Lane, Willingale, CM5 0GJ
Scale of Plot:	1/2500

Report Item No: 3

APPLICATION No:	EPF/2843/16
SITE ADDRESS:	The Oaks Bassetts Lane Willingale Essex CM5 0GJ
PARISH:	Willingale
WARD:	High Ongar, Willingale and the Rodings
APPLICANT:	Mr Frank Blaker
DESCRIPTION OF PROPOSAL:	Proposed improvements and extension to existing agricultural building and change of use to residential dwelling along with conversion of existing barn building into non-habitable use for additional utility, garage and storage space and construction of a small link extension between barn building and adjacent proposed house (amended application to previously approved scheme ref: EPF/3015/15).
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=588813

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 Location Plan and drawings nos: one (Jan 2015), one (Sep 2016), two, three, four, five Rev: A, six, seven, eight & nine
- 3 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application, unless otherwise agreed in writing by the Local Planning Authority.
- 4 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 or outbuildings generally permitted by virtue of Class A, B, C, D or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

- 5 The area of residential curtilage shall be limited to the area shown on drawing no: five Rev: A.

- 6 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]

- 7 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]

- 8 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]

- 9 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.
- 10 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.
- 11 No development, including site clearance, shall take place until a scheme of soft landscaping has been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.

This application was discussed at the last Plans East Sub Committee but was deferred for a member site visit and for clarification regarding whether a first floor is proposed within the second building.

The applicant has stated that the intention was to utilise the roofspace for storage not habitable floorspace as it would have had only limited headroom. However, he has now amended the plans to remove the stairs and has stated that the proposal will now be truly single storey, with a vaulted ceiling.

In addition new elevational drawings have been submitted to better illustrate the intended final building.

The original report is reproduced below

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 is a small agricultural site located on the eastern side of Bassetts Lane. The wider site contains three main buildings and some smaller structures. Access to the site is by way of a small track from Bassetts Lane. The site is located within the Metropolitan Green Belt. Consent has previously been granted to convert and extend the main building to a residential dwelling.

Description of Proposal:

Amended application to that previously granted consent to enable a second building to be converted into a garage and 'non-habitable' purposes incidental to the enjoyment of the consented residential dwelling. The plans show this area as a 'multi-purpose utility space', WC and sauna with stairs to the loft area. The second building would be linked to the previously approved dwelling by way of a link containing a corridor and a study.

The proposed development would continue to provide a three bed residential dwellinghouse, although this would potentially allow for greater habitable space (including a possible additional bedroom). The property would be served by the existing access and would benefit from a small area of amenity space to the side of the building.

The proposed link would bridge the 2.5m gap between the two existing buildings and would have a pitched roof to a ridge height of 4m and eaves height of 2.6m. The conversion of the second building would involve the installation of a dwarf brick wall and external recladding to match that of the main dwelling. A garage door, standard door and new windows would be installed at ground floor level and a first floor gable window and rooflights would be installed to serve the loft space.

Relevant History:

EPF/0712/94 – Construct agricultural buildings to replace existing agricultural buildings – refused 23/02/95

EPF/0814/95 – Demolish existing buildings and erect new poultry rearing sheds – refused 30/04/96

EPF/0838/97 – Extension and alterations to existing barn and retention of drainage works – approved/conditions 06/10/97

EPF/1088/02 – Change of use of building to residential, new roof and other alterations – refused 04/10/02 (appeal dismissed 28/02/03)

EPF/0687/03 – Change of use of land to residential with stationing of one residential caravan – refused 02/06/03

EPF/0387/15 – Prior notification of change of use from Agricultural to Residential (Use Class C3) and associated operational development – prior approval required and granted 24/04/15

EPF/3015/15 - Proposed improvements and extension to existing agricultural building and change of use to residential dwelling (alternative to EPF/0387/15) – approved/conditions 22/01/16

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 objectives

GB2A – Development in the Green Belt

GB8A – Change of use or adaptation of buildings

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
ST1 – Location of development
ST6 – Vehicle parking
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.

PARISH COUNCIL – Object. The Parish Council notes that permission was exceptionally granted (subject to conditions) in 2015 notwithstanding that the property is situated in the Green Belt, having regard to Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The Council believes that the special time-limited exception for rural agricultural conversions to residential use does not extend to the provision of garaging, hard-standings and other uses associated to the main residential permission, which it considers to be inappropriate in the greenbelt.

The original planning permission specifically limited the development to within the area marked in red on drawing 2, being effectively the perimeter of the existing agricultural building, and the Council notes that the current application incorporates:

- A new study area in the “link” between the proposed new “garage” block and the proposed dwelling.
- A sauna within the garage block itself.
- An upper floor accessed by a spiral staircase which would facilitate unauthorised additional residential use.

The Council considers that any further development beyond that approved in the 2015 permission would amount to inappropriate development in the greenbelt in contravention of NPPF and would have a harmful effect on the openness and character of the site, which is visible from footpath No. 55 which runs alongside and to the rear of the subject property.

BUTLERS FARM – Object as the building to be incorporated is simply a steel frame of a modern hay store and the extension would constitute inappropriate development in the Green Belt. There is no need to further enlarge the previously approved dwelling and the property is next to a footpath.

Issues and Considerations:

The key considerations in this application are whether the development is appropriate within the Green Belt or generally in this location, the design, and the impact on neighbour’s amenity.

Green Belt:

The application site is located within the Metropolitan 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, including “*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*”. It also states that “*the re-use of buildings provided that the buildings are of permanent and substantial construction*” is not considered to be inappropriate provided they “*preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*”.

Initially a prior determination was granted for the change of use of the existing agricultural building into a residential dwellinghouse however this prior determination did not allow for any extension of the building. However it was agreed that a new, enlarged roof, and front projection would be a visual improvement to the site and therefore, given the previous fallback position, planning consent was granted to extend and convert the building in 2016.

This application would further enlarge the proposed dwelling by way of a link extension and through the change of use of the adjacent redundant agricultural building. This would also increase the area of residential land associated with the dwelling to at least incorporate the adjacent building and link as shown on drawing No. five.

The second building proposed for conversion is a steel framed hay store that appears to be unused and has little left in terms of wall covering. Whilst the conversion of this building would require significant external works (such as reroofing, recovering, additional doors/windows, these works could take place without removal of the existing steel frame of the building and therefore this would still constitute a ‘conversion’ of the building.

The NPPF requires that the re-use of buildings “*preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt*”. Although the proposed development would further increase the level of built form on the site paragraph 89 allows for “*the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*”. The increase in built form would be restricted to the small link extension which would be minor and not unduly detrimental to the openness of the Green Belt. Therefore it is not considered that this would be a disproportionate extension and as such the proposal would not constitute inappropriate development harmful to the Green Belt.

Location of development:

Whilst the application site is located within an unsustainable location there is an existing consent for the change of use of the main building to a dwelling and therefore there would be no greater impact in terms of sustainability as a result of this development.

Design:

The application site is relatively isolated and consists of a small yard of agricultural buildings. Whilst the proposed conversion and extension would increase the scale of the residential dwelling and create a greater residential presence on the site the proposed works would nonetheless be a more visually appealing development than the existing dilapidated agricultural buildings on the site and would be suitably designed for this rural location.

The building is set some 90m from the highway boundary and is well screened along the road frontage. It is highlighted that a public footpath runs along the rear (east) of the site and views of the building would be available from this right of way however it is not considered that the resulting building would be visually detrimental within this setting and therefore would not cause harm to users of the public footpath.

Amenity considerations:

Given the location of the application site there would be no detrimental loss of amenity to nearby residents.

The level of amenity space/residential land would increase as part of this application in order to incorporate the second building and link extension. Whilst the original red lined application site incorporated a large area of land, including the field to the northwest of the buildings, the supporting statement argues that the curtilage will be strictly limited to the area immediately adjacent to the buildings and a revised plan has been received clearly identifying this area (drawing No. five Rev: A). The proposed domestic curtilage is a relatively small area and can be suitably delineated by additional landscaping as referred to within the supporting statement and as such there will not be any harm to the character, visual amenity or openness of the Green Belt as a result of this. Suitable conditions can be imposed to achieve this. The remaining land within the ownership would retain its agricultural use.

Other matters:

Contamination:

Due to its former use as a smallholding there is the potential for contaminants to be present over all or part of the site. Therefore contaminated land investigations and (where necessary) remediation will need to be undertaken, which can be dealt with by condition.

Permitted development rights:

Whilst the proposed extensions to the building are considered acceptable any further additions may result in a loss of openness and impact on the overall appearance of the building. Therefore it would be necessary to remove permitted development rights for this development to control any additional development.

Conclusion:

Consent has previously been granted for the conversion and extension of the main building into a residential dwelling. The conversion of the second building and erection of the small link extension would not result in disproportionate extensions to the existing building and the resulting dwelling would not be significantly more harmful to the openness of the Green Belt than the existing permitted scheme. The domestic garden area can be suitably restricted to prevent the incursion of domestic paraphernalia onto open Green Belt land. There would be no detrimental impact on neighbours amenities or the appearance of the area and as such the proposal complies with the NPPF and the relevant Local Plan policies which allow for the change of use of existing buildings and the limited extension of existing buildings within the Green Belt. The application is therefore 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: Graham Courtney
Direct Line Telephone Number: 01992 564228**

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

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Agenda Item Number 4



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Application Number:	EPF/3048/16
Site Name:	Croft Cottage, High Street, Ongar, CM5 9AE
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/3048/16
SITE ADDRESS:	Croft Cottage High Street Ongar Essex CM5 9AE
PARISH:	Ongar
WARD:	Chipping Ongar, Greensted and Marden Ash
APPLICANT:	Mr Bruce Freeman
DESCRIPTION OF PROPOSAL:	Two bedroom bungalow with parking, in land to rear of Croft Cottage with access from Churchill Close.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589474

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: 1797/01 and 1797/02A
- 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 Prior to first occupation of the development hereby approved, the proposed first floor window opening in the rear dormer (serving a bathroom) 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.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.

7 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.

8 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.

9 Prior to first occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity.

10 There shall be no discharge of surface water onto the Highway.

11 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

12 No fence or other means of enclosure shall be erected within the open area or at the boundary delineated by a dashed line on plan no. 1797/02A 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) and 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:

The application site forms the rear garden of Croft Cottage, a two storey semi-detached property which fronts onto the High Street within the built up area of Ongar. The site has a gated access to the rear which provides access to Churchill Close, a cul-de-sac of semi-detached properties. The site slopes up from the High Street to Churchill Close. The site is adjacent to a public footpath which connects the High Street with Churchill Close. On the opposite side of the footpath is Mayflower Court a three storey block of flats. The site is not within the Conservation Area or the Green Belt.

Description of Proposal:

The application seeks consent for a new dwelling within the rear garden of Croft Cottage. The dwelling will be one and a half storey, with a depth of 10m, width of 7.3m and overall height of 5.9m. The property will be orientated so that the front faces the footpath. Two pitched roof dormers are proposed on the front roof slope with one to the rear. A garden is to be provided to the side of the property (and for the host property). Two parking spaces are proposed to the eastern boundary (closest to Churchill Close).

Relevant History:

Various applications – none relevant

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

CP7 – Urban Form and Quality

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE3 – Design in Urban Areas

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

H2A – Previously Developed Land

H4A – Dwelling Mix

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.

Draft Local Plan Document (2016):

DM5 Green Infrastructure: Design of Development
DM9 High quality design
DM10 Housing design and quality
SP6 The Natural Environment, Landscape Character and Green Infrastructure

At the current time only limited material weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions.

Summary of Representations:

ONGAR TOWN COUNCIL – Objection

Ongar Town Council objected to this application due to the overdevelopment and safety of the access potentially between pedestrians and vehicles over the footpath

67 Neighbours consulted and a site notice posted the following responses received:

22 CHURCHILL CLOSE (2 letters) – OBJECTION – Loss of view, trees have already been removed from site, highway safety issues with cars crossing footpath, concern with regards to access ownership, height of building excessive, drainage concerns, creating a precedent

21 CHURCHILL CLOSE – OBJECTION – Access for construction, s through cul-de-sac, restricted access to the footpath, danger to footpath users

20 CHURCHILL CLOSE – OBJECTION – inadequate access and danger to other road and footpath users, lamppost in way of access, no refuse storage, increasing building density, flooding and drainage issues, loss of light to footpath and Swinburn, High Street [attached property to Croft Cottage], damage to surrounding trees, private land for access.

19 CHURCHILL CLOSE – OBJECTION – Existing parking and highway issues, impact existing drainage issues

16 CHURCHILL CLOSE – OBJECTION – footpath safety, construction issues with parking

14 CHURCHILL CLOSE – OBJECTION – Overdevelopment, no access, safety of footpath users, drainage issues

6 CHURCHILL CLOSE – NO OBJECTION But would prefer building to be more in keeping with other houses

Issues and Considerations:

The main issues with this proposal are considered to be design, impact on neighbours, parking and landscaping.

Design

The proposal results in a one and a half storey new dwelling with the first floor contained within the roof facilitated by three dormer windows. The surrounding character of the area is two storey properties, however it is not considered that this proposal disrupts the appearance of the streetscene as the new dwelling will be viewed in relative isolation to other properties both in Churchill Close and the High Street.

The dwelling itself is considered an acceptable design. From the east or west the gables will be relatively prominent within the streetscene, however the low height and the design of the dormers set into the roof (not at the gable edge) will result in the proposal not appearing bulky or top heavy. The building will be rendered which will match with the host property and is an acceptable material choice.

Neighbouring Amenity

With regards to Swinburnes, High Street which is the attached neighbour to Croft Cottage, the proposal will be located to the side/rear of the existing garden for this property. The proposal is 19m from the main rear wall of this property and not considered to result in any loss of outlook. The proposal will be located within 0.5m of the shared boundary for these two properties, however the eaves height is low at 2.5m and the roof pitches away from the boundary so loss of light is not considered a significant issue.

There is a rear dormer proposed which faces the rear garden of Swinburnes, however this serves a bathroom and a condition can be added to any approval to ensure that it is obscure glazed to avoid any loss of privacy.

With regards to No. 21, the next nearest property, the proposed dwelling is located some 10m from the main flank wall of this property and not considered to result in any loss of light or outlook. A first floor window is proposed facing towards No.21, however this will overlook only the front, more public area of 21 and Churchill Close as a whole.

The front of the proposal will face towards Mayflower Court, but faces the rear of a communal garden area for Mayflower Court. The proposal will be separated from this area by the footpath and there is a good level of screening within the grounds of Mayflower Court so it is not considered that overlooking to this area is a significant issue.

Neighbours have commented with regards to loss of a view but this is not a planning consideration.

The proposal will be located 19m to the rear of the host property, Croft Cottage and given this distance and the modest height it is not considered to result in any excessive impact on the amenity of the host property.

The proposal results in some 110m² of amenity space for the host property, and some 75m² for the proposed dwelling which meets policy requirements and is of a useable shape.

Highways and Parking

The proposal includes 2 parking spaces for the new dwelling which meets the Essex County Council parking standards.

The Highways Officer has no objection to the scheme subject to conditions ensuring visibility, no discharge of water and no unbound material used for the access. Although the neighbour concerns regarding the safety of footpath users are valid, it is the same principle as a vehicle exiting a driveway across a pavement. A large section of fencing is shown to be removed (by the dotted line) which will improve the visibility and this can be conditioned to ensure the front area is not enclosed harming visibility.

With regards to the issues raised regarding ownership of the access, ownership is outside of planning control. No conflicting evidence has been provided to show that the applicant does not have access over the land. The grant of planning permission does not override any ownership or other legislative issues.

The Highway Officer has noted that the lamppost may have to be moved, this is possible but any costs involved will be borne by the applicant.

Other Issues

Existing Trees

Although trees were removed prior to submission of the application, they were not protected and therefore could be removed without permission.

Land Drainage

The Land Drainage team have assessed the application and have no objection to the scheme subject to a condition requiring details of surface water drainage.

Conclusion:

The proposal results in a new dwelling in a built up area which is of an acceptable design, with limited impact on neighbouring amenity, with an acceptable level of parking. Approval with conditions is therefore recommended.

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

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

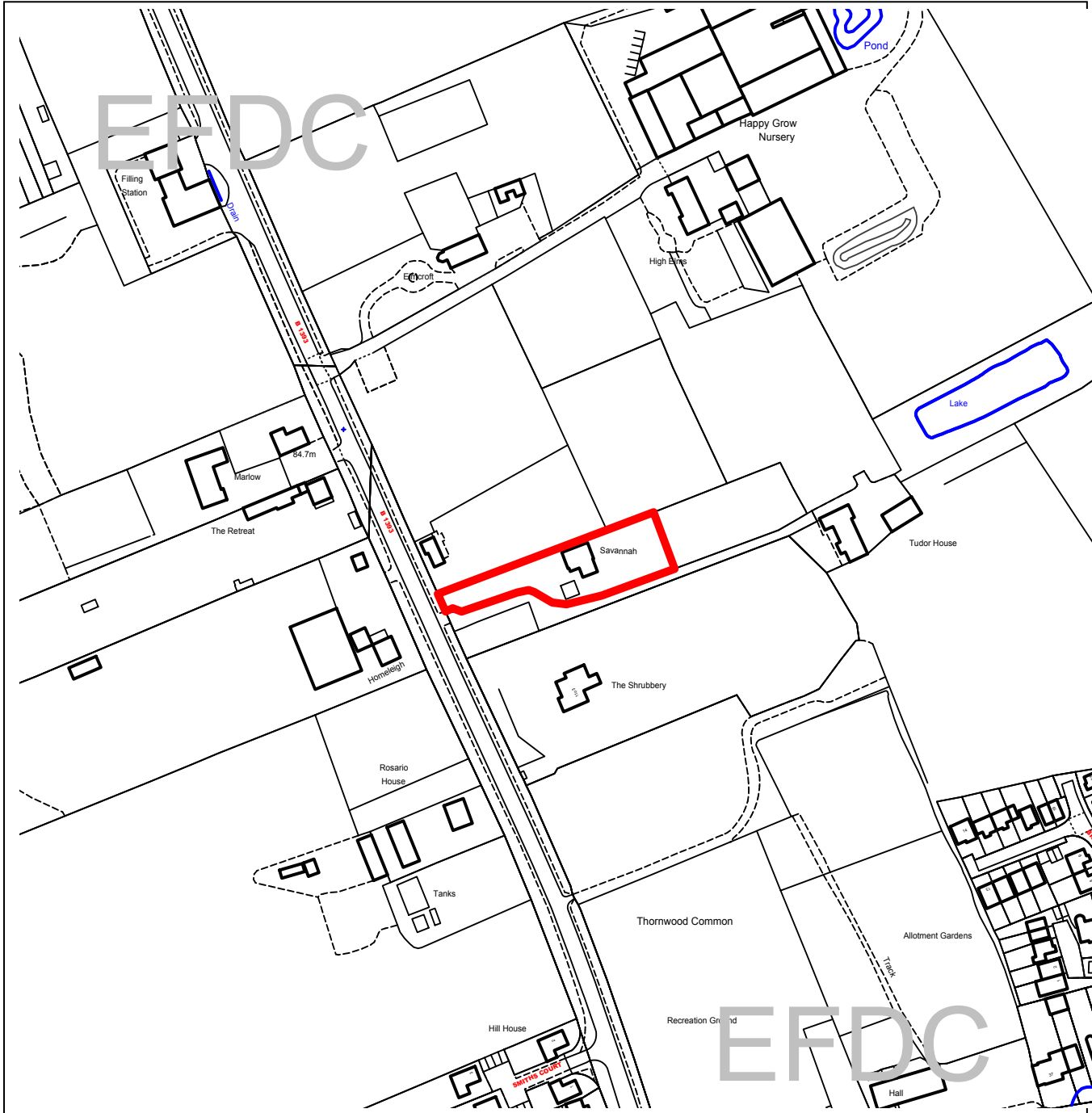
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Agenda Item Number 5



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Application Number:	EPF/3079/16
Site Name:	Savannah, High Road, Thornwood, North Weald, CM16 6LT
Scale of Plot:	1/1250

Report Item No: 5

APPLICATION No:	EPF/3079/16
SITE ADDRESS:	Savannah High Road Thornwood North Weald Bassett Essex CM16 6LT
PARISH:	North Weald Bassett
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Mr AHMET KABAYEL
DESCRIPTION OF PROPOSAL:	Four Dormer windows to roof of existing garage.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=589518

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.

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:

Savannah is a large two storey property located on the western side of the High Road on the edge of the built up area of Thornwood, the property backs onto open fields. The property is located within Metropolitan Green Belt. The neighbouring properties are all detached properties with large plots, set well away from the application site.

Description of Proposal:

The proposal is for the addition of 4 dormer windows to the roof of the detached garage located at the front of the property in order to provide a home office and gym space.

Relevant History:

N/A

Policies Applied:

Epping Forest Local Plan and Alterations (1998/2006)

CP2 – Protecting the quality of the rural and built environment
GB2A – Development within the Green Belt
GB7A – Conspicuous development
DBE9 – Loss of amenity
DBE10 – Residential extensions
HC6 – Character, Appearance and Setting of Conservation Areas
HC7 – Development within Conservation Areas
ST6 – Vehicle parking

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.

Epping Forest Draft Local Plan consultation document (2016)

At the current time, only limited weight can be applied to the Draft Local Plan, however the Draft Plan and evidence base should be considered as a material consideration in planning decisions. The relevant policies in this case are as follows:

DM9 – High Quality Design

Consultation Carried Out and Summary of Representations Received:

6 neighbouring properties were consulted – NO OBJECTIONS RECIEVED. Revised plans were received and a reconsultation was undertaken.

PARISH COUNCIL – OBJECT as the proposal will be visually intrusive and out of character and out of keeping with the Street Scene.

Main Issues and Considerations:

The main issues with the proposal relate to the impact on the Green Belt and the character and appearance of the development.

Green Belt:

The National Planning Policy Framework states that “a local planning authority should regard the construction of new buildings as inappropriate in Green Belt”, however provides a list of exceptions to this. This includes:

- *The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*

The addition of 4 dormer windows can be considered ‘proportionate’ to the original garage and dwelling, adding only 9 cubic metres to the property. Therefore the proposal can be considered a

very limited extension in line with policy GB2A of the adopted Local Plan. The use of the garage as an ancillary office and gym to the dwelling house would be considered appropriate to the property and although would cause the loss of covered parking, ample provision remains on the 50 metre long driveway for open parking.

Design and Character:

The proposed roof extension to the garage would not add excessive bulk to the outbuilding. The proposal has been revised from the initial design to include 3 pitched roof dormers that will complement the character of the existing property. A small box dormer remains to the rear in order to create enough space for a staircase. The siting of this dormer will not be visible from the street scene or detract from the character of the existing property. As the dormer windows are proportionate to the existing outbuilding, and the garage is set back 45 metres from the highway, it is considered that the proposal will not cause excessive harm within the street scene.

Conclusion:

Whilst the proposed extensions would result in a small increase in the size of the original outbuilding it will not cause any significant harm to the Green Belt. The revised design reduces any possible harm to the street scene.

The proposal would not be unduly detrimental to the character and appearance of the area or the Green Belt and as such complies with the guidance contained within the National Planning Policy Framework and the relevant Local Plan policies. Therefore 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:

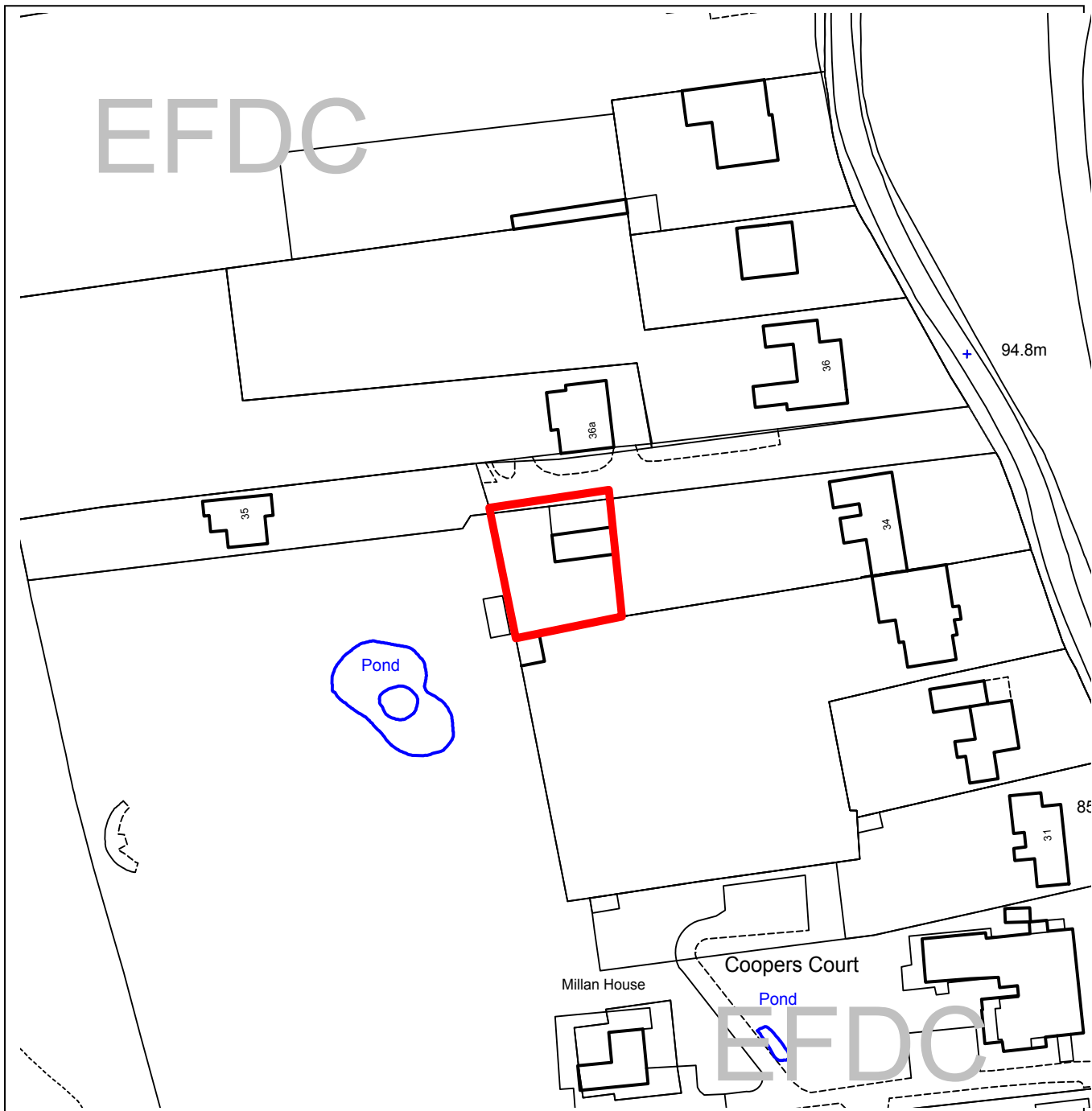
***Planning Application Case Officer: Corey Isolda
Direct Line Telephone Number: 01992 564380***

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



Epping Forest District Council

Agenda Item Number 6



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Application Number:	EPF/3295/16
Site Name:	Rear of 33 Piercing Hill, Theydon Bois, CM16 7JW
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/3295/16
SITE ADDRESS:	Rear of 33 Piercing Hill Theydon Bois Essex CM16 7JW
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mrs C. Ballard
DESCRIPTION OF PROPOSAL:	Renovation of existing former coach house with extension to form a single family dwelling (Amended application to EPF/2037/16)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=590196

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: FMS_100, FM_101 Rev A, FMS_001 and FMS_002
- 3 Materials to be used for the external finishes of the proposed development shall match those as outlined on the planning application form, unless otherwise agreed in writing by the Local Planning Authority.
- 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 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.

7 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.

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

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

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

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

10 Prior to first occupation of the development hereby approved, the proposed window openings in the east facing elevation (facing No. 34 Piercing Hill) 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.

- 11 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.
- 12 Full details of a scheme for the eradication and/or control programme of Japanese Knotweed, suitable for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the substantial completion of the development hereby approved.
- 13 No development shall commence until a scheme to enhance the nature conservation interest of the site, including tree and shrub planting, grassland planting, bird and bat boxes and log piles has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 14 Prior to any preparatory demolition or construction works commence on site, a great crested newt survey shall be undertaken of pond 1 at a suitable time of year with the survey submitted to the Local Planning Authority for approval. If great crested newts are present a mitigation strategy 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 this protected species. Development shall be undertaken only in accordance with the agreed strategy and methodology.
- 15 Vegetation removal shall take place outside the bird breeding season (March to August) unless agreed in writing with the Local Planning Authority and checked by a suitably experienced ecologist.
- 16 An external lighting plan shall be submitted to and agreed in writing by the Local Planning Authority prior to first occupation. Any external lighting shall be installed in accordance with such agreed details.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any other Order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of 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) and 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:

The application site is a redundant coach house/outbuilding with associated land to the rear of No. 34 Piercing Hill. The site is square in shape with the existing one and a half storey building located to the north east side of the plot. There is vehicular access to the site along an access road which serves 36a and 35 Piercing Hill. Piercing Hill consists of a group of detached villas, built in the 1870's, set within large grounds fronting Piercing Hill – however there are residential properties behind this main building frontage (most relevant No. 36a and 35).

It appears the application building was originally within the grounds of No. 34 but at some time before the 1920's ownership changed to No. 33. The site has since been sold off and is in separate ownership to No. 33 and 34. There is no evidence to suggest that the building has ever been a separate dwelling.

The building itself is rather run down and part of it is very overgrown. It is located parallel to the access road. The site is within the Metropolitan Green Belt but not a Conservation Area.

Description of Proposal:

The application seeks consent for the change of use, conversion and extension of the existing building to a single dwelling with associated parking and garden area. The proposed extension will extend towards the road to a maximum depth of 3.1m, with a maximum width of 5.5m. The proposal will create a gable end fronting the access road with a height to 5.4m. The proposal also includes a raised decking to the rear.

This is a revised scheme to a previously refused application which included a basement and larger extension.

Relevant History:

EPF/2037/16 - Renovation of existing former coach house with extension and basement to form a single family dwelling - Refused

EPF/2092/10 – Residential conversion of redundant Coach House – Refused

EPF/1548/96 – Change of use of coach house to dwelling – Refused

EPF/0446/82 – Change of use to dwelling – Refused and dismissed at appeal

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

CP5 – Sustainable Building

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE8 – Private Amenity Space

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking
LL10 – Adequacy of provision for landscape retention
GB2A – Development within the Green Belt
GB8A – Change of use or Adaptation of Buildings
GB7A – Development conspicuous within or from the Green Belt

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:

THEYDON BOIS PARISH COUNCIL – Strong Objection

We note the amendments made to the plans, however, this revised application does not overcome the previous reasons for refusal and therefore should be refused.

Although the current plans show a reduction in scale of the proposed extension together with the removal of the basement, the proposed building would still clearly be materially greater in volume than the existing and therefore not compliant with the NPPF and Local Plan Policies.

It is, however, the change of use which is the main issue and the urbanising impact the proposed re-development would have in this sensitive Green Belt location close to Epping Forest. This urbanisation and intensification of use, which would cause harm to the Green Belt, formed part of the reasons for refusal of the previous application (EPF/2037/16) and these reasons have not been overcome by the changes made in this latest application.

35 Neighbours Consulted:

7 Objections received from the following addresses and summarised below:
30A, 34, 35 and 36 PIERCING HILL
102-104 Queens Road, BUCKHURST HILL
THEYDON BOIS ACTION GROUP
THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY

Inappropriate within the Green Belt, overlooking, urbanisation, no very special circumstances, Japanese knotweed on the site, object to principle of the change of use, flooding issues.

Issues and Considerations:

Given that this is a revision to a previous scheme the main issue is whether the revised proposal has overcome the previous reasons for refusal. The full report for the previously refused scheme is copied below for information.

Reasons for Refusal

The previous application was refused by Committee on the following grounds:

1. The proposed development due to the significant and excessive increase in size of the building amounts to inappropriate development harmful to the openness of the Green Belt.

In addition the introduction of hard surfacing, parking and domestic paraphernalia further adversely impacts on the openness of the Green Belt and the character and visual amenity of the area. No very special circumstances exist sufficient to outweigh this harm and the development is therefore contrary to policies GB2A, GB8A of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

2. The proposed development due to the size and position of the extension and the introduction of hardstanding, parking and residential paraphernalia, will have an urbanising impact on the rural and open character of the area, contrary to policies CP2, and DBE1 of the Adopted Local Plan and Alterations

The main issues with this proposal are whether the proposal has overcome the previous reasons for refusal. Both reasons relate to the size and position of the extension coupled with the hard surfacing and parking areas.

With regards to the extension the proposal has been reduced in size from 6.2m in depth to 3.1m with the width remaining the same. In addition the proposal has removed the basement part of the previous application. This reduction in size, results in an extension which is not considered excessive or significant in terms of an extension to the existing building. The proposal results in a 22% increase above the original, reduced from a 44%. In addition the reduction in depth, reduces the overall prominence of the proposal as it is now well location within the site, rather than located more prominently on the site boundary. It is not considered that this modest addition to the existing building has an adverse impact on the openness of the Green Belt or on the character or visual amenity of the area.

Limited extensions to existing buildings and the reuse for residential purposes are not inappropriate development in the Green Belt.

The area of hard standing has been reduced in size and located only to the front of the building rather than wrapping around to the side. It is modest in size in comparison to areas of hardstanding in the locality and not out of character with the area.

With regards to parking and residential paraphernalia, the reduction in hardstanding has reduced the parking area and given that this property is surrounded by adjacent garden land it is considered that this reduction has overcome this part of the reasons for refusal. It must be noted that this site was once part of the garden of No. 34/33 and therefore could have previously been used in a very domestic manner with no planning control controls.

Other Issues beyond the Reasons for Refusal

Amenity Issues

No additional amenity issues are raised with this revised scheme. The nearest residential property is directly opposite the site on the other side of the access road (no. 36A). The proposal will move built form closer to this property, however with this revised scheme this distance increases to a distance of 12m between the flank walls. No first floor windows are proposed facing this property and therefore there are no amenity concerns in terms of overlooking.

With regards to No. 34 the proposed dwelling is located on the shared boundary to this property. Given the distance to the main house of No. 34 it is not considered that the proposal will result in any excessive harm to light or outlook.

With regards to loss of privacy, given the distance of some 45m to the main house this is not considered a significant issue to the privacy of the house. However, due to the location right on the shared boundary, privacy into the garden of No. 34 may be an issue. There are now no roof lights facing No. 34 as these have been deleted but two ground floor windows are still in situ. As

these serve a utility room and WC it is considered reasonable that these windows are obscured glazed to avoid any actual or perception of overlooking.

With regards to other properties in the locality these are some distance away (the next nearest some 55m plus). Any possible views will be far reaching and loss of privacy is not considered a significant issue particularly given the low height of the building.

Design

The reduced extension size is considered an acceptable design which follows the scale and design of the existing building and is considered acceptable.

As with the previous scheme, the proposal does result in a new dwelling which has a much smaller residential curtilage than surrounding properties. However this is considered to retain the subservience of this building compared to the larger detached properties fronting Piercing Hill and is not considered to disrupt the general character of the area.

Landscaping

The Tree and Landscape Officer had no objection to the proposal subject to conditions requiring hard and soft landscaping details, tree protection and the removal of excavated material.

From comments received, Japanese Knotweed may be present on site. It is considered reasonable in the interests of habitat protection that a condition is included within any approval ensuring its removal.

Habitat and Wildlife Protection

The original application was accompanied by an Extended Phase 1 Habitat Assessment and a Bat Survey. The Countrycare manager has no objection to the development subject to conditions ensuring the recommendations outlined within the submitted report are implemented.

Conclusion:

The proposal is for a limited extension to an existing building and conversion of a permanent and substantial building to a dwelling. This is not inappropriate development. The lawful use of the land is as residential garden. The area of hardstanding and parking has been reduced and the proposal is not considered to give rise to any further domestic incursion into the Green Belt than if the site was part of a larger garden and no other factors justify a refusal. It is therefore recommended, that given the above assessment that the revised scheme is conditionally approved.

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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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

Previous Report EPF/2037/16 – Refused at Committee East 7th December 2016

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) and 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:

The application site is a redundant coach house/outbuilding with associated land to the rear of No. 34 Piercing Hill. The site is square in shape with the existing one and a half storey building located to the north east side of the plot. There is vehicular access to the site along an access road which serves 36a and 35 Piercing Hill. Piercing Hill consists of a group of detached villas, built in the 1870's, set within large grounds fronting Piercing Hill – however there are residential properties behind this main building frontage (most relevant No. 36a and 35).

It appears the application building was originally within the grounds of No. 34 but at some time before the 1920's ownership changed to No. 33. The site has since been sold off and is in separate ownership to No. 33 and 34. There is no evidence to suggest that the building has ever been a separate dwelling.

The building itself is rather run down and part of it is very overgrown. It is located parallel to the access road. The site is within the Metropolitan Green Belt but not a Conservation Area.

Description of Proposal:

The application seeks consent for the change of use, conversion and extension of the existing building to create a single dwelling with associated parking and garden area. The extension will project towards the access road, creating an 'L' shaped building. The extension measures 6.2m in depth and 5.5m wide with a pitched roof creating a gable end fronting the access road with a height to 5.4m. The proposal includes a garage within the extension, a raised decking to the rear and the formation of a basement under both the existing and proposed elements.

Relevant History:

EPF/2092/10 – Residential conversion of redundant Coach House – Refused
EPF/1548/96 – Change of use of coach house to dwelling – Refused
EPF/0446/82 – Change of use to dwelling – Refused and dismissed at appeal

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP5 – Sustainable Building
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking

LL10 – Adequacy of provision for landscape retention
GB2A – Development within the Green Belt
GB8A – Change of use or Adaptation of Buildings
GB7A – Development conspicuous within or from the Green Belt

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:

THEYDON BOIS PARISH COUNCIL – Strong Objection

Firstly may we point out that this application is incorrectly recorded as 33 Piercing hill – it is to the rear of 34 Piercing Hill and has had no connection with number 33 for well over 20 years.

This proposal represents inappropriate development in the Green Belt and there are no special circumstances to outweigh the harm which would be caused to the Green Belt. There is a long planning history associated with this site including several previous attempts to convert the building into residential use. All have been refused on sound Green Belt grounds and we see no change of circumstances to affect the outcome this time around.

The proposal shows a significantly larger property than the existing one, even before taking into account the basement area. This is not simply a 'conversion' of a building, but adds an extension and a basement – the latter of which may well result in a virtual re-construction, such that it will constitute a 'new building' in the Green Belt (and certainly one which would be in a new use, as a dwelling, with a residential curtilage).

The NPPF is clear that replacement buildings in the Green Belt are only allowed provided the building is in the same use and not materially larger than the one it replaces. Clearly, the present application does not satisfy either of these criteria and therefore should be refused.

29 Neighbours Consulted:

15 Objections received from the following addresses and summarised below:

30A, 31 (2 letters), 32, 34 (2 letters), 35 and 36 PIERCING HILL
36 THEYDON PARK ROAD
59 WOODLAND GROVE
THE COTTAGE, THEYDON ROAD
39 BLACKACRE ROAD
THEYDON BOIS ACTION GROUP
THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY
102-104 QUEENS ROAD, BUCKHURST HILL

Inappropriate within the Green Belt, increase in noise and light, overlooking to No. 30A and 34 Piercing Hill, Size of basement should be included within Green Belt assessment, existing right of way from No. 33, overdevelopment of the site, risks to groundwater flows, set a precedent, Japanese knotweed on site.

Issues and Considerations:

The main issues with this proposal are considered to be impact on Green Belt, design and impact on neighbours.

Green Belt

The NPPF provides a list of exceptions to inappropriate development within the Green Belt this list suggests the following may be appropriate:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- 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 and the purpose of including land within it than the existing development.

The NPPF also goes on to suggest that *'the re-use of buildings provided that the buildings are of permanent and substantial construction'* can be acceptable provided they preserve the openness of the Green Belt. In addition to the National policy, Policy GB8A states that Council may grant planning permission for the change of use of a building in the Green Belt provided the building is permanent and of substantial construction, capable of conversion without major changes and that the use would not have a greater impact than the present use.

The building can therefore be converted within the scope of Green Belt policy and the NPPF does allow for extensions to buildings provided these are not disproportionate. Although different strands of the Green Belt policy it is considered that both of these elements apply to this application.

A structural survey was submitted during the course of the application which concludes that the building is capable of conversion even with the provision of the basement. A Building Control Officer has been consulted on the submitted survey and has concluded that it is possible to convert the existing building with careful underpinning however, did caveat the response by suggesting it would be easier and most likely cheaper to demolish and start again. However, the application is for extension and therefore regardless of ease of build or expense (which are not covered by planning legislation) it has been shown that the building is capable of conversion. Therefore it is considered that the building is of permanent and substantial construction.

With regards to the proposed extensions, although a large basement, it will not be visible and therefore does not impact on the character or openness of the Green Belt in this location. The proposed extension adds a forward projecting wing to the existing building and will result in a percentage increase in the region of 44%. This is not considered excessive or disproportionate above the size of the existing building. Clearly any built form can have some impact on the

character and openness of the Green Belt but it is considered in this case, that any impact is minimal given the overall modest size and low height of both the existing building and proposed extension.

In addition and of greater weight is that the NPPF allows for “limited infilling within a village”. This site is surrounded on all sides by residential development or garden land and is within the Village, and the works proposed amount to “limited infilling” of the site. As such the proposal is not inappropriate development within the Green Belt.

The proposal will create a separate dwelling and therefore the proposal includes a residential garden and parking area to the front which will introduce domestic paraphernalia into this area. It is not considered that this will result in harm to the character of the Green Belt given the enclosed nature of the site, and that the lawful use is as garden land.

Given the location of the development within the Green Belt it is considered reasonable to restrict permitted development rights for extensions, roof alterations and outbuildings so that the Council can manage any future development at the site. Additionally for the same reason it is considered reasonable to condition the retention of the garage for the parking of cars/storage to avoid any future need for further outbuildings.

Although there are other outbuildings to the rear of properties in Piercing Hill it is not considered that this proposal will set an unwanted precedent. This proposal is within an established site, directly opposite another residential property, with a further residential property to the rear (which are all behind the main Piercing Hill frontage), the building is capable of conversion, proposing a proportionate extension, has an existing access and in any event it must be stressed that each application is assessed on its own merits.

The previously refused applications were all prior to the publication of the NPPF. Previously, only limited extensions to ‘dwellings’ were listed as exceptions to Green Belt policy. However, with the publication of the NPPF the wording was changed to allow for the extension of ‘buildings’, and limited infilling within a village, as well as change of use of existing buildings. Therefore as described above this proposal is not inappropriate development within the Green Belt.

In addition, given the location and design of the proposal it is not considered that there would be harm to the purposes of including land within the Green Belt.

Design

The proposed design follows the proportions and design of the existing building and is considered acceptable. The proposal follows a fairly traditional design and materials are to match existing including timber windows.

The proposal does result in a new dwelling which has a much smaller residential curtilage than surrounding properties. However this is considered to retain the subservience of this building compared to the larger detached properties fronting Piercing Hill and is not considered to disrupt the general character of the area.

Neighbouring Amenity

The nearest residential property is directly opposite the site on the other side of the access road (no. 36A). The proposal will move built form closer to this property, however a distance of 9m will be retained across the access road between the flank walls. No windows are proposed facing this property and therefore there are no amenity concerns in terms of overlooking.

With regards to No. 34 the proposed dwelling is located on the shared boundary to this property. Given the distance to the main house of No. 34 it is not considered that the proposal will result in any excessive harm to light or outlook.

With regards to loss of privacy, given the distance of some 45m to the main house this is not considered a significant issue to the privacy of the house. However, due to the location right on the shared boundary, privacy into the garden of No. 34 may be an issue. Four windows are proposed on the elevation facing the garden of No. 34. However, these are roof lights serving an en-suite and dressing area and at ground floor level a utility room and WC and therefore it is considered reasonable that all of these windows are obscured glazed to avoid any actual or perception of overlooking.

With regards to other properties in the locality these are some distance away (the next nearest some 55m plus). Any possible views will be far reaching and loss of privacy is not considered a significant issue particularly given the low height of the building.

Other Issues

Landscaping

The Tree and Landscape Officer has no objection to the proposal subject to conditions requiring hard and soft landscaping details, tree protection and the removal of excavated material.

From comments received, Japanese Knotweed may be present on site. It is considered reasonable in the interests of habitat protection that a condition is included within any approval ensuring its removal.

Habitat and Wildlife Protection

The application was accompanied by an Extended Phase 1 Habitat Assessment and a Bat Survey. The Countrycare manager has no objection to the development subject to conditions ensuring the recommendations outlined within the submitted report are implemented.

Comments on representations received

Reference has been made to neighbour comments within the main body of the report above. With regards to any right of way across the site – this is a private legal matter and would not impact on the granting of permission. There would still be sufficient private amenity space available should this right of way be enforced.

Whilst the Draft Local Plan proposes a new basement policy which seeks to require detailed drainage and structural investigations for such developments, this is not adopted policy and is at the very earliest stage of the Local Plan therefore can only be afforded limited weight. As such these details can not be required at this time. However, With regards to groundwater flows, as with any development for subterranean development an informative is added to any permission

ensuring the owner/developer is aware of the implications of not thoroughly investigating hydrological and flooding implications of the proposed development.

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

Conclusion:

The proposal is for the conversion of a building that is of permanent and substantial construction and the extension proposed is not considered disproportionate, in addition the development amounts to limited infilling within a village and as such the proposal is not inappropriate development in the Green Belt. It is well designed and will provide a good standard of accommodation within an appropriate location without harm to adjacent living conditions or to the character and amenity of the area. It is considered that the proposal accords with the adopted policies of the Local Plan and the NPPF and it is therefore 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: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564414***

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