

## AREA PLANS SUB-COMMITTEE 'EAST'

6 September 2017

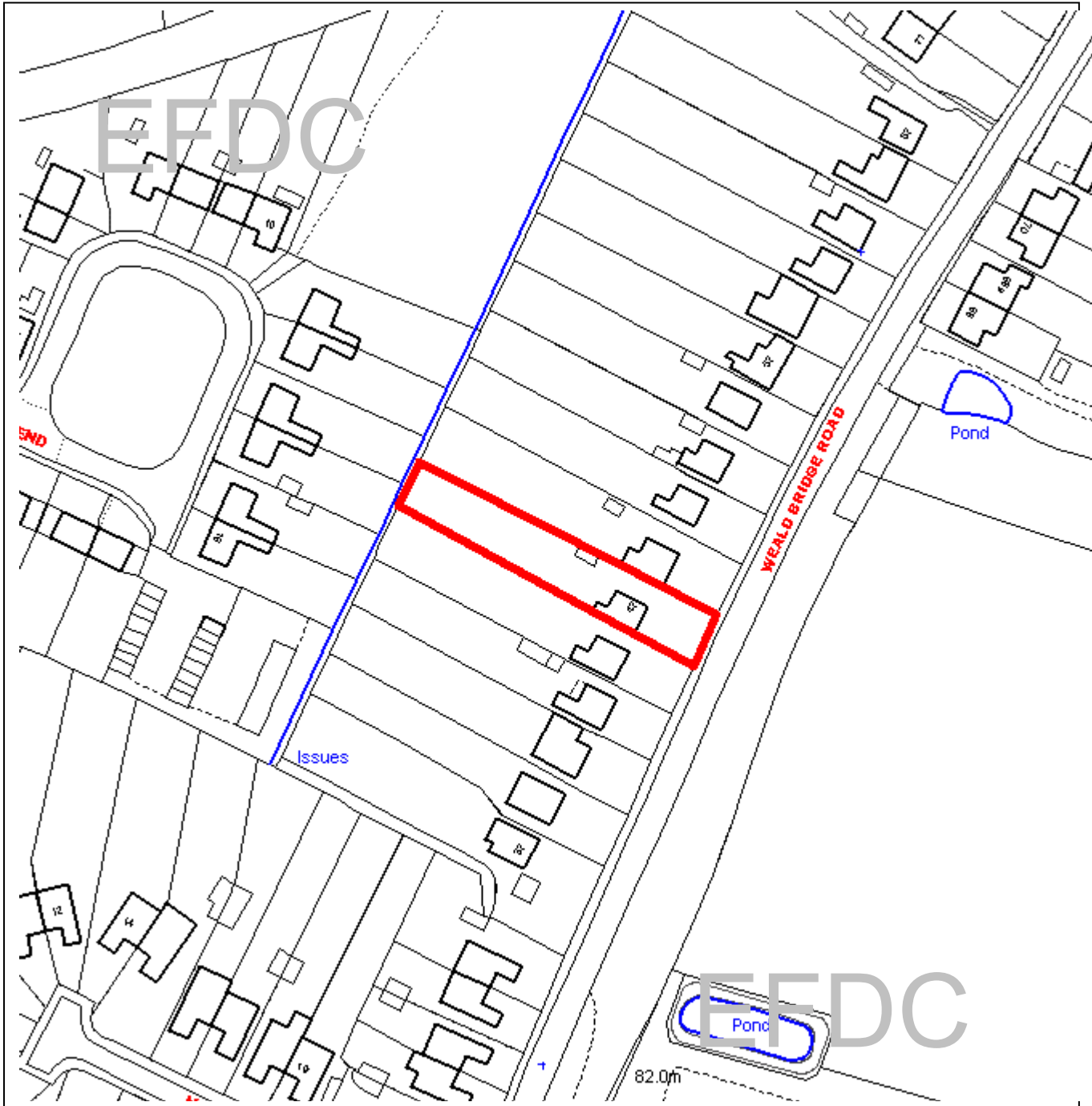
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# Epping Forest District Council

## Agenda Item Number 1



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Application Number:	EPF/0270/17
Site Name:	47 Weald Bridge Road, North Weald Bassett, CM16 6ES
Scale of Plot:	1/1250

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0270/17
<b>SITE ADDRESS:</b>	47 Weald Bridge Road North Weald Bassett Essex CM16 6ES
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Jason Cato
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of the games room to family living accommodation (retrospective application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=591428](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=591428)

**CONDITIONS**

- 1 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 47 Weald Bridge Road, North Weald, CM16 6ES.

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

**Description of Site:**

The site is located on the north-western side of Weald Bridge Road and accommodates a detached bungalow which is in the process of being converted to a larger chalet bungalow approved in 2016. The dwelling benefits from a 45m rear garden. At the end of the garden a detached outbuilding has been erected, originally to be used as a games room however at the time of the site visit it was noted that the building was already being used as ancillary accommodation to the main dwelling. In between the building being originally approved as a games room a second application was submitted and approved to change the building's design from a hip end to gable end.

**Description of Proposal:**

Planning permission is sought for the change of use of the games room to family living accommodation (retrospective application).

NB: After the Officers site visit, as well as noting that the building was already being used as ancillary accommodation other works had also been undertaken that were not shown accurately on the originally submitted drawings including an area of enclosed decking to the front of the building. Revised plans were requested and were submitted. Both the Parish Council and neighbours were re-consulted on these plans.

### **Planning History:**

EPF/1477/84 – Alterations and Extensions – Approved

EPF/0798/84 - Conversion of bungalow into (4 bedroom) chalet dwelling with three front dormers and one flank dormer – Refused

EPF/1148/82 - Extensions to side and rear – Refused

EPF/0790/75 - Proposed rear kitchen extension – Approved

EPF/0314/16 – Games Room – Approved

EPF/0315/16 - Erection of a single storey side and rear extension and conversion to chalet bungalow incorporating raising the height of the dwelling and insertion of two front dormers and one rear dormer to serve rooms in roof – Approved

EPF/2414/16 - Non material amendment to EPF/0315/16 (Erection of a single storey side and rear extension and conversion to chalet bungalow incorporating raising the height of the dwelling and insertion of two front dormers and one rear dormer to serve rooms in roof) The alterations to the front elevation, including the change from circular bays to square and the centring of the front door with side lights. One additional window in side elevation at first floor – Approved

EPF/2373/16 - Games room (amended application to EPF/0314/16) - Approved

### **Policies Applied:**

National Planning Policy Framework 2012

Local Plan (1998) and Alterations (2006) policies relevant to this application are:

CP2 – Protecting the rural and built environment

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE9 – Loss of Amenity

DBE10 – Residential Extensions

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:

SP5 – Green Belt and District Open Land

DM9 – High Quality Design

### **Summary of Representations:**

North Weald Parish Council – OBJECTION

The original proposal was for an application for a Gym, this application is now for residential purposes, the building and accommodation is not appropriate for Residential Purposes, there is only one entrance and exit into the property, therefore inadequate exits in the case of Fire. The

proposal is a back garden development for a Residential purpose and has already been built and continuously changed to suit the residential purposes without getting the appropriate planning approval. We are concerned that this could be a 'Beds In Sheds' scenario. If EFDC is minded to grant this then this should be ancillary to the dwelling and only for the use of the residents who live in the dwelling and no one else.

### Neighbours:

Adjoining neighbours notified. One response received from a neighbour at 49 Weald Bridge Road – OBJECTION

- I feel the council and myself have been intentionally deceived by Mr Cato and I feel it was always his intention to apply for "Change of Use" before he even applied for the original building, as it was quite clear in the construction this was his intention all along i.e. Mains Drainage, Underfloor Heating, Boiler Installation, Kitchen Units. Building internal walls to form rooms.
- The Building has "Direct Line of Site" into our Bedroom Window, which means we will be continuously overlooked disturbing our privacy and Blinds or Curtains will always have to be drawn to protect our privacy.
- The Building has "Direct Line of Site" into our Kitchen and although not such an invasion of our privacy as the Bedroom still has an impact of being continually overlooked
- Noise will also have a big impact, there is a big difference with the building being used as a Games Room (Occasional Use) to be occupied 24/7 as Living Accommodation, with occupants walking up and down the garden all hours of the night and day, especially as the building does not have it's own access.
- Noise from the building potentially Music and Parties as it is obvious that the Building will be used as Accommodation for Mr Cato's teenage family and girlfriends. When people walk up and down to the said building now it causes the dogs from No 45 Weald Bridge Road to start barking another form of noise pollution and annoyance.
- Light Pollution – from the windows of the building and as the building has several outside lights as well as lights that shine into our bedroom window from the path leading to the building.

### **Issues and Considerations:**

The mains issues to be addressed are the effect on character and appearance and the effect on neighbours living conditions.

#### *Effect on character and appearance of the area*

Policies CP2 and DBE10 seek to ensure that a new development is satisfactory located and is of a high standard of design and layout.

The building as built differs little to that approved previously under EPF/2373/16 and its design is considered acceptable. However an area of enclosed decking has been erected in front of the outbuilding for a depth of 3m and width just greater than the width of the building. Its height is between approximately 500mm and 700mm due to slight change in ground levels from south to north.

Overall, the works have been sympathetically treated and materials used are acceptable and it is considered that the proposal would comply with policies CP2, DBE1 and DBE10 of the adopted Local Plan and Alterations.

NB: a raised pathway has been formed along the boundary with No. 45 Weald Bridge Road however this does not form part of the planning application. No details have been submitted on this but a raised platform to a height of 300mm can be erected without the need for planning permission. This height is taken from the highest ground level if ground levels change.

#### *Effect on neighbours living conditions*

Policy DBE9 seeks to ensure that an extension would not result in an excessive loss of amenity for neighbouring properties.

The outbuilding is sited at its closest approximately 45m from the nearest rear elevations of neighbouring properties along Weald Bridge Road. It has previously been accepted that given its size and siting at a sufficient distance from the neighbouring dwellings it is not considered to materially prejudice the living conditions of these neighbours in terms of its mass and bulk and loss of privacy and overlooking.

However previously there was no decking. In saying this, a raised platform up to a height of 300mm could be erected without planning permission and this could represent a formal external patio similar to the one constructed here. The issue here then is whether the additional 200mm to 400mm in height sufficient to result in a material increase in the loss of amenity in terms predominantly loss of privacy and overlooking to neighbouring occupiers.

Photographs of the views towards both adjoining neighbours were taken from the decking area at the time of the site visit. It is still considered that the separation distance between the decking area and the back of the dwellings is sufficient as not to result in a material loss of privacy. Views towards No. 45 Weald Bridge Road are largely obscured by the close boarded boundary fence. Views towards No. 47 Weald Bridge Road are again screened mainly by a mix of natural screening, shed and fence. So the combination of the distance and screening mitigates in the impact on neighbours privacy.

With regards to the potential for noise disturbance it is accepted that the use of the building as habitable accommodation may result in the building being occupied for longer periods of time than if it was a games room. However there is no guarantee that this itself would produce excessive levels of noise. Annexes are accepted forms of ways in which to extend the dwelling providing accommodation for family members and can be lived in without causing a material impact on neighbour's amenity. It can be argued that noise and disturbance could still emanate from the main dwelling and any anti social behaviour can be considered under separate legislation. In terms of light pollution, planning legislation does not cover external lighting and given the separation distance between the dwellings and the building it is not considered that the level of light emanating from the building would excessively harm the living conditions of neighbours.

Therefore in light of the above, the proposal is considered acceptable in neighbouring amenity terms and is considered to comply with policies DBE2 and DBE9 of the Local Plan (1998) and Alterations (2006).

**Summary of representations made:**

The comments made by the neighbours have been considered in the main body of the report. With regards to the comments made by the Parish Council annexes are accepted forms of accommodation for family members and there is no evidence to demonstrate that the outbuilding would be used for any other purpose. The building is single storey and benefits from a set of folding patio doors and windows to the front and rear however in terms of fire exits to this outbuilding or the wider site this is a building regulations issue and not a material planning consideration. For the avoidance of doubt a condition can be added to any permission that the annexe is tied to the main dwelling and cannot be used as a separate dwelling. However planning permission is required for such a change of use regardless of whether a condition is attached.

**Conclusion:**

In light of the above assessment, the proposal is considered to be acceptable in terms of its design and is considered an acceptable form of development in relation to neighbouring amenity given its distance from the main dwellings along Weald Bridge Road. Therefore the proposal is considered to comply with the relevant National, Local and draft policy and is recommended for approval.

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

**Planning Application Case Officer: Steve Andrews  
Direct Line Telephone Number: 01992 564 337**

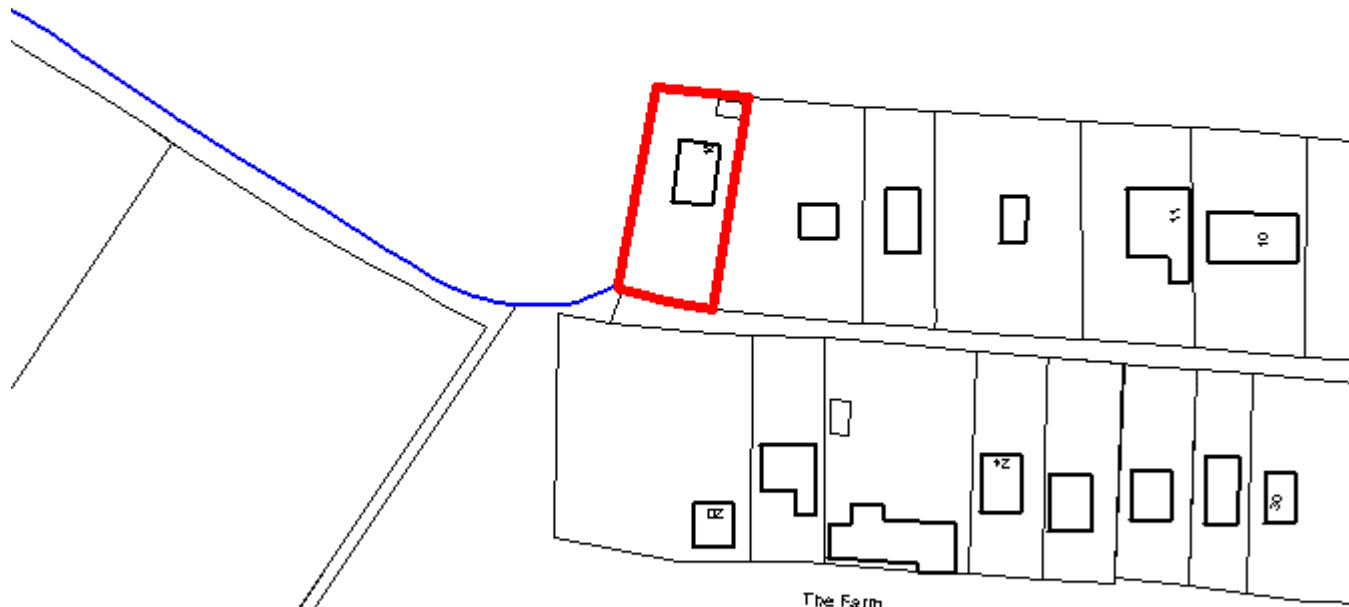
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# Epping Forest District Council

## Agenda Item Number 2

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Application Number:	EPF/1216/17
Site Name:	15 Curtis Mill Lane, Stapleford Abbotts, RM4 1HS
Scale of Plot:	1/1250



**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1216/17
<b>SITE ADDRESS:</b>	15 Curtis Mill Lane Stapleford Abbots Essex RM4 1HS
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Daniel Hayden
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for retention of existing 3 bed bungalow dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=594093](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594093)

**CONDITIONS**

- 1 Details of a) the types and colours of the external finishes to be used on the new bungalow and b) a new front boundary enclosure shall be submitted to the Local Planning Authority, in writing, within 4 months of the date of this decision. Once approved these details shall be fully implemented on site within a 6 months period.
- 2 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 Classes A, B, or E of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 3 The development hereby permitted will be completed strictly in accordance with 4 approved drawings numbered 2087.1 to 2087.4.

*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 Proposal:**

Retrospective application for retention of existing 3 bedroom bungalow dwelling.

### **Description of Site:**

One of some 30 plots on which stand mainly single storey buildings used as dwellings. The plots lie close to the eastern boundary of the district in a fairly isolated and discreet rural location to the east of Stapleford Abbots. These buildings lie in the Green Belt but they are not listed nor do they lie in a conservation area.

### **Relevant History:**

EPF/1744/13 – Certificate of Lawful Development issued for use of existing building as a dwelling.

### **Policies Applied:**

#### *Adopted Local Plan:*

GB2A – Development in the Green Belt

GB15A – Replacement dwellings

DBE1 - Design of new buildings

DBE9 – Loss of amenity.

CP2 – Protecting the quality of the rural and built environment

#### *NPPF:*

The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

#### *Draft Local Plan*

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 in this case are as follows:

- SP5 – Green Belt and District Open Land
- DM9 - High Quality Design

### **Summary of Representations:**

STAPLEFORD ABBOTTS PARISH COUNCIL – object on the following grounds – this is a brick building not in keeping with the other wood chalets in the vicinity. It is higher than and not in keeping with the other buildings in the vicinity which are bungalows. We are concerned that this is a holiday home only meant to be occupied for 6 months of the year. The lane is very narrow and should occasion arise, the emergency services would not be able to access the end houses. This is a new build and not the retention of a 3-bed bungalow

NEIGHBOURS – 3 properties consulted and 1 reply received:-.

14 CURTIS MILL LANE – Regarding the new building at no 15 I would like to advise that we have no objections to this property. We were riddled with rats which were living under and within the original dilapidated property and since the site has been cleared of all old buildings, and a new building built, the rats have disappeared. The property has been in our opinion built sympathetically to the area surrounding and looks very nice much better than the original portable buildings that were put together.

### **Issues and Considerations:**

This application follows on from enforcement investigations. The replacement dwelling has been 80% built but works have ceased pending the determination of this application.

There are some 30 other bungalow dwellings in this section of Curtis Mill Lane. Originally in the 1950's timber leisure chalets were built on these plots to be used for recreational and holiday purposes between April and October of any year. However, over several decades these chalets have gradually been used as permanent dwellings, and at the same time they have also been extended or rebuilt for all year round residential occupation. In order to regularise the planning position many householders were invited to apply for certificates of lawful development for permanent homes in the 2013-2015 period, or indeed to apply for retention of dwellings on their plots. Consequently this section of Curtis Mill Lane is now not characterised by timber leisure holiday chalets but by bungalow dwellings occupied on a permanent basis.

A lawful dwelling existed on this plot before being demolished to make way for this new bungalow. It is estimated that this new bungalow is some 60 to 70% larger in volume than the dwelling it replaced, and hence it is materially greater which is of concern to the Parish Council. However, it lies within this built up enclave of 30 other permanent dwellings, and hence its impact on openness is reduced. In addition, while there is a bedroom in the loft space, this is lit by windows in the roof slope and not by dormer windows which would have created a more prominent and 'out of keeping' chalet bungalow profile. While the proposed bungalow is sizeable there are others in the locality of a commensurate size, and many bungalows on the site have been rebuilt using blockwork or brickwork. While the concerns of the Parish Council are acknowledged the planning nature of this 'estate' has markedly changed with timber leisure chalets being replaced by bungalows, and in this context the principle and size of the replacement dwelling on the site is considered to be acceptable.

A new front boundary wall built at the front of the property was considered to be obtrusive and out of character in the locality, and has in the last two months been removed by the applicant.

### **Conclusion:**

This and other bungalows in the locality do provide a more affordable form of home than can be generally found elsewhere in the District. While the building of this replacement dwelling without planning permission can in no way be condoned it is considered that the proposal is acceptable for the reasons outlined above. It is therefore recommended that conditional planning permission be granted subject to conditions, including submission of details of materials to be used on external surfaces, details of a new front boundary enclosure, and removal of permitted development rights.

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

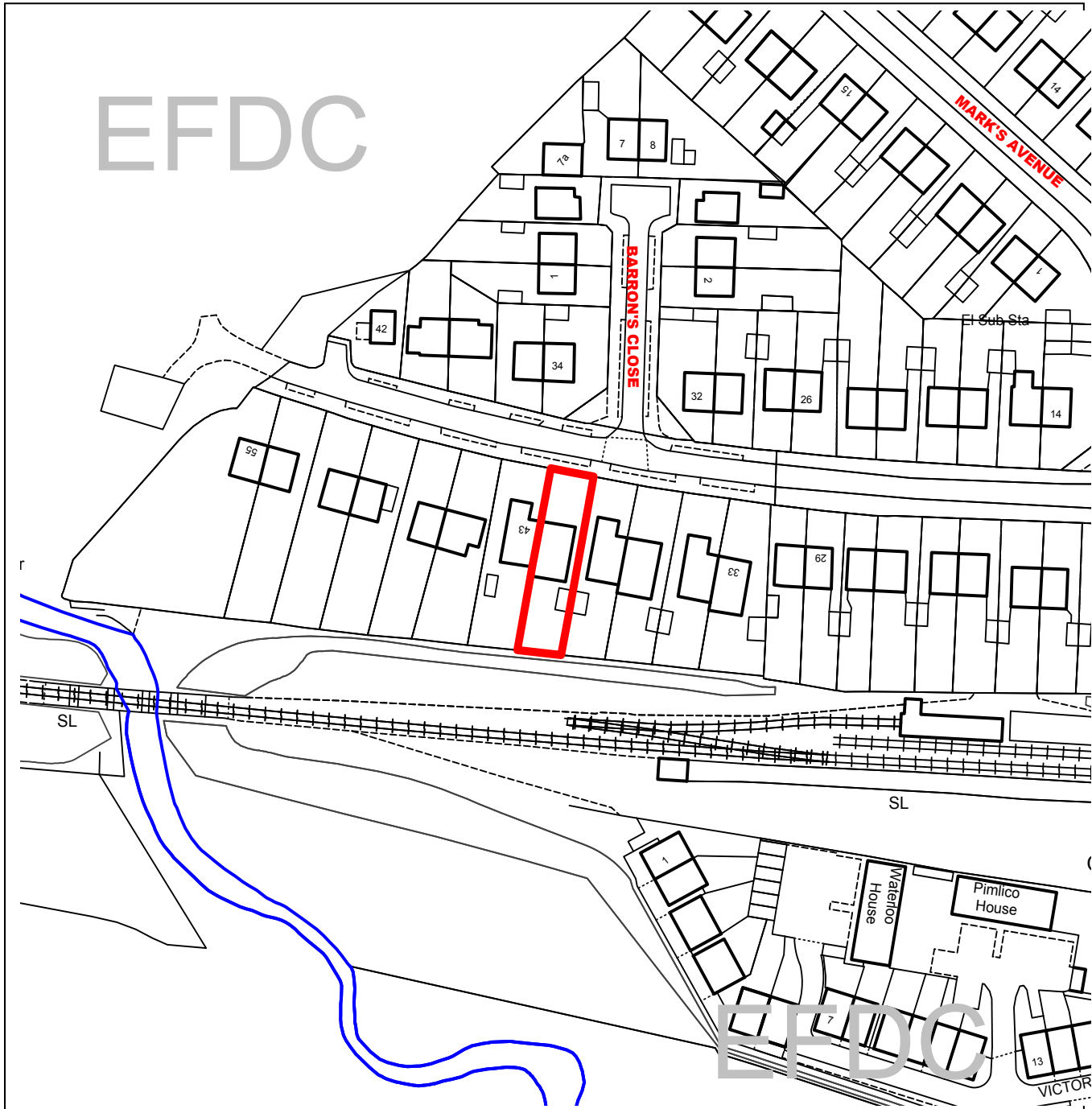
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## Agenda Item Number 3



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Application Number:	EPF/1400/17
Site Name:	41 Bowes Drive, Ongar, CM5 9AX
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1400/17
<b>SITE ADDRESS:</b>	41 Bowes Drive Ongar Essex CM5 9AX
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Colin Michael Normoyle
<b>DESCRIPTION OF PROPOSAL:</b>	Rear extension, garage and loft conversion.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=594803](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594803)

**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)*

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

**Description of Site:**

The application site is a single storey semi detached dwelling, within the built up area of Ongar. The site is not within the Metropolitan Green Belt or within a conservation area.

**Description of Proposal:**

Hip to gable roof extension with box dormer to rear, measuring 6 metres wide x 4.7 metres deep and 2.1 metres in height, finished in matching tile hanging. Single storey rear extension of 3

metres deep, 7 metres wide and 3.1 metres high, finished in matching brickwork with a small link to the existing single garage.

**Relevant History:**

None

**Policies Applied:**

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

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.

Draft Local Plan

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  
DM10 – Housing Design and Quality

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

3 NEIGHBOURS CONSULTED – 1 COMMENT RECEIVED – 43 BOWES DRIVE – Summarised Below – Impact on light, loss of privacy, overbearing, would cause noise disturbance.

ONGAR TOWN COUNCIL – OBJECT – Due to loss of light and privacy for neighbours.

**Main Issues and Considerations:**

The main issues to be considered relate to the impact on the character and appearance of development and neighbour's amenities.

**Design:**

The proposed extensions would increase the overall bulk and scale of the dwelling. Gable ends are not unusual within the street scene and some properties already benefit from box dormers to the rear. The works proposed are very similar to what could be carried out under permitted development and it is only because of small factors, such as the rear extensions link to the garage, that the application needs planning permission. Due to the mixed character of the street scene it will be able to contain the hip to gable conversion without causing excessive harm, whilst the box dormer will not be visible from the street scene, and whilst not attractive is not considered harmful to the character of the area given that it is not readily visible from any public area.

### Amenities:

The proposed single storey rear extension spans the width of the property, with a height of 3.1 metres and a depth of 3 metres. The proposal will extend about 4m beyond the rear of number 43 which lies to the west of the application site. In addition the side of the dormer window proposed will also have some impact on that property. Whilst this may result in some loss of morning light it is not considered that this will cause excessive harm to residential amenity beyond that which would be caused by the fall back of permitted development. Due to the separation of the property from number 39 it is not considered that there would be significant harm to the amenity of the occupants of that dwelling.

The box dormer will have 2 'picture' windows, these will not look directly into rear windows as the site faces towards the railway line to the rear and whilst it will afford views over the rear of neighbouring gardens, which are not currently overlooked, this kind of rear facing view towards the rear of gardens is the norm within urban areas and can not be regarded as causing excessive loss of residential amenity. In addition the impact would be no different to the situation allowed under permitted development. Whilst the officer appreciates the personal circumstances put forward by no. 43, noise disturbance from building works cannot be taken as a material planning consideration and would only take place for a temporary period, although it is appreciated this may be stressful for the occupants of no. 43.

### Conclusion:

The proposed development will not be unduly detrimental to the character and appearance of the area or the amenities of the neighbouring residents and is very similar to that which could be completed under permitted development. As such it 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:***

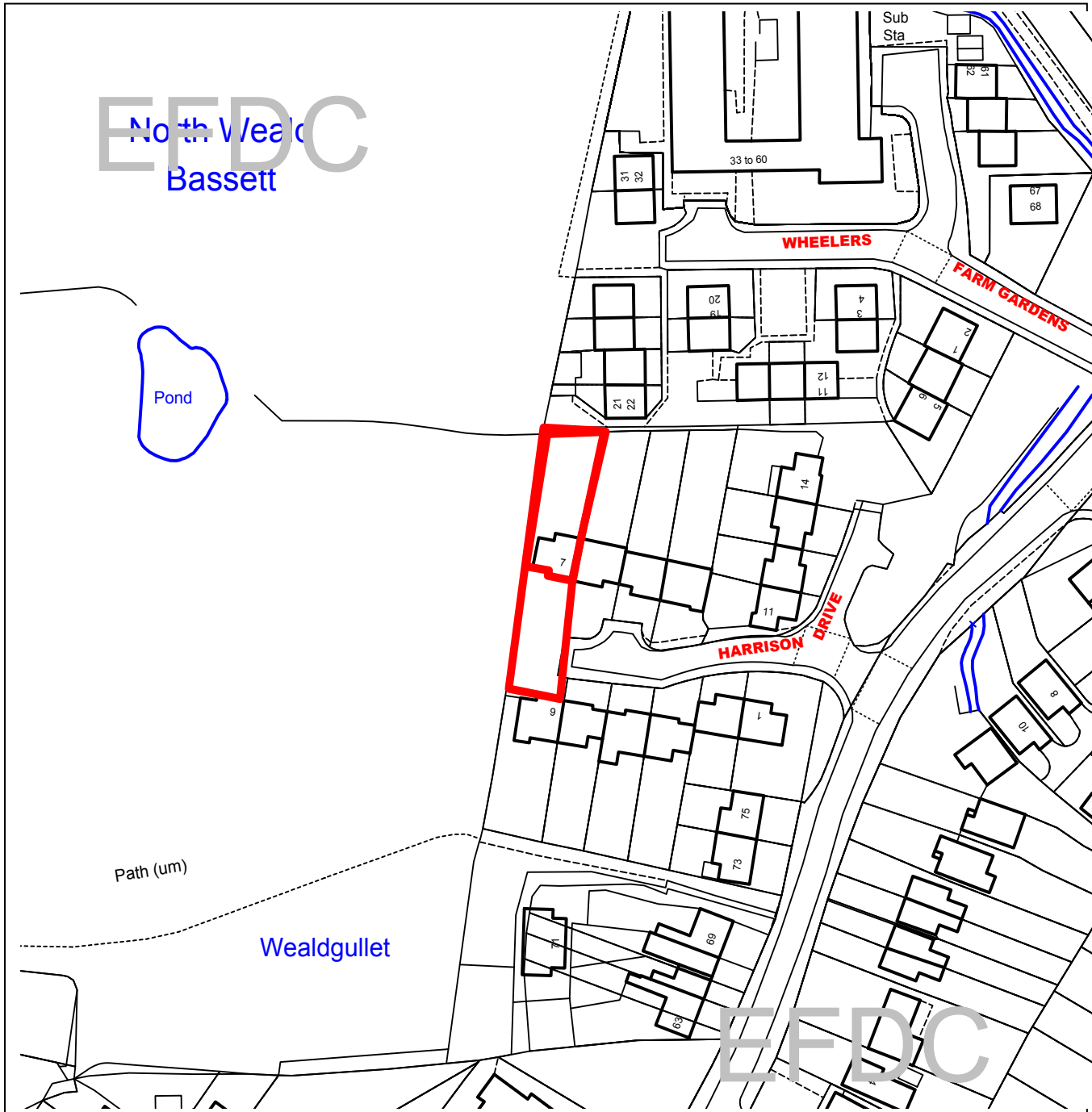
***Planning Application Case Officer: Corey Isolda  
Direct Line Telephone Number: 01992 564380***

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# Epping Forest District Council

## Agenda Item Number 4



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Application Number:	EPF/1414/17
Site Name:	7 Harrison Drive, North Weald, CM16 6JD
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1414/17
<b>SITE ADDRESS:</b>	7 Harrison Drive North Weald Bassett Essex CM16 6JD
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr George Wilson
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing garage and erection of new 3 bed dwellinghouse.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM\\_websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=594856](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=594856)

**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: 1673/P/: 01A, 02A, 03A, 04A, 05 and the submitted location plan
- 3 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 of Part 1 of Schedule 2 to the Order shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing. The development shall be implemented in accordance with such approved details.
- 5 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.

- 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 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 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.
  
- 13 No development, including works of demolition or site clearance, shall take place until details of means to protect and maintain the adjacent hedgerow adjacent to the boundary of the site have been submitted and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.
  
- 14 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Services – Delegation of Council functions, Schedule 1, Appendix A.(f).)*

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

This application was deferred from the last committee in order for additional information regarding the parking layout to be submitted and considered and for a members site visit to take place.

A revised parking layout plan at a more appropriate scale has been provided which indicates that 4 spaces (2 for the donor dwelling and 2 for the additional dwelling) that meet the required size of 2.9m x 5.5m can be provided within the area of land within the applicants ownership. In addition confirmation has been provided with regard to the right of access over adjacent land which makes the parking feasible.

### **Description of site**

The application site is located on Harrison Drive which is within the settlement of North Weald. The existing building is a two storey semi detached dwelling situated within a relatively long and narrow plot. The neighbouring dwellings have a similar appearance to the application property. The application site is not located within the boundaries of the Metropolitan Green Belt and it is not in a Conservation Area.

### **Description of proposal**

The proposed development is to erect a new dwelling on the land adjacent to no.7. The new dwelling will be 5.3m wide, have a maximum ridge height of 7.6m and a small single storey rear element 3m beyond the rear elevation of the adjacent neighbour.

### **Relevant History**

None

### **Policies Applied**

GB2A – Development in the Green Belt  
GB7A – Conspicuous development  
DBE9 – Living conditions of neighbours  
DBE10 – Design  
CP2 – Quality of the built and rural environment

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

### **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:

DM9 – High Quality Design  
SP1 – Presumption in favour of sustainable development  
DM21 – Local environment impacts, pollution and land contamination

## **Consultation carried out and summary of representations received**

3 Neighbours consulted –

NORTH WEALD PARISH COUNCIL – OBJECTION – The proposal would create a terracing effect and is an overdevelopment, insufficient room for parking, concerns with regard to the hedge. There is also concern that the block plan has been drawn incorrectly and the land stated as belonging to the owner of the property is not indeed theirs. Local residents are also concerned that only two neighbouring properties were notified in Harrison Drive and one in Wheelers Farm Gardens. Members of the Parish Council feel that more households should have been notified as this property is situated in a small cul de sac and parking is an issue in the area and therefore the householders should have been notified.

3 HARRISON DRIVE – OBJECTION – There is not enough space, concerns raised for the sewage arrangements and there is not enough parking.

4 HARRISON DRIVE – OBJECTION - The site in question is totally unsuitable for an additional residence, the area is far too small & cramped. The tandem parking arrangements for the houses are impractical & will result in numerous car movements.

5 HARRISON DRIVE – OBJECTION - This plot is narrow and hard up against the agricultural field that borders it. The construction of the new dwelling would therefore require the destruction of the mature hedge. This plot is small, and does not have enough parking and the access is inadequate.

6 HARRISON DRIVE – OBJECTION – There is not enough space for the development and there is insufficient parking

8 HARRISON DRIVE – OBJECTION – The plot is small and there is not enough room. There is not enough parking on the site and the access is inadequate

9 HARRISON DRIVE – OBJECTION - Harrison Drive is a small cul-de-sac. The site looks far too small for another house to be built and the parking is inadequate.

10 HARRISON DRIVE – OBJECTION – The proposal does not have enough parking and the access is insufficient.

11 HARRISON DRIVE – OBJECTION - Adding another house to Harrison Drive is going to exacerbate the existing parking problems. Having walked up to take a look at the proposed site for this development, I cannot believe that it is a viable and sensible space for a house.

13 HARRISON DRIVE – OBJECTION - The area is too small and is a poor form of development, parking is a critical issue and I notice that the applicant appears to believe that 2 vehicles can be parked side by side in front of No 7 and also the new build.

## **Issues and considerations**

The new dwelling will create a suitable standard of living accommodation and therefore the main issues to consider when assessing this application are the issues of housing supply, the living conditions of the neighbours, the character and appearance of the street scene, parking and access, land drainage, land contamination, trees and landscaping and any other material planning considerations.

### Five year housing supply

The Council is currently in the process of creating a new Local Plan; which will allocate sites for new residential development. However the Council is clear that it cannot currently demonstrate a five year supply of housing land within the District as required by the NPPF. In this respect, the Council's policies relation to housing provision cannot be considered up to date (in accordance with paragraph 49 of the NPPF). The significant shortfall in housing land supply within the District carries substantial weight in favour of granting planning permission.

### Living conditions of neighbours

The new dwelling will be set directly against the existing side elevation of no.7 Harrison Drive. This neighbouring property has a first floor side facing window, however this serves a landing and is fitted with obscured glass. A small single storey element will project 3m beyond the rear elevation of this existing neighbour, however it is of a reasonable height and projection and will not cause any harm to their living conditions as a result. However as a result of the single storey element it is considered to be reasonable and necessary to withdraw Class A Permitted Development Rights to ensure that the new dwelling cannot be disproportionately extended, which could harm the living conditions of no.7.

There are no other neighbours within close proximity to the new dwelling and as a result there will be no other loss of amenity to existing residents.

The proposal is therefore in compliance with policy DBE9 of the Adopted Local Plan and Alterations.

### Character and appearance of the street scene

Harrison Drive is principally made up of two storey semi detached dwellings fronting onto the public carriageway. In most cases each block of two dwellings is connected to the next block by single storey elements, the majority of which are garages.

The new dwelling would be built directly onto the side elevation of no.7, which is also directly joined to no.8. This will introduce a new, terrace feature into the street scene. Whilst this is a material change to the prevailing character and appearance of Harrison Drive, its position on Harrison Drive set in the corner of the cul de sac will not be significantly or overly prominent from the public carriageway and the creation of a terrace here will not adversely impact on the rhythm and character of the street scene.

Furthermore the new dwelling will have the same eaves and ridge heights as no.7, its detailed design will mirror that of the majority of the neighbours in Harrison Drive and its overall size and scale is also comparable to neighbouring dwellings in the street scene.

It is considered that it is reasonable and necessary to impose a planning condition regarding the use of materials to ensure that it fits well with the existing buildings.

The result of this analysis is that the development is respectful to the character and appearance of the area and is therefore compliant with policies CP2 and DBE1 of the Adopted Local Plan and Alterations.

### Parking and Access

A number of neighbours and indeed North Weald Parish Council have raised objection to the application in part due to the potential harm to Harrison Drive with regards to on-street parking

provision. It is the view of many of the neighbours that the erection of this new dwelling would cause substantial harm to the existing on street parking situation.

It is noted that the new dwelling would involve the removal of the existing single storey garage for the host dwelling no.7 and that it may therefore appear that parking space is being lost for the host dwelling and there will be significant demand from the new one as well.

However it is very important to note that both the host dwelling and the new dwelling would still have two usable, off-street parking spaces, as shown on the submitted block plan. Through discussion with the Highway specialist from Essex County Council, the Highway team raises no objection to the development as it complies with the adopted parking standards (two spaces per dwelling in this case) and would therefore not create a substantial demand for on street parking.

The Highway Specialist further commented that whilst the parking for each dwelling is 'stacked' one against the other, reversing onto a small cul de sac road such as Harrison Drive will not cause substantial harm to the interests of highway safety or efficiency.

The proposal is therefore compliant with policies ST4 and ST6 of the Adopted Local Plan and Alterations.

#### Land Drainage

The Land Drainage team consider that the proposal is acceptable subject to conditions regarding foul and surface water disposal. These issues can be secured with the use of planning conditions.

#### Land Contamination

Due to its former use as a farmyard, there is the potential for contaminants to be present on site. Domestic dwellings with gardens are classified as a particularly sensitive proposed use. As remediating worst case conditions should be feasible, it should be possible to deal with land contamination risks by way of condition.

#### Trees and Landscaping

The application site is located adjacent to an existing hawthorn hedge, which the Tree and Landscape officer considers is an important green barrier, particularly when viewed from Church Lane to the west. To that end, it is considered both reasonable and necessary to impose a planning condition to the application to ensure that the hedge is retained.

#### Conclusion

The proposed new dwelling offers a suitable level of residential accommodation, will not harm the living conditions of the neighbours, offers suitable off street parking, and will not harm the character or appearance of the street scene. All other material considerations are also satisfied and therefore it is recommended that planning permission is granted subject to conditions.

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

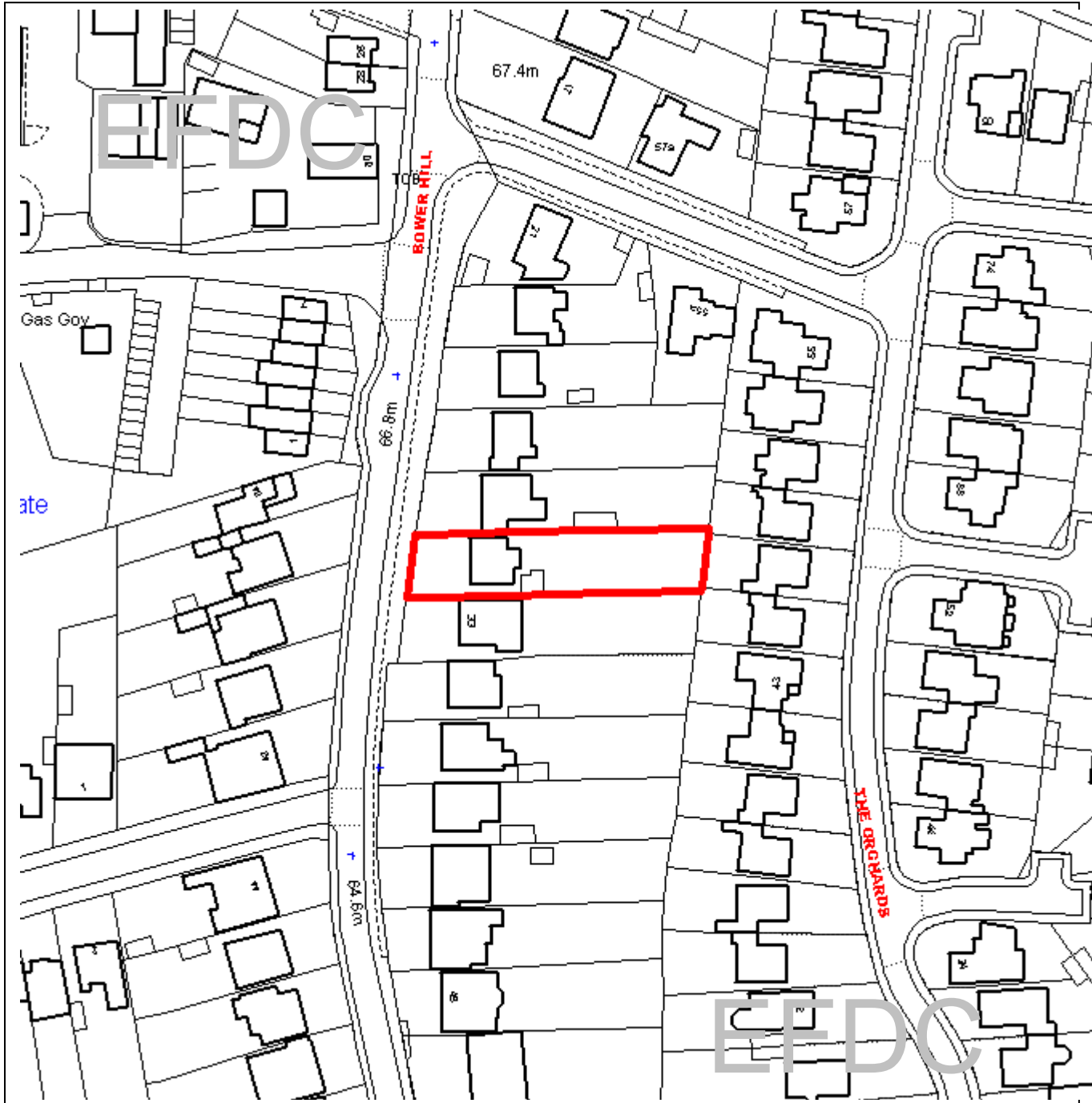
***Planning Application Case Officer: James Rogers  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Agenda Item Number 5



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Application Number:	EPF/1647/17
Site Name:	31 Bower Hill, Epping, CM16 7AL
Scale of Plot:	1/1250



**Report Item No:5**

<b>APPLICATION No:</b>	EPF/1647/17
<b>SITE ADDRESS:</b>	31 Bower Hill Epping Essex CM16 7AL
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Richard Cloake
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear extension (ii) increase in ridge height and loft conversion with dormer windows to the front and sides (iii) garage extension to side/front and (iv) front porch.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=595893](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=595893)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank dormer windows 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.
- 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.

*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 detached bungalow with an outbuilding within the rear garden adjoining the shared boundary with No. 33 Bower Hill. The general character of the area is predominantly bungalows, although many have been altered and extended in recent years in order to create larger, chalet bungalows. Two storey dwellings can also be found within Bower Hill.

Due to the topography of Bower Hill the application site is situated on land approximately 200mm higher than that at No. 33 but some 300mm lower than that at No. 29. The site is not located within the Metropolitan Green Belt or a conservation area.

### **Description of Proposal:**

Planning permission is sought for the increase in the ridge height and installation of a new half hipped roof containing habitable space on the existing bungalow, the erection of a two storey rear extension, a single storey side/front attached garage and a front porch.

The proposed roof extension on the existing bungalow would increase the ridge height from 5.8m to 6.2m (400mm increase), would introduce a half hipped roof form and two pitched roof front dormer windows. This roof would extend beyond the existing front elevation of the bungalow in order to cover the proposed porch and garage extensions, with the remaining frontage being an open overhang. The proposed two storey rear extension would run off of the extended roof with a pitched roof to the same ridge height. This would extend 8m beyond the rear wall of the bungalow existing (excluding the small conservatory) and would contain two pitched roof dormer windows in each flank roof slope along with a large window within the rear gable. The proposed side/front extension would be single storey and would measure 2.8m in width and 5.3m in depth. This would have a dummy pitched roof to a maximum height of 3.8m. The proposed front porch extension would measure 2.5m in width and 1.5m in depth.

The entire works proposed would enable the existing two bed bungalow to become a four bed chalet bungalow.

### **Relevant History:**

EPU/0116/62 - Erection of a conservatory.

### **Policies Applied:**

#### Epping Forest Local Plan and Alterations (1998/2006)

H4A – Dwelling mix  
DBE9 – Loss of amenity  
DBE10 – Extensions to dwellings  
RP3 – Water quality

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)

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:

H1 – Housing mix and accommodation type

DM9 – High quality design

DM10 – Housing design and quality

DM18 – On site management of waste water and water supply

### **Summary of Representations:**

7 neighbouring properties were consulted. No site notice was required.

TOWN COUNCIL – Object. This proposal is an overdevelopment of the site in terms of its size, bulk and dimensions. The bulk of the rear extension may result in a loss of amenity for the neighbouring properties.

The constant erosion of this line of bungalows is contrary to local policy, which states that there should be a range of dwellings, including smaller dwellings and there is a large proportion of people who wish to downsize and avoid stairs. Removing the stock of bungalows and allowing their conversion removes choice and will adversely affect the range and mix of dwellings available, contrary to policy H4A.

National policy promotes a wide choice of homes to create sustainable, mixed communities and provide the range of housing necessary (NPPF para 50). The constant conversion of these smaller single storey homes will mean future demand is not met.

The emerging Local Plan recognises the importance of bungalows and this should be reflected now (relevant policy H1E).

EPPING SOCIETY – Object. The sheer bulk of the proposed design is overdevelopment. The design will overlook the garden of 33. The rear extension will result in a loss of amenity for the neighbouring residents. The loss of a bungalow and conversion into a large family residence is another loss to our varied mix of properties. We need to keep single storey properties for the older generation.

33 BOWER HILL – Comment about potential overlooking, would want to see the first floor side dormer windows to have 'fixed frosted glass', and concerned about how long the build may take.

49 THE ORCHARDS – Object to the increase in ridge height as this would cause a loss of privacy to neighbouring properties. Also comment that many bungalows are being lost there will be no suitable properties for the elderly to downsize to when the need arises.

### **Issues and Considerations:**

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

### **Design:**

Whilst there have been concerns raised about converting the existing bungalow into a two storey 'chalet bungalow', the principle of extending bungalows on Bower Hill into chalet bungalows through the insertion of dormer windows and raising of ridge levels has been agreed on other properties in the vicinity. This can be clearly seen on the two properties to the north of the site

(No's. 29 and 27), both of which have front and/or side dormer windows serving a habitable first floor roof area. Other similar chalet bungalows can be found elsewhere in Bower Hill.

The increase in the ridge height and introduction of a half hipped roof on this site would not appear unduly detrimental to the streetscene. Whilst the properties to the south remain fairly uniform in size and design the properties to the north vary in terms of their appearance and roof form. The adjacent neighbour at No. 29 has a large flat topped crown roof with front and side dormer windows and extends further into the garden at two storey level than this proposed development.

The presence of a half hipped roof would help to soften the appearance and impact of the roof extension and due to the sloping nature of the road the 400mm increase in ridge height would not result in this being an overly prominent or harmful property within the street scene.

The significant rear extension is similar in scale to other additions within the immediate locality, including the adjacent neighbour at No. 29. As such this would not be detrimental to the overall character of the area.

Although the Town Council have objected due to the 'overdevelopment' of the site this property benefits from an extremely long, large rear garden and, similar to other examples within Bower Hill, can accommodate this size of extension without appearing cramped or detrimentally impacting on the level of private amenity space available. As such it is not considered that the proposal would constitute overdevelopment.

#### Amenity:

The proposed scheme would introduce a very deep two storey (incorporating the roof area) rear addition that would extend 8m beyond the original rear wall of the existing bungalow (excluding the small conservatory, which would be demolished). However this extension would be shorter than that which has been erected on the adjacent property at No. 29 Bower Hill, and others within the locality. Due to the presence of the neighbours significant rear addition there would be no detrimental impact on the living conditions of the residents at No. 29.

The proposed extension would extend approximately 5m beyond the rear wall of the single storey rear extension at No. 33, which is situated on slightly lower ground than the application site. However the proposed extension, which whilst two storey does incorporate the roof area as the first floor, would be stepped back some 2.8m from the shared boundary with No. 33. Furthermore there is an existing single storey detached garage located on the shared boundary that would be demolished. Due to these distances the proposed extension would not have any detrimental impact on the outlook of these neighbours and would not encroach within 45 degrees of the closest rear window. Whilst No. 33 has two flank ground floor flank windows facing the application site these appear to serve an en-suite and internal hallway according to the last plans submitted to the council (2005).

The proposed rear extension would include two side dormer windows in each flank roof slope that would directly face adjacent neighbouring properties. Whilst this is generally not considered an appropriate form of development several other similar side dormers have been approved in Bower Hill, including at No. 29 Bower Hill. All four of these dormer windows would serve a single bedroom that also benefits from a large rear window within the gable end of the roof and the dormers appear to be more to provide additional head room than light/outlook to this bedroom. As such, in line with other permissions in Bower Hill, these flank windows can be conditioned to have obscure glazing with fixed frames to ensure that they would not cause any overlooking or loss of privacy to neighbouring properties.

An objection has been received from No. 49 The Orchards, which is situated to the rear of the application site. This neighbour only refers to the development causing a loss of privacy to

neighbouring properties, but does not specify whether they feel that they would be overlooked by the proposed extensions. Given that the shared boundary with the properties in The Orchards is situated some 33m from the rear window of the proposed extension it is not considered that there would be any loss of amenity to these neighbouring residents.

Loss of a Bungalow:

The Town Council has raised concerns about the “*constant erosion of this line of bungalows*” and that the proposed development would result in the loss of an existing bungalow that reduces the stock of suitable housing for older people. Policy H4A does state that “*the council may... refuse planning permission for extensions to, or conversions of, existing dwellings where the result will adversely affect the range and mix of dwellings available*” and the Draft Local Plan does propose a policy (H1 E.) that states that “*the loss of bungalows will be resisted as they provide a supply of accessible accommodation*”. Whilst at the current time only limited material weight can be applied to the Draft Local Plan the emerging plan and evidence base should be considered as a material consideration in planning decisions.

With regards to the potential loss of the existing bungalow, the dwelling benefits from full permitted development rights. Although the development as proposed, with the raising of the roof and front dormer windows, could not be undertaken under permitted development a roof extension would be possible that could incorporate rear or side dormer windows. Whilst such resulting extensions would be more limited than the proposed scheme it would be feasible and would introduce a first floor to this bungalow. This ‘fallback’ is a material planning consideration that must be given weight.

The other consideration is the recent approvals for a first floor extensions on other properties within Bower Hill, including that granted at No. 29 Bower Hill in February 2015.

The proposed development would continue to retain a single ground floor bedroom and en-suite so the dwelling could still be occupied by elderly residents or those with mobility problems. Given these factors it is not considered that the loss of the existing bungalow would be sufficient enough to warrant refusal of the application.

**Conclusion:**

The proposed scheme would not appear detrimental to the character or appearance of the street scene and, subject to obscure glazing within the flank dormer windows, would not be unduly harmful to the amenities of neighbouring residents. The proposal is similar in scale and form to other examples within the street scene, including that on the adjacent site of No. 29 Bower Hill, and as such it is considered that the scheme is in compliance with National and local guidance and the application is recommended for 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:***

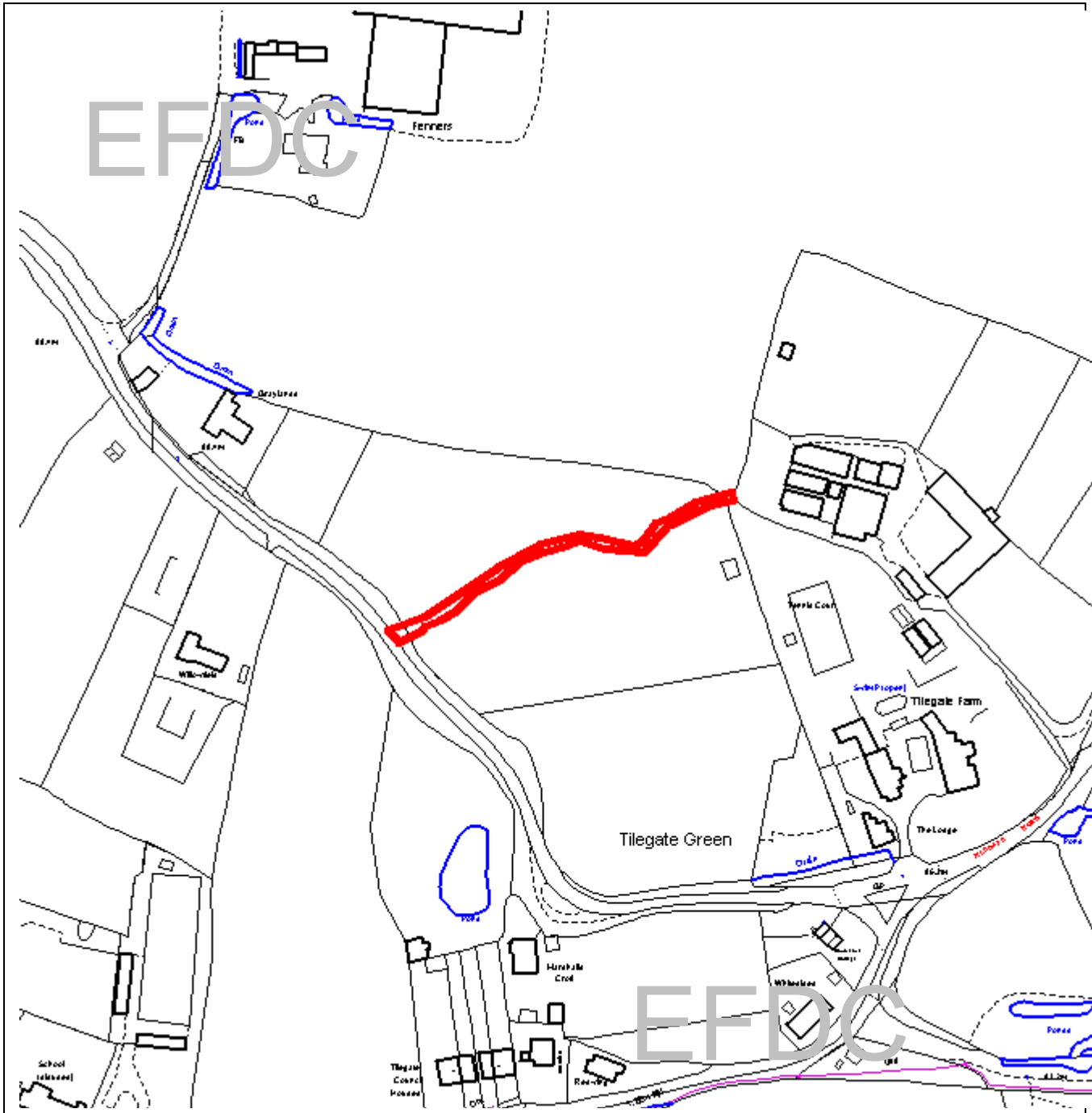
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

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



# Epping Forest District Council

## Agenda Item Number 6



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Application Number:	EPF/1794/17
Site Name:	Land adj to Tilegate Farm, Tilegate Road, Magdalen Laver, CM5 9HX
Scale of Plot:	1/2500

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1794/17
<b>SITE ADDRESS:</b>	Land adj to Tilegate Farm Tilegate Road Magdalen Laver Ongar Essex CM5 9HX
<b>PARISH:</b>	Moreton, Bobbingworth and the Lavers
<b>WARD:</b>	Moreton and Fyfield
<b>APPLICANT:</b>	Mr Kevin Markham
<b>DESCRIPTION OF PROPOSAL:</b>	Certificate of lawful development for an access road.
<b>RECOMMENDED DECISION:</b>	Lawful

**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=596676](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=596676)

**REASONS**

- 1 The Council is satisfied on the balance of probability that the works have been in existence for in excess of 4 years and are therefore lawful.

*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 field with access at either end, adjacent to Tilegate Farm, located on Tilegate Road in Magdalen Laver, a rural location, with a group of former farm buildings and residential properties close by.

**Description of Proposal:**

Certificate of lawful development for an access road. The submitted plan shows an access across the land running roughly south west to north east from Tilegate Road to the rear of Tilegate Farm.

**Relevant Site History:**

None

### **Policies Applied:**

None applicable – the application will be assessed on the evidence submitted by the applicant as proof of an existing lawful use.

### **Consultation and Summary of Representations**

Moreton, Bobbingworth and The Lavers Parish Council – Not lawful. Google Earth images in 2009 and 2014 show that the road did not exist and therefore implies that the CLD is not lawful.

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

The main issue to consider for this application is whether the evidence submitted by the applicant is deemed sufficient for the access road to have been present for the last 4 years in order for it to be considered as lawful development.

#### Evidence:

The applicant has provided photographs showing the existing access. There is no doubt that, following an officer site visit, the wooden gates, fencing and supporting posts at both ends of the field have been there for many years – well beyond the 4 years the applicant has to prove. The vehicular entrance from Tilegate Road, where one of the gates is, has a raised vehicular access (at road level) and low height side supporting brick walls in, which are decades old.

The “not lawful” recommendation from the local council is because of the two year aerial photo images not showing an access track running through the site. The images though are not clear and therefore not conclusive. The applicant states that this is not surprising given it does become grassed over, but it has been occasionally topped up with chippings. Also the period for lawfulness is 2013 to 2017, so the 2009 image is not evidence in itself for not issuing the certificate. After visiting the site, it appears that whilst the track has certainly had a new hard material put over it recently and therefore looks new, but vegetation is growing from between gaps in the access road, which may be a contributing factor as to why the track was not seen clearly before when grassed over. The aerial photos are also snapshots at the time and therefore not always conclusive. The applicant also states that horses have been kept on the application site and any fencing shown has been temporary and moved around the site, although the access road has been in situ.

The test on whether to issue a certificate of lawfulness, and therefore make it immune from taking enforcement action, is to look at the evidence and make a decision on the balance of probability. The onus is on the appellant to demonstrate that, on the balance of probability, an access has been in existence here for at least 4 years.

The application is accompanied by three sworn affidavits.

The joint owner of Tilegate Farm states that it has been in place since at least 1998, used continuously albeit infrequently to the rear of the farm and commercial units on the adjoining land.

A second one from a local farmer who has been contracted to cut grass at the field, as well as deliver and collect horses from this field and stable complex and has used the access road over the last 5 to 6 years.

The third one is from a local resident who has lived at Great Wilmores Farm, Workers Road for 12 years and confirms that the track and entrance has been in place whilst living here.



**Conclusion:**

Whilst an aerial photo does not appear to show the access road, it is not conclusive that it has not existed for at least 4 years. Sworn evidence supplied by the applicants correlates with the findings of the site visit and they are all local. Where such applications end up in front of a planning inspector, great weight is given to sworn declarations unless evidence clearly demonstrates otherwise. On the balance of probability from the three sworn evidence supplied, there has been some kind of access road here across the site for more than 4 years and therefore the subject of this application is LAWFUL.

***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: Alastair Prince  
Direct Line Telephone Number: 01992 564462***

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