

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE SOUTH **Wednesday, 28th August, 2019**

You are invited to attend the next meeting of **Area Planning Sub-Committee South**, which will be held at:

Council Chamber, Civic Offices, High Street, Epping
on **Wednesday, 28th August, 2019**
at **7.30 pm** .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

Jackie Leither Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors G Mohindra (Chairman), A Patel (Vice-Chairman), R Baldwin, A Beales, R Brookes, S Heap, R Jennings, J Jennings, H Kauffman, J Knapman, A Lion, L Mead, S Murray, S Neville, M Owen, C P Pond, C C Pond, S Rackham, C Roberts, D Roberts, B Sandler, J Share-Bernia, D Sunger and D Wixley

WEBCASTING/FILMING NOTICE

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The meeting may also be otherwise filmed by third parties with the Chairman's permission.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by entering the Chamber and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should speak to the webcasting officer or otherwise indicate to the Chairman before the start of the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This meeting is to be webcast;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

If you are seated in the public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should speak the webcasting officer.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 26)

To confirm the minutes of the last meeting of the Sub-Committee held on 31 July 2019.

4. APOLOGIES FOR ABSENCE

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing

Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

To identify and agree requirements for formal site visits to be held with regard to any planning application listed in this agenda, prior to consideration of the application.

9. PLANNING APPLICATION - EPF/0517/19 6 ASHLEY GROVE, STAPLES ROAD, LOUGHTON, ESSEX, IG10 1HS (Pages 27 - 34)

To consider the attached report.

10. PLANNING APPLICATION - EPF/1308/19 LAND REAR OF 198 - 200 FOREST EDGE, BUCKHURST HILL, ESSEX, IG9 5AE (Pages 35 - 44)

To consider the attached report.

11. PLANNING APPLICATION - EPF/1356/19 47 HARVEY GARDENS, LOUGHTON, ESSEX, IG10 2AD (Pages 45 - 50)

To consider the attached report.

12. PLANNING APPLICATION - EPF/1174/19 11 LYNDHURST RISE, CHIGWELL, ESSEX, IG7 5BB (Pages 51 - 58)

To consider the attached report.

13. PROBITY IN PLANNING - APPEAL DECISIONS, 1ST OCTOBER 2018 TO 31ST MARCH 2019 (Pages 59 - 108)

To consider the attached report.

14. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

Advice to Public and Speakers at the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend. Only in special circumstances are the public excluded.

When and where is the meeting?

Details of the location, date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Service. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

If you are not present by the time your item is considered, the Committee will determine the application in your absence.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee from within the Council Chamber at the Civic Offices. If you simply wish to attend a meeting of any of these Committees to observe the proceedings, you will be seated in the public gallery of the Council Chamber.

Can I give the Councillors more information about my application or my objection?

Yes you can but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website www.eppingforestdc.gov.uk. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services or through our leaflet 'Your Choice, Your Voice'.

Area Planning Subcommittee South 2019-20
 Members of the Committee and Wards Represented:



Chairman
Cllr Mohindra
 Grange Hill

Vice-Chairman
Cllr Patel
 Buckhurst Hill West

Cllr Baldwin
 Loughton Forest

Cllr Beales
 Loughton Forest

Cllr Brookes
 Loughton Roding

Cllr Heap
 Buckhurst Hill East



Cllr B Jennings
 Loughton St John's

Cllr J Jennings
 Loughton St Mary's

Cllr Kauffman
 Loughton St Mary's

Cllr Knapman
 Chigwell Village

Cllr Lion
 Grange Hill

Cllr Mead
 Loughton Fairmead



Cllr Murray
 Loughton Roding

Cllr Neville
 Buckhurst Hill East

Cllr Owen
 Loughton Broadway

Cllr C C Pond
 Loughton Broadway

Cllr C P Pond
 Loughton St John's

Cllr Rackham
 Grange Hill



Cllr C Roberts
 Loughton Alderton

Cllr D Roberts
 Loughton Alderton

Cllr Sandler
 Chigwell Row

Cllr Share-Bernia
 Buckhurst Hill West

Cllr Sunger
 Chigwell Village

Cllr Wixley
 Loughton Fairmead

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 31 July 2019
South

Place: Council Chamber, Civic Offices, **Time:** 7.30 - 9.56 pm
High Street, Epping

Members Present: G Mohindra (Chairman), A Patel (Vice-Chairman), R Brookes, S Heap, J Jennings, H Kauffman, L Mead, S Neville, C P Pond, C C Pond, S Rackham, C Roberts, D Roberts, J Share-Bernia, D Sunger and D Wixley

Other Councillors: None.

Apologies: R Baldwin, A Beales, R Jennings, J Knapman, A Lion, S Murray, M Owen and B Sandler

Officers Present: M Johnson (Implementation Team Manager), R Thomason, V Messenger (Democratic Services Officer) and A Hendry (Senior Democratic Services Officer)

13. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

14. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements adopted by the Council to enable persons to address the Sub-Committee, in relation to the determination of applications for planning permission. The Sub-Committee noted the advice provided for the public and speakers in attendance at Council Planning Sub-Committee meetings.

15. MINUTES

RESOLVED:

That the minutes of the meeting held on 3 July 2019 be taken as read and signed by the Chairman as a correct record, subject to the following amendment:

Declarations of Interest (Minute no 9 (a)) – the removal of ‘previously’ to read: Pursuant to the Council’s Code of Member Conduct, Councillor R Brookes declared a non-pecuniary interest in the following item of the agenda by virtue of living on Lower Park Road and knowing some of the objectors.

- EPF/2881/18 - 76 Algiers Road, Loughton.

16. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor A Patel declared a non-pecuniary interest in the following item of the agenda by virtue of being the Portfolio Holder (Commercial and Regulatory). The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0119/19 – 1 Landmark House, The Broadway, Loughton IG10 2FA

(b) Pursuant to the Council's Code of Member Conduct, Councillor D Sunger declared a non-pecuniary interest by virtue of the applicant being known to him. The Councillor had determined that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/1025/19 – 46 Stradbroke Drive, Chigwell IG7 5QZ

17. ANY OTHER BUSINESS

It was noted that there was no other urgent business for consideration by the Sub-Committee.

18. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

It was noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

19. DEVELOPMENT CONTROL

(a) Site Visits

It was noted that the following formal site visit was requested by members, and agreed by the Committee, prior to the consideration and determination of the remaining applications.

- EPF/0517/19 – 6 Ashley Grove, Staples Road, Loughton

(b) Planning Applications

The Sub-Committee considered a schedule of applications for planning permission.

RESOLVED:

That the planning applications numbered 1 – 9 be determined as set out in the attached schedule to these minutes.

CHAIRMAN

Report Item No:1

APPLICATION No:	EPF/0119/19
SITE ADDRESS:	1 Landmark House The Broadway Loughton Essex IG10 2FA
PARISH:	Loughton
WARD:	Loughton Broadway
DESCRIPTION OF PROPOSAL:	Erection of x 3 no. air conditioning motors and x 2 no. cold room motors on rear wall placed at 30cm above floor level.
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=619453

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: 1021_GA-E3 P3, 1021_GA-PR-E2 P3, 1021_GA-PR-PL-02 P3, 1021_GA_PR-PL-01 P3, 1021_GA-PR-P-L00 P2, 1021_GA-D-01 P1, Site Location Plan
- 3 The hereby permitted air-conditioning units and refrigeration units shall not operate until the acoustic enclosure is constructed in line with drawing number 1021_GA-PR-PL-02 P3. Any amendment to the design or construction should be agreed in writing with the Local Planning Authority.
- 4 The use of the equipment hereby permitted in reference to EPF/0119/19 must cease during any period that the rating level of noise (as defined by BS4142:2014) emitted from the air conditioning units and cold room motors installed pursuant to EPF/0119/19 exceeds the prevailing background noise level. The measurement position and assessment shall be made according to BS4142:2014.
- 5 The consented air conditioning units hereby approved shall not operate outside of the approved operational hours of the A3 use.
- 6 The AC and Condensing units together with the box enclosure hereby approved shall be maintained in a fully functional and operational condition as required by conditions 2, 3 and 4 of this consent.

Report Item No:2

APPLICATION No:	EPF/0304/19
SITE ADDRESS:	St Thomas More RC Church site Willingale Road Loughton Essex IG10 2DB
PARISH:	Loughton
WARD:	Loughton Broadway
DESCRIPTION OF PROPOSAL:	Redevelopment of site to provide 16 houses and 10 flats, including a new community hall (class D1/D2), associated parking, access, hard and soft landscaping and all ancillary works.
DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=620275

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: 1854 SLP-01, 1854 E-01, 1854 E-02, 1854 E-03, 1854 E-04, 1854 E-05, 1854 E-06, 1854 E-07, 1854 E-08, 1854 E-09, 1854 P-01 Rev D, 1854 P-02 Rev B, 1854 P-03 Rev B, 1854 P-04 Rev B, 1854 P-05 Rev B, 1854 P-06 Rev B, 1854 P-07 Rev B, 1854 P-08 Rev B, 1854 P-09 Rev B, 1854 P-10 Rev D and 1854 P-12 Rev B
- 3 Materials to be used for the external finishes of the proposed development shall match those as outlined on plan no. 1854 P-10 Rev D unless otherwise agreed in writing by the Local Planning Authority.
- 4 The parking areas shall be surfaced as per the materials outlined on plan number 1854 P-02 Rev B, unless otherwise agreed in writing by the Local Planning Authority.
- 5 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, D and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 6 The D1/D2 use hereby permitted shall not be open to customers/members outside the hours of 07:30 to 21.00 on Monday to Friday, 08.00 - 20.00 on Saturday and 08.00 and 17.30 on Sundays and Bank Holidays.

- 7 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 8 The parking spaces shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point for each dwelling or allocated parking space and 1 Electric Vehicle Charging Point for every 10 properties that share unallocated parking shall be installed and retained thereafter for use by the occupants of the site.
- 10 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 11 Following completion of the 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.
- 12 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 Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. The parking of vehicles of site operatives and visitors
 2. Loading and unloading of plant and materials
 3. Storage of plant and materials used in constructing the development
 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 5. Measures to control the emission of dust and dirt during construction, including wheel washing.
 6. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 7. Tree protection measures.
- 14 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 15 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 16 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, all means of enclosure; all hard surfacing; 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.
- 17 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.

- 18 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 19 The window openings in the first floor rear elevation of plots 24 and 25 shall be entirely fitted with obscured glass with a minimum Level 3 obscurity 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.
- 20 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.
- 21 No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
 - Limiting discharge rates to a minimum of 50% betterment of the existing brownfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- 2
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Demonstrate that all storage devices have a half drain time of less than 24 hours
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
 - Detailed engineering drawings of each component of the drainage scheme.
 - A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
 - A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- The scheme shall subsequently be implemented prior to occupation.
- Reason:
- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 - To ensure the effective operation of SuDS features over the lifetime of the development.
 - To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before
- 22 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

- 23 No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.
- 24 The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.
- 25 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
- 26 Prior to first occupation of the development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Report Item No:3

APPLICATION No:	EPF/0517/19
SITE ADDRESS:	6 Ashley Grove Staples Road Loughton Essex IG10 1HS
PARISH:	Loughton
WARD:	Loughton St Johns
DESCRIPTION OF PROPOSAL:	Proposed roof extension.
DECISION:	Deferred

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=621002

Deferred – for site visit

Report Item No:4

APPLICATION No:	EPF/0868/19
SITE ADDRESS:	Land at Orchard Way Chigwell Essex IG7 6EF
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Erection of a three-storey building to provide one 3 bedroom house and two 1 bedroom flats with associated car parking and amenity.
DECISION:	Refused

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=622456

REFUSED

1. The proposal, by reason of its scale and extent, would represent inappropriate development in the green belt by way of its impact on openness for which no case of very special circumstances has been advanced to outweigh the identified harm. The proposal is therefore contrary to policy GB2A of the Local Plan (1998/2006), policy DM4 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).
2. The proposal fails to demonstrate, by way of evidence, that the development would not have an impact on the ecology of the site including impact on any existing trees. The proposal is therefore contrary to policies LL7 and NC4 of the Local Plan (1998/2006), policies DM 1 and DM 5 of the Submission Version of the Local Plan (2017) and the National Planning Policy Framework (2019).

Report Item No:5

APPLICATION No:	EPF/1025/19
SITE ADDRESS:	46 Stradbroke Drive Chigwell Essex IG7 5QZ
PARISH:	Chigwell
WARD:	Grange Hill
DESCRIPTION OF PROPOSAL:	Proposed sub-division of the second floor flat to 2 flats, revised layout of basement and revised parking layout. (Amendment to decision reference EPF/0973/17. Number of flats would be increased from 5 to 6. *AMENDED DESCRIPTION*
DECISION:	REFUSED

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=623133

REFUSED

1. The proposal, by increasing the number of units from an approved 5 to 6, would, by reason of increased activity in the form of pedestrian comings and goings and vehicle usage, have a detrimental impact on the character and appearance of the area and living conditions and amenities to nearby properties through noise and disturbance. The proposal would therefore be contrary to policies DEB2 of the Adopted Local Plan 1998/2006, and Policy DM9 of the Local Plan Submission version 2017.
2. The proposed parking bays falls below the minimum standards for Vehicle Parking Bay sized contained within the Essex County Council Parking Standards (Design and Good Practice) 2009. The proposal is therefore contrary to the aforementioned document, and Policy T14 of the Adopted Local Plan 1998/2006.

Report Item No:6

APPLICATION No:	EPF/1257/19
SITE ADDRESS:	132 Church Hill Loughton Essex IG10 1LH
PARISH:	Loughton
WARD:	Loughton St Johns
DESCRIPTION OF PROPOSAL:	Proposed demolition of a single storey annexe and construction of a two storey dwelling house (Revised application to EPF/0426/19).
DECISION:	Grant Permission (Subject to Legal Agreement)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=624117

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 No's: 150.132A01, 150.132A02, 150.132A03, 150.132A04, 150.132A05, 150.132A06, 150.132A07, 150.132A08, 150.132A09, 150.132A10 and 150.132A011
- 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 Classes A, B, D and E of Part 1 of Schedule 2 to the Order, shall be undertaken without the prior written permission of the Local Planning Authority.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 5 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.
- 6 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

- 7 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 9 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 10 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 12 Prior to any above ground works, details of the proposed landscaping of the site, including retention of trees and other natural features and the proposed times of planting (linked to the development schedule), shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be carried out in accordance with the approved details and at the agreed times.
- 13 Prior to any above ground works, details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed,

uprooted or destroyed or dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives it's written consent to any variation.

- 14 Prior to any above ground works, a scheme for the front boundary treatment, including a low brick wall and hedge/fencing, soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The scheme shall be carried out in accordance with the approved details and the agreed timetable. 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.

Report Item No:7

APPLICATION No:	EPF/1278/19
SITE ADDRESS:	122 Roding Road Loughton Essex IG10 3EJ
PARISH:	Loughton
WARD:	Loughton Roding
DESCRIPTION OF PROPOSAL:	Two storey side extensions and first floor rear extension.
DECISION:	Referred back for delegate decision

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=624173

Referred back for delegated decision

Report Item No:8

APPLICATION No:	EPF/1437/19
SITE ADDRESS:	38 Chigwell Lane Loughton Essex IG10 3NY
PARISH:	Loughton
WARD:	Loughton Alderton
DESCRIPTION OF PROPOSAL:	Proposed extension of opening time to 7am - 9pm (Monday to Saturday) and a single storey extension to create WC space to the cafe space. (Revised application to EPF/0457/18).
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=624877

CONDITIONS

- 1 The proposed extension of opening hours of Monday to Saturday 7am to 9pm shall cease on or before the following date, 31 July 2020 after which, the hours of opening shall revert back to the hours of operation granted under decision reference EPF/0307/13.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PL01, PL02 rev C, PL03 rev C, PL04 rev C, PL05 rev C,
- 3 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 4 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.

Report Item No:9

APPLICATION No:	EPF/1574/19
SITE ADDRESS:	38 Woolhampton Way Chigwell Essex IG7 4QH
PARISH:	Chigwell
WARD:	Chigwell Row
DESCRIPTION OF PROPOSAL:	Proposed single and part double storey rear extension with part demolition of the existing garage.
DECISION:	Refused

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=625461

REFUSED

1. The proposal, by reason of poor design and loss of symmetry with the adjoining properties, would have a detrimental impact on the character of the street scene and as such would be contrary to policies CP2 and DBE10 of the adopted Local Plan and Alterations 1998 & 2006, policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF 2019.

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Epping Forest District Council



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Application Number:	EPF/0517/19
Site Name:	6 Ashley Grove Staples Road Loughton Essex IG10 1HS
Scale of Plot:	1/500

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APPLICATION No:	EPF/0517/19
SITE ADDRESS:	6 Ashley Grove Staples Road Loughton Essex IG10 1HS
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Ms Andrea Lopez de Pablo Hernando
DESCRIPTION OF PROPOSAL:	Proposed roof extension.
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=621002

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: Site Location Plan, 1830-05, 1830-09b, 1830-11, 1830-07, 1830-06a, 1830-08, 1830-02, 1830-04c, 1830-12a, 1830-13
- 3 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.
- 4 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 5 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

This application is before the Committee since the recommendation is for approval as more than five objections have been received which are material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

The application site comprises of a two storey end of terrace dwellinghouse within the built up area of Loughton St.Johns. Metropolitan Green Belt land is situated further north west of Ashley Grove. Further east of Ashley Grove is the York Hill Conservation Area. The application building itself is not a Listed Building and there are no Listed Buildings adjoining the site. Land levels rise to the west but fall significantly to the east. Dwellings 1-9 on Ashley Grove are well-screened by mature trees and landscaping. They are not readily visible even at oblique views when viewed from different angles along the street scene. These trees and landscaping which are outside the site curtilage of no's 1-9 Ashley Grove are owned by the City of London Corporation and managed by the Conservators of Epping Forest. They are protected because of the Epping Forest Act 1878 and any works to these trees requires the permission of the Conservators. As such they are highly unlikely to be removed in future and therefore provide effective screening from different angles along Ashely grove and Staples Road notwithstanding the topography of the site and locality.

To the east is 7 Ashley Grove which is a two storey dwelling with a pitched roof. To the west is 5 Ashley Grove which is an end of terrace two storey building with a flat roof (but subject of recent permissions for an almost identical development to that proposed). To the rear land levels fall steadily along the application site and at no's 6 and 7.

Description of Proposal:

Proposed roof extension

Note: The proposed single storey front and rear extension shown on the proposed plans and elevations have been approved under decision reference EPF/3168/18 and is shown for purely indicative purposes.

Relevant History:

EPF/3168/18 Single storey front and rear extensions. Approved
EPF/2031/16 Prior approval application for a 4.36 metre deep single storey rear extension, eaves height 2.8 metres and overall height of 2.95 metres. Prior Approval Required and Granted
EPF/1403/16 Certificate of Lawful Development for proposed single storey rear extension. NOT LAWFUL.

Policies Applied:

Adopted Local Plan:

CP2	Protecting the quality of the rural and built environment
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

NPPF:

The Revised National Planning Policy Framework (NPPF) has been published as of February 2019. Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1	Presumption in Favour of Sustainable Development
DM9	High Quality Design
DM10	Housing Design and Quality

Consultation Carried Out Summary of Representations Received

Number of neighbours Consulted: 17

Responses received: HILLS AMENITY SOCIETY – OBJECT on the following grounds:

The property is between two Conservation areas. Will affect privacy of neighbours and obstructs views of the forest, giving them a very enclosed environment.

7 ASHLEY GROVE - OBJECT: Loss of light, outlook and privacy. Out of character

10 FOREST WAY – OBJECT: Loss of light, outlook and privacy. Out of character

8 FOREST WAY- OBJECT: Loss of light, outlook, privacy. Out of character

12 FOREST WAY – OBJECT: Loss of light, outlook, privacy. Out of character

20 FOREST WAY – OBJECT: Loss of light, outlook, privacy. Out of character

4 FOREST WAY – OBJECT: Loss of light, outlook, privacy. Out of character

Parish Council: CONCERNED that this proposal would cause overlooking and loss of privacy for the residents of 12 Forest Way; and the design was out of keeping for this road which borders the Conservation Area.

Main Issues and Considerations:

The main issues to be considered with this application relates to design and impact on neighbour living conditions.

Design

The proposed extension at roof level would result in the existing two storey dwellinghouse having a pitched roof extension with a rear dormer window – it will remain two storeys but would have roof accommodation like what has been approved number 5 under decision reference EPF/0488/19 and as witnessed at no. 4 Ashley Grove. It would match the building height of the adjoining no. 7 Ashley Grove which is a two-storey building with a hipped roof profile. It would create balance and symmetry to this row of terraced dwellings. The proposal would not be readily visible from the public highway/streetscene due to the presence of mature screening which is owned and managed by the Conservators of Epping Forest. The proposal would be of a brick-built finish and would have proportionate glazing that would match the glazing of the adjoining dwellings at no. 5 and 7.

The proposed bay window projection will serve as a characteristic feature of the application dwelling due to its edge of brick detailing, tile hung roof form and proportionate glazing. It will complement the design of the existing dwellinghouse and due to its minimal projection and proportionate height and width would not appear bulky or over-dominant in relation to the host dwelling. This has been approved under decision reference EPF/3168/18.

The proposed front rooflights will be proportionate in number and size and would not appear over-dominant within the front roofslope. The rooflights would match the proportions of glazing below roof level.

The proposed single storey ground floor rear extension has been approved under EPF/3168/18.

The proposed roof extension will result in proposed glazing to the rear at roof level. This will appear no different to glazing to a loft conversion and is proportionate in size.

Living Conditions

The single storey rear and front extension shown on the proposed plans have been approved under decision reference EPF/3168/18. These extensions by reason of their overall height, depth and width would not cause significant harm to neighbour amenity.

The proposed roof extension would have a similar height to no. 7 which is attached to this dwellinghouse and would not be readily visible from the rear habitable room windows of this dwellinghouse. The proposal would not protrude the 45-degree line from the centre of the nearest front and rear first floor habitable room windows of this adjoining dwelling. As such the proposal would not result in a significant loss of outlook, light or privacy afforded to this neighbour. It would by reason its height, depth and width not result in a severe sense of enclosure or appear excessively overbearing when viewed from the garden area of this adjoining dwellinghouse.

The application dwelling is set off by 2m from the common boundary with no 5 Ashley Grove to the west. The application dwelling set 2m forward of this adjoining dwelling. This adjoining dwelling is two storey in height but has approval for a similar proposal which has not been implemented yet under decision reference EPF/0488/19. Whilst the proposal would result in a 2.7m height increase compared with the existing situation, and would be higher than the two-storey height of this adjoining dwelling to the west, given the spacing between the

dwelling, the proposal is not considered to result in a significant loss of light, outlook and privacy afforded to the occupiers of this dwellinghouse when viewed from their front habitable room windows and garden areas. It would not breach the 45-degree line when taken from the centre of this neighbour's nearest first floor habitable room window.

The proposed roof extension would not result in significant increases in the levels of overlooking to no. 12 Forest Way to the rear compared with the existing situation. This is due to the 20m distance of the proposal from the garden area of this dwellinghouse and the 28m from this dwellinghouse. Moreover, due to the orientation of his dwelling and no. 12 Forest Way to the rear, there would be no direct overlooking into the rear garden area and habitable room windows of this adjoining dwellinghouse. Separately the proposal is at a significant distance away from no., 20 Forest Way and would have limited to little impact on this neighbour's amenity as a result.

In terms of no. 10 Forest Way, the proposed extension would be some 20m from this neighbour's habitable room windows and some 14 metres from this neighbour's garden area. Moreover, the application dwelling is orientated away from this dwellinghouse so the proposal would not amount to direct overlooking of this adjoining dwellings garden area and habitable room windows. Due to the distance, height and siting of the proposal, it is not considered that the proposed roof extension would cause significant loss of outlook, light or privacy when viewed from this adjoining neighbour's garden and habitable room windows.

In terms of the impact on no.8 Forest Way, it is some 12m from this neighbouring dwellings garden and some 21m from this neighbour's garden. The application proposal would not directly face/overlooking this dwellings garden area/habitable room windows due to the orientation of the application site and this neighbouring dwellinghouse. The proposal as such would not result in a detrimental impact on the light, outlook and privacy afforded to existing and future occupiers of this adjoining dwellinghouse.

In terms of the impact on the occupants of no. 4 Forest Way, the proposal would be some 22m from this dwelling and some 20m from their garden area. The proposal is orientated away from this dwellinghouse. The proposal would not amount to direct overlooking of this dwellinghouse as a result. Due to the separation distance, siting, and height of the proposal in relation to this two storey dwellinghouse, it would not result in significant loss of light, outlook and privacy afforded to the inhabitants of this neighbouring dwellinghouse to justify refusal of planning approval.

Due to the mature screening at the site frontage (on Forest land) the proposed extensions to the front will not be readily visible to dwellings along Staples Road to the fronting the site (to the south of the site).

Other Matters

A similar scheme has been granted at no.5 Ashley Grove under decision reference EPF/0488/19 and the vast majority of dwellings along this small street as well as to the rear along Forest Way are two storey dwellinghouses. The approval at no. 5 Ashley Grove and the building heights/roofscapes of dwellings along Ashley Grove and Forest Way are important material considerations that cannot be overlooked when assessing this particular proposal. If members are minded to refuse the proposal, these matters would be considered by the planning inspectorate were it to go before an appeal.

Conclusion:

The proposed development for reasons outlined above would safeguard the living conditions neighbours due to its overall size, scale and siting and would add balance and symmetry to

the existing row of terraces. It therefore complies with relevant planning policy and guidance and is accordingly recommended for approval subject to conditions.

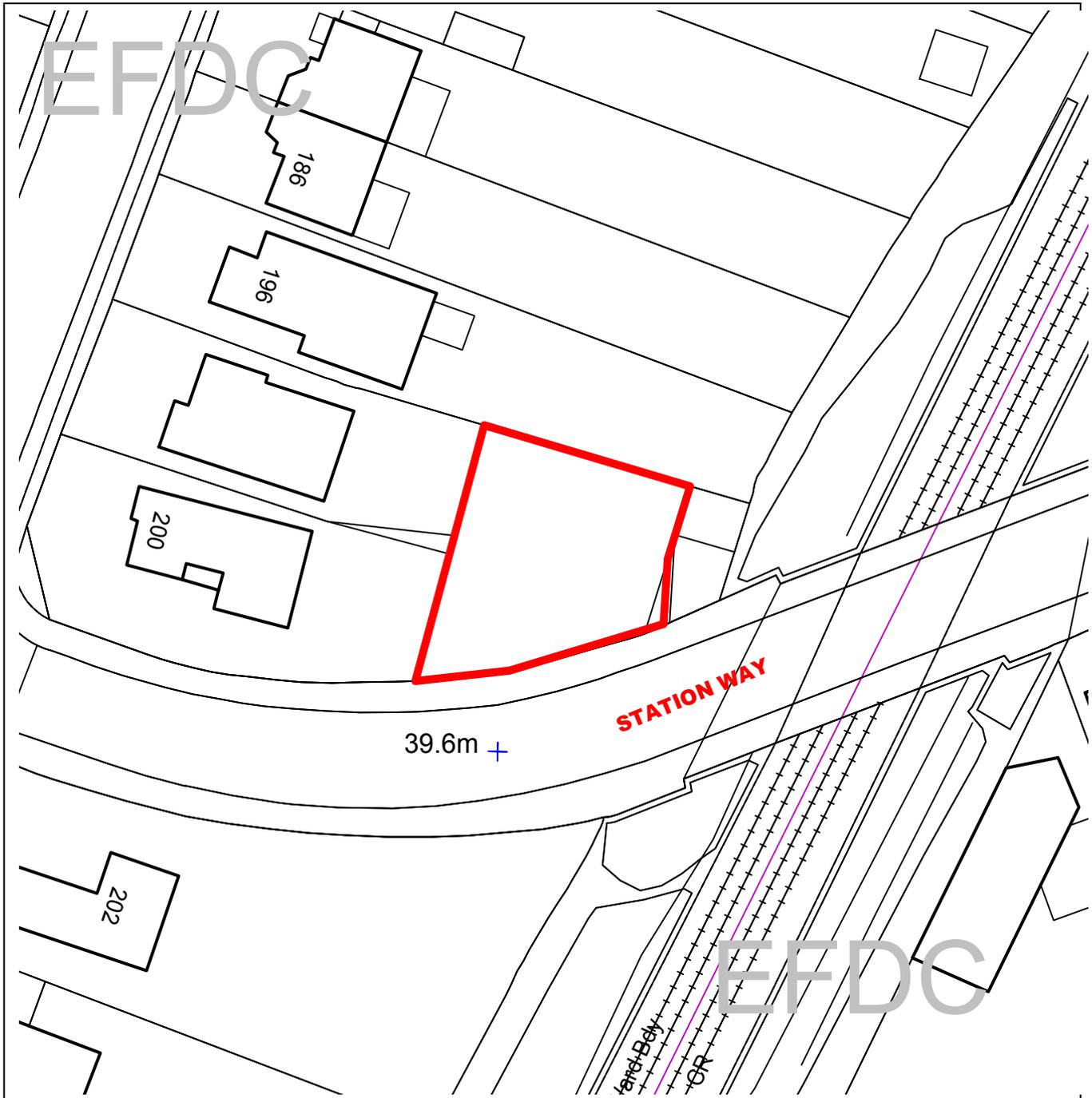
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Sukhdeep Jhooti
Direct Line Telephone Number: 01992 564 298***

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



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Application Number:	EPF/1308/19
	Land rear of 198 - 200 Forest Edge Buckhurst Hill Essex IG9 5AE
Scale of Plot:	1:500

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APPLICATION No:	EPF/1308/19
SITE ADDRESS:	Land rear of 198 - 200 Forest Edge Buckhurst Hill Essex IG9 5AE
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Chris Wheeler
DESCRIPTION OF PROPOSAL:	Proposed new detached one-bedroom dwelling and associated works. (Revised application to EPF/3066/18)
DECISION:	Recommend: 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=624316

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 numbers: Site Location Plan and B1.1
- 3 No construction works above ground level shall have taken 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, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 5 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, (or any other order revoking, further amending or re-enacting that Order) no development generally permitted by virtue of Class A, B, 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.

- 7 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 8 No ground works shall take place until details of levels have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 9 No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.
- 10 Following completion of the measures identified in the approved remediation scheme, and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval. The approved monitoring and maintenance programme shall be implemented.
- 11 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the Phase 2 report, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning

authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.

- 12 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 13 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
- 14 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 15 All bedrooms within the development hereby approved shall be provided with sufficient double glazing and acoustically treated trickle ventilators, or other means of ventilation, that will provide adequate ventilation with the windows closed, to ensure that the occupiers are provided with reasonable resting/sleeping conditions with reference to British Standard BS8233:2014 - Sound insulation and noise reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time).
- 16 Details of the double glazing and acoustically treated trickle ventilators, or other means of ventilation, referred to in the above Condition 15 shall be submitted to and agreed in writing by the Local Planning Authority and installed before any of the proposed residential development is occupied.
- 17 Full details of any acoustic barriers shall be submitted to, and agreed in writing with the Local Planning Authority, and installed before any of the proposed residential development is occupied, to ensure that the occupiers are provided with reasonable use of external amenity space, as recommended by British Standard BS8233:2014 - Sound insulation and noise reduction for buildings - Code of Practice (or such other standard which may supersede it from time to time).

And subject to the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 to secure a financial contribution towards mitigation of the impact of the development on visitor pressure in the Epping Forest Special Area of Conservation.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

The application site is a broadly square site with a curved frontage, located within what was once the rear gardens of 198 and 200 Forest Edge with the site fronting onto Station Way. The site is within the built-up area of Buckhurst Hill and within easy walking distance of Roding Valley Station and the shops and services within the parade of shops (approximately 150m). It is also located mid-way between Woodford and Buckhurst Hill Underground stations (approximately 1.2km to each).

Nos. 198 and 200 Forest Edge are both bungalows as is No. 196 with the majority of surrounding properties two storey. The site is separated from 200 and 198, and fairly overgrown.

Directly to the east of the site, is a small area of land outside of the applicant's ownership (previously an electricity sub station) and beyond this the Underground Line. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks planning consent for a proposed detached one-bedroom dwelling and associated amenities. The proposal is fairly traditional in appearance with pitched roof. A private garden is proposed to the west and bin and cycle storey in a courtyard to the rear. The proposal will be located 1m from the northern boundary (rear garden of 196 Forest Edge), located in part, on the eastern boundary and at the closest point 1m from the southern (front) boundary. The site falls away from the front to the rear of the site. The proposal does not include any car parking. The site is not within the Green Belt or a Conservation Area

Relevant History:

EPF/1795/09 - Construction of 3-bedroom chalet bungalow with new vehicular access – Refused
EPF/2639/13 - Erection of new dwelling – Refused and dismissed at appeal
EPF/0730/15 - Erection of a 1-bedroom bungalow – Refused
EPF/3066/18 - Proposed new detached three-bedroom dwelling and associated amenities – Refused

Policies Applied:

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the quality of the rural and built environment
CP3	New Development
DBE1	Design of new buildings
DBE2	Neighbouring Amenity
DBE8	Private Amenity Space
NC1	SPAs, SACs and SSSIs
ST6	Vehicle Parking
DBE6	Car Parking

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF provides that decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy		Weight afforded
SP1	Presumption in Favour of Sustainable	Significant
Development		
DM1	Habitat Protection and Improving Biodiversity	
DM2	Epping Forest SAC and the Lee Valley SPA	
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
T1	Sustainable Transport Choices	

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 11

Responses received:

186 FOREST EDGE – Objection - Resident may be of limited mobility if built to lifetime home standard, if owner has a car they may park it on the road, nowhere to park for visitors, soakaway not acceptable in this location,

184 FOREST EDGE – Objection – utilises land designed for back gardens, negative impact on access, character and neighbouring properties. Set a precedent. Very close to tube line, no car parking – no where safe to park. Not suitable for residential

BUCKHURST HILL PARISH COUNCIL – Objection – Lack of Parking and Poor Design

Main Issues and Considerations:

Previous applications for a dwelling on this site have all been refused and one dismissed at appeal. However, this is a further revised application following a recent refusal for a 3 bed two storey dwelling. The main issues to be considered are design, neighbouring amenity, parking and amenity of future occupiers.

Design

The proposal is for a traditionally designed single storey building with pitched roofs with contemporary features such as the full height glazing. The staggered plan form adds a level of interest without resulting in an incongruous design. The proposal will be viewed in relative isolation to surrounding properties as it will be the only property fronting Station Way in the immediate vicinity (it will be separated from Roding Heights to the east by the Underground line).

Although close to the road frontage a hedge is proposed (which can be secured by condition) and this will soften the appearance of the building in the streetscene and also 'green' this part of Station Way.

Neighbouring Amenity

The proposed new dwelling is located some 20m to the rear of No. 198 Forest Edge, and some 21.9m to the rear of No. 200. In addition, the proposal runs along the eastern part of the rear garden of No. 196 for a length of 7.4m (1m from the shared boundary) some 15m from the rear of the house. The ridge of the proposal is 4.4m.

With the previous applications the proposals were refused due to the impact on neighbour's outlook due to the overbearing nature of the proposal.

This proposal has been vastly reduced in height and plan form and moved significantly away from the shared boundary with Nos 198 and 200 Forest Edge since the previous refusal and will not be dissimilar in scale to that of a garden outbuilding. It has also reduced the overall height from 4.7m to 4.4m from the previously lowest proposal (2015). It is not considered that in this revised form it gives rise to any loss of light or outlook to neighbouring properties and given its now modest size is not considered overbearing. In addition to the overall reductions in size, the proposal will partly be cut into the slope of the land reducing its overall prominence particularly when viewed from No. 200 Forest Edge.

Parking and Highways

The proposal does not include any off-street parking. This is inline with the SVLP which suggests that developments within 400m of Underground Stations can be car free. As this proposal is within 150m of the Underground Station, car free is considered acceptable and in accordance with the emerging policy. If an occupier of the property chooses to own a car the onus would be on the occupier to park this car safely.

The Essex County Council Highways Officer has no objection to the scheme as it is not contrary to any Highway policy.

Amenity of Future Occupiers

With regards to the amenity of future resident's the proposal meets the requirements of the National Prescribed Space Standards and has useable amenity space, although not a policy requirement the addition of the property being a lifetime home is welcome.

The proposal will be located within 10m of the Underground Line – the Council's Noise Officers have no objection to the scheme but request specific conditions to ensure the property is built to the highest current noise reduction standards. In addition, the Noise Officer noted that the more noise sensitive areas i.e. bedroom, living room and garden are positioned away from the eastern boundary.

Other Issues

Land Drainage

The Council's Land Drainage Officer has no objection to the scheme but has requested a condition requiring approval of the surface water drainage details prior to commencing groundworks.

Epping Forest SAC and Air Quality

As the proposal is for a car free development there is not a requirement for a contribution towards air quality mitigation within the District. As the proposal is for new dwellings within 3km of the Epping Forest Special Area of Conservation (SAC) a contribution of £352 is required to mitigate against recreational pressures on the Forest. The applicant is willing to enter into a legal agreement for this contribution.

Proximity to Underground Line

London Underground have no objection to the proposal.

Conclusion:

The proposal results in a new dwelling within an urban part of the District, it proposes a well-conceived design, has limited harm to neighbours and is within a very sustainable part of the District. Therefore, given the above assessment and subject to a legal agreement the application is recommended for approval.

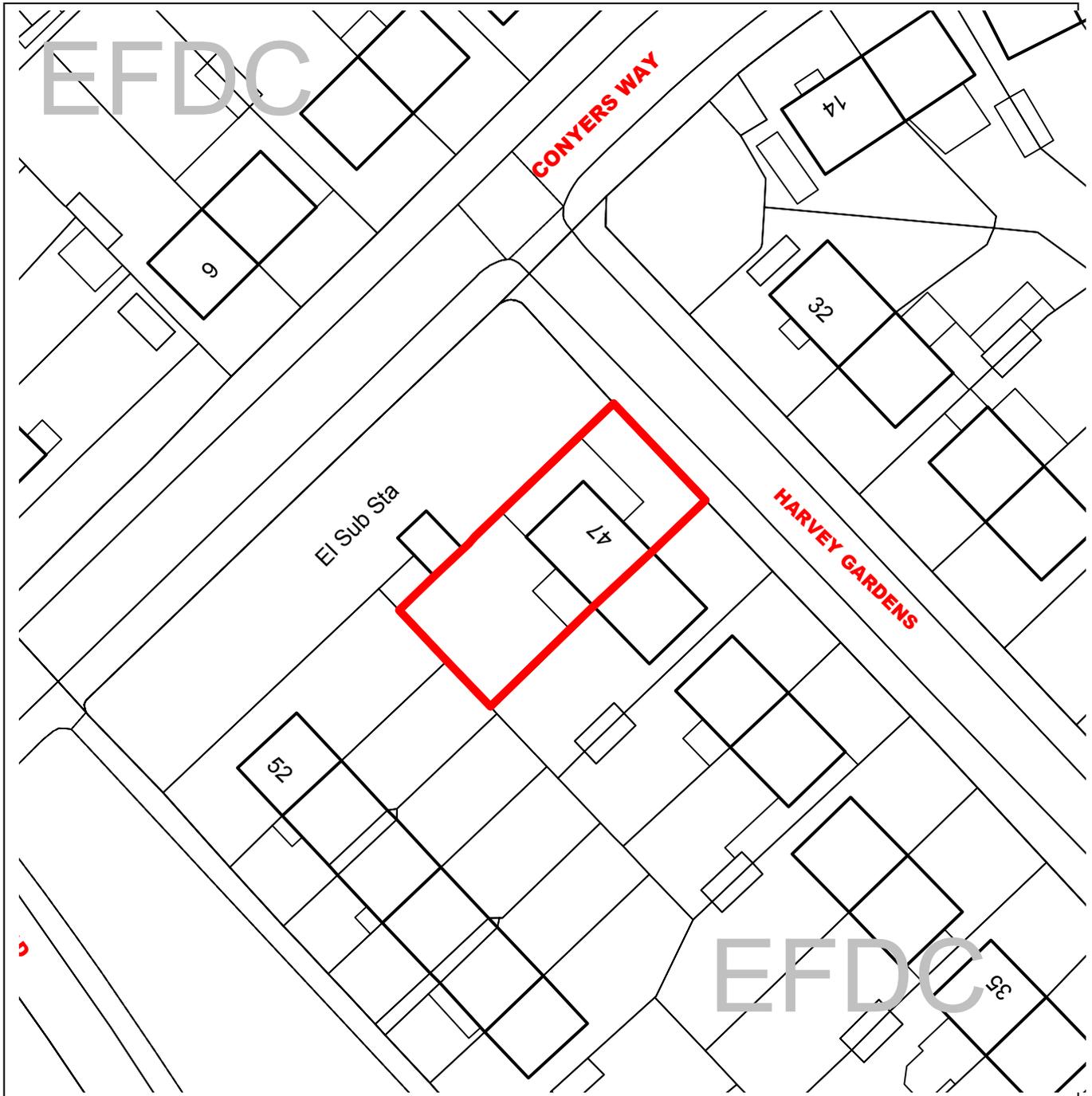
Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

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

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



Epping Forest District Council



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Application Number:	EPF/1356/19
Site Name:	47 Harvey Gardens Loughton Essex IG10 2AD
Scale of Plot:	1:500

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APPLICATION No:	EPF/1356/19
SITE ADDRESS:	47 Harvey Gardens Loughton Essex IG10 2AD
PARISH:	Loughton
WARD:	Loughton Fairmead
APPLICANT:	Ms Maha Kouzbor
DESCRIPTION OF PROPOSAL:	Application for Removal of Condition 5 "occupiers only be students enrolled at either Epping Forest College (Borders or East 15 Acting School)". (EPF/1291/11- Change of use from residential dwelling (C3) to multiple occupancy (7 persons) (sui generis) and erection of a front porch).
DECISION:	Recommend: 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=624494

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 47-HGL-C4-01; 47-HGL-C4-02; 47-HGL-C4-03; 47-HGL-C4-04; 47-HGL-C4-05; 47-HGL-C4-06; 47-HGL-C4-07
- 2 The house in multiple occupancy (HMO) which is hereby permitted shall be occupied by a maximum of seven individuals at any one time.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)).

Description of Site:

47 Harvey Gardens is an extended two storey semi-detached property located on the south west side of Harvey Gardens close to the junction with Conyers Way within the built-up area of Loughton. The site is not within the Green Belt or a Conservation Area.

Description of Proposal:

The proposal seeks planning permission for removal of condition 5 of planning permission EPF/1297/11 which stated:

The occupiers of the HMO shall only be students enrolled at either Epping Forest College (Borders Lane, Loughton) or East 15 Acting School (Hatfields, Rectory Lane, Loughton) (or at educational institutions which supersede those institutions and occupy those campuses).

Reason: To ensure that the off-street car parking provided is sufficient to meet the needs of the future occupiers.

Relevant History:

EPF/1297/11 - Change of use from residential dwelling (C3) to multiple occupancy (7 persons) (sui generis) and erection of front porch – Approved

Policies Applied:

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2 Protecting the Quality of The Rural and Built Environment
DBE9 Loss of Amenity

National Planning Policy Framework (NPPF) (February 2019)

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 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraph 124
Paragraph 127
Paragraph 130
Paragraph 131

Epping Forest District Local Plan Submission Version (LPSV) (2017)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14th December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

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- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 6

Responses received:

50 LAWTON ROAD – Objection – resident does not keep up with gardening trees are very high between our properties, students would be less likely to keep garden maintained. Extra 7 residents will increase noise, issue with parking in the road already – 7 additional residents would increase parking issues.

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this application on the grounds that removing condition 5 would create insufficient parking provision, citing that this was the reason the condition had been imposed initially by the local planning authority.

Members stated that they were unable to comment on the proposal for the erection of a front porch as no plans had been provided for this. However, they NOTED that the porch had already been built and requested that Planning Enforcement investigate and take action on this matter.

Main Issues and Considerations:

The main issue to consider is what impacts removing the limitation of occupiers of the address to only be enrolled at East 15 Acting School will have on the character and amenity of the area.

The condition was imposed some 8 years ago with the reasoning to ensure off-street parking is sufficient for the occupiers. However, the condition did not prevent occupiers owning or parking cars on the site (two off road parking spaces) or parking in surrounding roads.

Although the 2011 reasoning is understood, it appears to have been short sighted to presume that students would not have cars and just park them elsewhere. In addition, the location of the HMO within 800m of the shops and services located on the Broadway and Debden Underground Station beyond; with nearer access to bus routes, results in the property being located within a sustainable location where a reduction in car parking would be acceptable in any event.

It is therefore considered that the removal of the condition, allowing anyone to be an occupier of the site would not result in such a change to the existing character, amenity or parking arrangements to justify a refusal on this basis.

Essex County Council Highways have no objections to the removal of the condition and noted that they were not consulted on the 2011 application.

In addition to the above, planning permission would not have been required in the first instance if the number of occupants at the HMO was 6 – therefore it is not considered that the addition of one extra occupier tips the balance to have such a control over the type of occupier.

Comments on Representations Received:

The application has resulted in some confusion as the HMO with 7 residents has been in situ since 2011 and therefore this application does not alter the number of residents. With regards to the Parish Council comments again, the proposal does not include any building works only the removal of the condition.

Conclusion:

The proposal is considered an acceptable scheme given the above assessment and approval is therefore recommended.

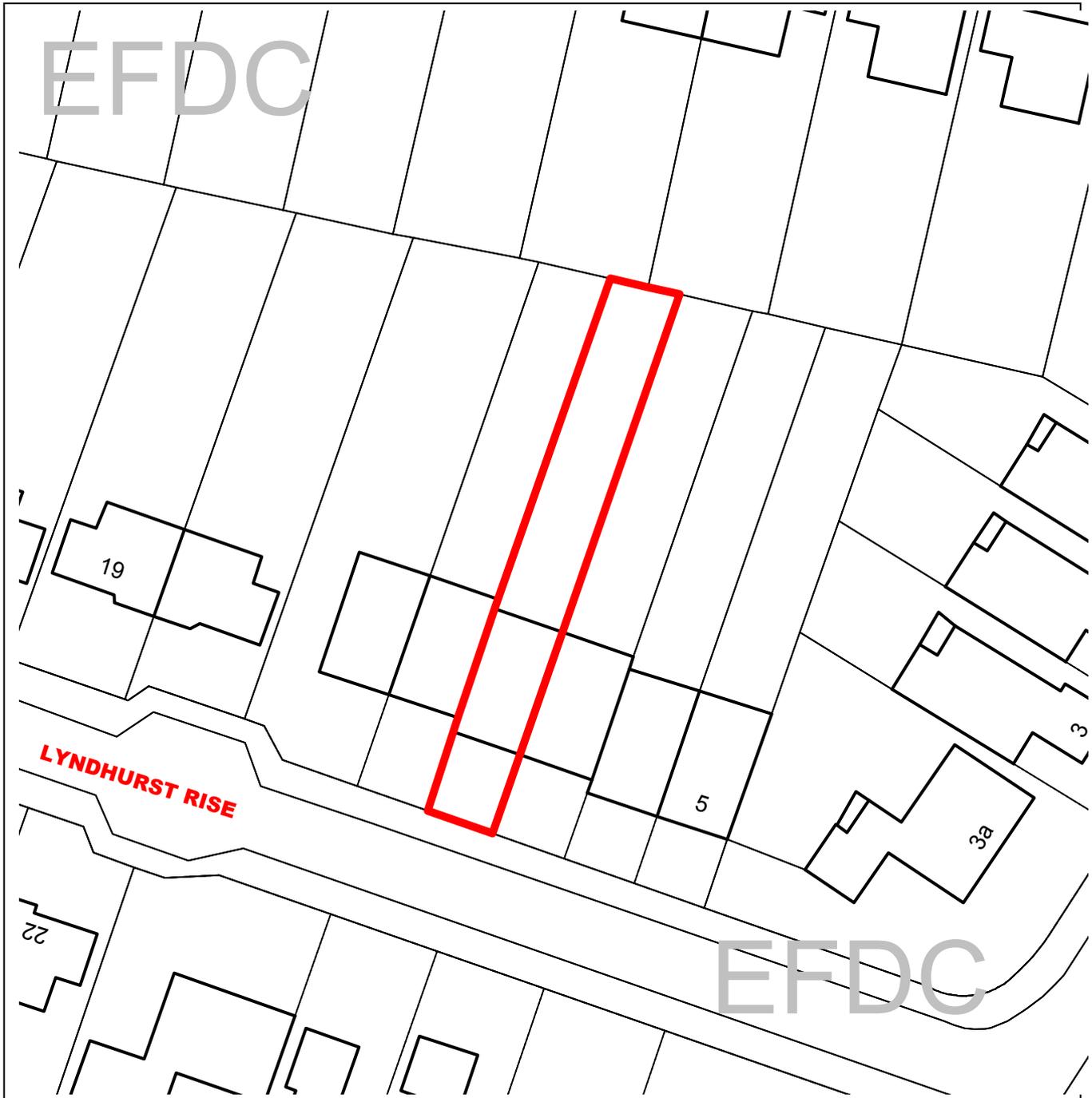
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Application Number:	EPF/1174/19
Site Name:	11 Lyndhurst Rise Chigwell Essex IG7 5BB
Scale of Plot:	1:500

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APPLICATION No:	EPF/1174/19
SITE ADDRESS:	11 Lyndhurst Rise Chigwell Essex IG7 5BB
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Doron Bregman
DESCRIPTION OF PROPOSAL:	Proposed extension of current HMO license to cover 7 occupants (Change of use to a large (sui generis) HMO).
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=623796

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 numbers: 1530/01, Second Floor Plan, and Location Plan.
- 3 Prior to first occupation of the proposed development, details for the provision of adequate storage for waste and recycling shall be submitted and approved by Local Planning Authority, and shall thereafter be carried out and retained, shall be free of obstruction and used for the storage of waste and recycling only and for no other purpose, 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 and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a three-storey mid terraced house, located within a built-up area of Chigwell. It is not listed nor in a conservation area.

Proposal

The proposal is for a change of use from class C4 use (HMO) to Sui generous use (Larger HMO).

Relevant Planning History

No relevant history.

Development Plan Context

Local Plan (1998) and Alterations (2006)

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP2	Protecting the Quality of the Rural and Built Environment
DBE9	Loss of Amenity
ST6	Vehicle Parking
Rp5a	Adverse Environmental Impacts
DBE11	Sub-Division of Properties

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Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131

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The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's final conclusions.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant

Summary of Representations

Number of neighbours Consulted: 4. 3 responses received
Site notice posted: No, not required

9, 13 & 15 LYNDHURST RISE – Objections – Summarised as:

- Inadequate provision for refuse.

CADENT GAS – No objection

EFDC ENVIROMENTAL HEALTH – No objection in principle.

EFDC PRIVATE HOUSING – Support – No objection.

CHIGWELL PARISH COUNCIL – Objection – Summarised as;

- Over intensification of use.

Planning Considerations

The main issues for consideration in this case are:

- a) the effect of the proposed change of use to a large (sui generis) HMO on the residential character and amenity of the area, with particular regard to anti-social behaviour, noise, disturbance and car parking.

Residential character and amenity

The current use as a HMO for 6 occupants has been in operation since May 2015. Officers have checked the property details with Private Sector Housing whose records reveal that only one complaint has been made with regards to refuse. In terms of assessing this application, it is prudent to consider waste storage and capacity and in this respect a condition has been attached to this recommendation to require details of waste storage and capacity, and that it be maintained in the manner so approved before the occupation of the property by an additional occupier. Should the applicant fail to comply with the condition, the use could be subject to planning enforcement action. Furthermore, as the property is currently on the Councils statutory HMO license register, of which waste and refuse is a licensable criterion, there are statutory powers to fine an owner in breach of the license.

In terms of anti-social behaviour, the evidence of the Council is that levels on Lyndhurst Rise and surrounding residential roads are low. Furthermore, it cannot be reasonably presumed that an additional person will give rise to anti-social behaviour; anti social behaviour are actions which result in nuisance and activity which are detrimental to place and persons and have taken place, observed and documented. This cannot be the case if the person is yet to occupy the premises. However, if such behaviour did occur, as with any resident or group of persons in the community, the local authority and police have statutory powers to deal with it.

No additional parking is proposed; however, the site is in a sustainable location approx. a 7-minute walk away from Chigwell Underground Station, and the nearest bus stop located on station road. Therefore, the proposal is considered to be acceptable, in terms of parking provision, and parking stress.

The HMO now under consideration would involve no alterations in the appearance of the dwelling.

Furthermore, the subject property has functioned as an HMO for some time. The proposal would not increase the number of HMO properties in the area, and one additional occupant would not have a significant effect on the impact of the HMOs in the surrounding area. Indeed, there have been no complaints of the existing tenants, and the property itself is in good decorative order both inside and out. Therefore, the proposal is compliant with emerging policy H1, of the Local Plan Submission Version 2017 that seeks to ensure that the district does not suffer an imbalance of HMOs due to over intensification.

Conclusions

The accommodation proposed makes best use of the space available, and the site is in a highly accessible location.

For the reasons set out above, and having regard to all other matters raised, it is recommended that planning permission be granted, subject to the conditions outlined in the

council's decision notice. In reaching this decision, the views of local residents and councillors have been taken into account.

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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415***

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

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**Epping Forest
District Council**

Report to Area Plans Sub-Committee

Date of meeting: 28 August 2019

Subject: Probity in Planning – Appeal Decisions, 1st October 2018 to 31st March 2019

**Officer contact for further information: Nigel Richardson (01992 564110).
Democratic Services Officer: Jackie Leither (01992 564243)**

Recommendation:

That the Planning Appeal Decisions from 1 October 2018 to 31 March 2019 be noted.

Report Detail:

Background

1. (Director of Planning) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful allowed appeals (i.e. particularly those refused by committee contrary to officer recommendation).
2. The purpose is to inform the committee of the consequences of their decisions in this respect and, in cases where the refusal is found to be unsupportable on planning grounds, an award of costs may be made against the Council.

Performance

3. Over the six-month period between 1 October 2018 and 31st March 2019, the Council received 53 decisions on appeals (46 of which were planning related appeals, the other 7 were enforcement related).
4. Out of a total of 46 planning related appeals, 10 were allowed (21%). Broken down further, Committee reversals performed very well with only 4 out of 22 allowed (18%) and there was a good Officer delegated decisions performance of 6 out of 24 (25%) allowed.
5. Out of the planning appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 4 cases:

COMMITTEE REVERSALS - APPEALS ALLOWED (4):

Area Committee East

Moreton

1 EPF/0181/18 Outline planning application for removal of outbuildings

Maltings Farm

and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works	Maltings Hill Church Road
---	------------------------------

Area Committee South

Loughton

- | | | |
|---|--|---|
| 2 | EPF/3059/17 Variation of cond. 10 ' Hours of Use' on EPF/2163/13 | Sir Winston Churchill
(Now Landmark House) |
| 3 | EPF/0616/18 Single storey rear conservatory. | 60 Tycehurst Hill |

Area Committee West

Nazeing

- | | | |
|---|--|----------------------------|
| 4 | EPF/3500/17 Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no. 'affordable houses' with associated off-street parking, private gardens and landscaping | Stoneshot Farm
Hoe Lane |
|---|--|----------------------------|

6. The 18 cases where the committees were successful are as follows:

COMMITTEE REVERSALS - APPEALS DISMISSED (18):

Area Committee East

- | | | |
|---|--|---|
| 1 | EPF/1348/18 Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store. | 4 Kendal Avenue
Epping |
| 2 | EPF/2388/17 Detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover | 47 Sunnyside Road
Epping |
| 3 | EPF/0257/18 Proposed 3 bedroom detached dwelling. | Land adjacent 7 & 8
The Poplars
Lambourne |
| 4 | EPF/2654/17 Rear extension to enclose existing outdoor dining area. | The Chequers
Matching Green |
| 5 | EPF/0182/18 Construction of storage barn and stable building.
Re-submission of refused application: EPF/2826/17 | White Lodge
Little Laver Road
Little Laver |
| 6 | EPF/2448/17 Change of use from post office (A1) to takeaway(A5), installation of extract flue and alterations to front elevation. Revision to previous refused scheme with revised opening hours (11am - 9pm). | 38 High Road
North Weald |
| 7 | EPF/3216/17 Outline application to demolish office, boiler house and two glasshouses, erect five dwelling houses, lay out access drive and turning head, amenity and parking areas, form meadow/paddock and alter vehicular access onto Stapleford Road. | Esperanza Nurseries
Stapleford Road
Stapleford Abbots |
| 8 | EPF/0184/18 Construction of new chalet bungalow in land to rear of Rozel. Re-submission of refused application EPF/2364/17 | Rozel
Loughton Lane |

Area Committee South

- | | | | |
|---|-------------|---|--|
| 1 | EPF/0307/18 | Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. | 18 Russell Road
Buckhurst Hill |
| 2 | EPF/0535/17 | First floor rear extension to eastern side of first floor bay. | 49 Manor Road
Chigwell |
| 3 | EPF/0536/17 | First floor rear extension to western side of first floor bay | 49 Manor Road
Chigwell |
| 4 | EPF/0612/18 | Two storey side extension, part single/part two storey rear extension & division into 2 dwellings. | 14 Ely Place
Chigwell |
| 5 | EPF/2758/17 | Demolition of existing bungalow and replacement with two dwellings with basements. | 12 High Elms
Chigwell |
| 6 | EPF/2877/17 | Retrospective planning application for ground floor rear storage shed | 49 Manor Road
Chigwell |
| 7 | EPF/3177/17 | Proposed demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking. | 105 Manor Road
Chigwell |
| 8 | EPF/2885/17 | Demolition of existing house and replace with 2 houses. | 39 Traps Hill
Loughton |
| 9 | EPF/3512/17 | Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking | Land to the rear of
33-37 Hillyfields
Loughton |

District Development Committee

- | | | | |
|---|-------------|--|--|
| 1 | EPF/1973/17 | Demolition of 19 Coopersale Common and erection of six detached houses and associated amenity space, car parking, cycle storage and landscaping. | Newstead
19 Coopersale Common
Coopersale |
|---|-------------|--|--|

7. Out of 7 **ENFORCEMENT NOTICE APPEALS** decided, all were dismissed. These are as follows:

- | | | | |
|----|-------------|--|--|
| 1. | ENF/0001/14 | Erection of a portable building | Providence Nursery
Avey Lane
Waltham Abbey |
| 2. | ENF/0172/14 | LISTED BUILDING NOTICE
Without LBC the alteration, extension and conversion of the barn into 3 separate residential units | Old House
Old House Lane
Roydon |
| 3. | ENF/0172/14 | Without planning permission the use of the barn a Grade II Listed Building situated on the land (The Barn) for the purpose of 3 self-contained residential units | Old House
Old House Lane
Roydon |
| 4. | ENF/0328/16 | Rear extension not as approved EPF/2241/14 | School Knotts
Middle Street
Nazeing |

- | | | | |
|----|-------------|--|--|
| 5. | ENF/0414/14 | Without planning permission the erection of a commercial building | Providence Nursery
Avey Lane
Waltham Abbey |
| 6. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage | Fyfield Hall
Willingale Road
Fyfield |

Dismissed, but Varied

- | | | | |
|----|-------------|--|--|
| 7. | ENF/0295/16 | Without planning permission the change of use of the land for the storage of scaffolding, storage and sale of motor homes and caravans/mobile homes and the laying of a hardstanding to facilitate the change of use | Richmond Farm
Parsloe Road
Epping Upland |
|----|-------------|--|--|

Costs

8. During this period, there was one award of costs against the Council, in respect of application EPF/1706/17 - Proposed new vehicular/highway access and associated surfacing from Hoe Lane to the existing dwelling (ref. EPF/3000/14 PN) at land to the rear of 40-62 Hoe Lane, Abridge. The Inspector concluded that the Council prevented development that should have been permitted and consequently required the applicant, Mr Phillips, to incur the unnecessary expense of appealing. The proposal was for the provision of a new crossover and limited area of hardstanding. However, the appeal statement submitted by the Council predominantly focused on the harm to the openness of the Green Belt that they consider would result from an existing track that did not form part of the application but that the new access would link into. Consequently, the Inspector considered that the Council acted unreasonably. The cost paid by the Council to the appellant was £9,960.00.

Conclusions

9. Performance in defending planning application related appeals was reasonable at 21%, meaning of course the Council were successful in defending their decisions in 79% of cases. Whilst there is no national comparison of authority performance, Members and Officers are reminded that in refusing planning permission there needs to be justified reasons that in each case must be not only relevant and necessary, but also sound and defensible so as to avoid paying costs. This is more important now than ever given a Planning Inspector or the Secretary of State can award costs, even if neither side has made an application for them. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of relevant issues to balance out in order to understand the merits of the particular development being applied for.

10. Finally, appended to this report are the appeal decision letters, which are the result of Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees. Only those appeals relevant to the relevant Area Plans Sub-Committee are attached.

11. A full list of appeal decisions over this six month period appears below.

Total Planning Application Appeal Decisions 1st October 2018 to 31st March 2019

Allowed With Conditions

Lambourne

- | | | | |
|---|-------------|---|--------------------------------|
| 1 | EPF/1706/17 | Proposed new vehicular/highway access and associated surfacing from Hoe Lane to the existing dwelling (ref. EPF/3000/14 PN) at land to the rear of 40-62 Hoe Lane | Land to rear of 40-62 Hoe Lane |
|---|-------------|---|--------------------------------|

Loughton

- | | | | |
|---|-------------|--|--|
| 2 | EPF/3059/17 | Variation of condition 10 ' Hours of Use' on planning application EPF/2163/13 | Sir Winston Churchill (Now Landmark House) |
| 3 | EPF/0010/18 | Outline application with some matters reserved for new two storey house on adjoining land. | 70 Alderton Hill |
| 4 | EPF/0616/18 | Single storey rear conservatory. | 60 Tycehurst Hill |

Moreton, Bobbingworth and the Lavers

- | | | | |
|---|-------------|---|---|
| 5 | EPF/0181/18 | Outline planning application for removal of outbuildings and existing dwelling. Erection of three detached dwellings. Formation of new highway access and ancillary works | Maltings Farm
Maltings Hill
Church Road |
|---|-------------|---|---|

Nazeing

- | | | | |
|---|-------------|---|----------------------------|
| 6 | EPF/3500/17 | Demolition of existing industrial buildings, vacant stabling & 5 bedroom residential apartment and construction of 18 no. semi-detached family houses and 18 no.'affordable houses' with associated off-street parking, private gardens and landscaping | Stoneshot Farm
Hoe Lane |
|---|-------------|---|----------------------------|

Ongar

- | | | | |
|---|-------------|--|--------------------------------|
| 7 | EPF/1620/18 | Retention of a front boundary wall (replacement of close boarded fence). | Bushey Cottage
1 Bushey Lea |
| 8 | EPF/2947/17 | Erection of detached outbuilding. | 1 Bushey Lea |

Theydon Bois

- | | | | |
|---|-------------|---|------------------|
| 9 | EPF/2314/18 | Loft conversion with 2 front dormers and a rear dormer. | 5 Hornbeam Close |
|---|-------------|---|------------------|

Allowed Without Conditions

Epping Upland

- | | | | |
|----|-------------|--|---|
| 10 | EPF/0752/18 | Front fence and electric gates across front of driveway. | Clevedon
Epping Road
Epping Green |
|----|-------------|--|---|

Dismissed

Buckhurst Hill

- | | | | |
|----|-------------|---|----------------------|
| 11 | EPF/0307/18 | Construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. | 18 Russell Road |
| 12 | EPF/3273/17 | Conversion of house into 5 flats and erection of rear dormer window. | 17 Palmerston Road |
| 13 | EPF/1543/18 | Retrospective application for rear dormer. | 12 Farm Way |
| 14 | EPF/1214/18 | Two storey front and rear extensions, loft conversion with 3 front dormers and raised patio area to rear. | Tymba
10 Fernside |

Chigwell

- | | | | |
|----|-------------|--|---------------|
| 15 | EPF/0535/17 | First floor rear extension to eastern side of first floor bay. | 49 Manor Road |
|----|-------------|--|---------------|

16	EPF/0263/18	Proposed sub-division of rear gardens to 8 & 9 Whitehall Close (fronting Orchard Way) and erection of single storey two bed house.	8 Whitehall Close
17	EPF/3177/17	Proposed demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking.	105 Manor Road
18	EPF/2758/17	Demolition of existing bungalow and replacement with 2 no. two storey dwellings with basements.	12 High Elms
19	EPF/0612/18	Two storey side extension, part single and part two storey rear extension and division into 2 no. x 3 bedroom dwellings	14 Ely Place
20	EPF/0536/17	First floor rear extension to western side of first floor bay	49 Manor Road
21	EPF/2877/17	Retrospective planning application for ground floor rear storage shed	49 Manor Road

Epping

22	EPF/1973/17	The demolition of 19 Coopersale Common and erection of six detached houses (2 x 3 bedroom and 4 x 4 bedroom) and associated amenity space, car parking, cycle storage and landscaping.	Newstead 19 Coopersale Common Coopersale
23	EPF/2388/17	Erection of a detached three bedroomed dwelling with associated car parking and the creation of two parking spaces and a new crossover	47 Sunnyside Road
24	EPF/1348/18	Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store.	4 Kendal Avenue
25	EPF/1382/18	Single storey rear extension	17 Lindsey Street

Lambourne

26	EPF/0257/18	Proposed 3 bedroom detached dwelling.	Land adjacent 7 & 8 The Poplars
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Loughton

27	EPF/3512/17	Construction of new access with 7 no. three bed houses and 2 no. two bed houses and associated parking	Land to the rear of 33-37 Hillyfields
28	EPF/2885/17	Demolition of existing house and replace with 2 new houses.	39 Traps Hill
29	EPF/1584/18	Conversion of terraced house to 3 no. flats.	2 Danbury Road
30	EPF/1315/18	Single storey front, side and rear extension. Two storey side extension	35 Forest Road

Matching

31	EPF/2654/17	Proposed rear extension to enclose outdoor dining area.	The Chequers Matching Green
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Moreton, Bobbingworth and the Lavers

32	EPF/0182/18	Construction of storage barn and stable building. Re-submission of refused application: EPF/2826/17	White Lodge Little Laver Road Little Laver
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Nazeing

- 33 EPF/0477/18 Erection of detached bungalow 61 North Street
- 34 EPF/0124/18 Demolition of two residential single storey buildings and their replacement with 2 no. two storey dwellings. Patience Cottage Belchers Lane
- 35 EPF/0166/18 Demolition of existing converted barn consisting of 3 no. dwellings and the erection of 2 detached dwellings and 4 semi-detached dwellings Woodside Barn Paynes Lane

North Weald Bassett

- 36 EPF/2448/17 Change of use from post office (A1) to takeaway(A5), installation of extract flue and alterations to front elevation. Revision to previous refused scheme with revised opening hours (11am - 9pm). 38 High Road

Ongar

- 37 EPF/2209/18 Single storey infill side and rear extension. 69 Coopers Hill

Stanford Rivers

- 38 EPF/0926/18 Building carport with flat-sedum roof. 12 Garden Fields
- 39 EPF/1393/17 Residential scheme comprising 5 no. residential dwellings with associated off-street parking, garden space and external landscaping. 153a London Road Stanford Rivers
- 40 EPF/3141/17 New dwelling within the residential curtilage of Lilac House and associated car parking for the new and existing dwellings. Lilac House 6 London Road
- 41 EPF/2937/17 Erection of 4 no. four bedroom semi-detached dwellings Land at School Road
- 42 EPF/1943/17 Construction of 1 new dwelling. Re-submission of refused application: EPF/1046/17 End House 8 Hill Crest Road

Stapleford Abbots

- 43 EPF/3216/17 Outline application to demolish office, boiler house and two glasshouses, erect five dwelling houses, lay out access drive and turning head, amenity and parking areas, form meadow/paddock and alter vehicular access onto Stapleford Road. Esperanza Nurseries Stapleford Road

Theydon Bois

- 44 EPF/0184/18 Construction of new chalet bungalow in land to rear of Rozel. Re-submission of refused application EPF/2364/17 Rozel Loughton Lane

Waltham Abbey

- 45 EPF/0799/18 Demolition of single storey Caretakers House and erection of 3 x 2 bedroom bungalows with associated access, parking and amenity space. Leverton County GM Junior And Infant School Honey Lane

Willingale

- 46 EPF/2909/17 Erection of 2 no. houses. Land East of Southgates (Shellow Bellows) Shellow Road

Enforcement Appeals

Dismissed

- | | | | |
|-----|-------------|--|--|
| 8. | ENF/0001/14 | Erection of a portable building | Providence Nursery
Avey Lane
Waltham Abbey |
| 9. | ENF/0172/14 | LISTED BUILDING NOTICE
Without LBC the alteration, extension and conversion of the barn into 3 separate residential units | Old House
Old House Lane
Roydon |
| 10. | ENF/0172/14 | Without planning permission the use of the barn a Grade II Listed Building situated on the land (The Barn) for the purpose of 3 self-contained residential units | Old House
Old House Lane
Roydon |
| 11. | ENF/0328/16 | Rear extension not as EPF/2241/14 | School Knotts
Middle Street
Nazeing |
| 12. | ENF/0414/14 | Without planning permission the erection of a commercial building | Providence Nursery
Avey Lane
Waltham Abbey |
| 13. | ENF/0506/15 | Motor home used for residential purposes and stables used for personal storage | Fyfield Hall
Willingale Road
Fyfield |

Enforcement Appeal: Dismissed, but Varied

- | | | | |
|-----|-------------|--|--|
| 14. | ENF/0295/16 | Without planning permission the change of use of the land for the storage of scaffolding, storage and sale of motor homes and caravans/mobile homes and the laying of a hardstanding to facilitate the change of use | Richmond Farm
Parsloe Road
Epping Upland |
|-----|-------------|--|--|



Appeal Decision

Site visit made on 18 December 2018

by Sarah Dyer BA BTP MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 28 January 2019

Appeal Ref: APP/J1535/W/18/3203201

**Sir Winston Churchill Now Landmark House, The Broadway,
Loughton IG10 3SP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Co-operative Group Food Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/3059/17, dated 9 November 2017, was refused by notice dated 21 February 2018.
 - The application sought planning permission for demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking without complying with a condition attached to planning permission Ref EPF/2163/13, dated 28 March 2014.
 - The condition in dispute is No. 10 which states that: The commercial uses hereby permitted shall not be open to customers / members outside the hours of 0730 to 2300 on Monday to Thursday, 0730 to 0000 (midnight) on Fridays and Saturdays and 0900 to 2300 on Sundays.
 - The reason given for the condition is: In order to minimise disturbance to local residents, in accordance with the guidance contained within the National Planning Policy Framework and policies RP5A and DBE9 of the adopted Local Plan and Alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking at Sir Winston Churchill Now Landmark House, The Broadway, Loughton IG10 3SP in accordance with the application Ref EPF/3059/17, dated 9 November 2017, without compliance with condition 10 previously imposed on planning permission Ref EPF/2163/13, dated 28 March 2014 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan.
 - 2) The commercial uses hereby permitted shall not be open to customers/members outside the hours of 0730 to 2300 on Monday to

Thursday, 0730 to 0000 (midnight) on Fridays and Saturdays and 0900 to 2300 on Sundays apart from the permitted Class A1 unit which shall not be open to customers/members outside the hours of 0700 to 2300 on Monday to Thursday, 0700 to 0000 (midnight) on Fridays and Saturdays and 0700 to 2300 on Sundays. (Demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking).

Procedural Matters

2. The application site is given as 'Lamdmak House' on the application form but is shown as 'Landmark House' on the Council's decision notice and on the appellants' appeal statement. I have regarded 'Landmark House' to be the correct site address.
3. The Government published the revised National Planning Policy Framework (the revised Framework) on 24 July 2018. The appellant was notified of the publication and invited to make comments, and the Council were notified of this action. I have also asked the main parties to comment on the relevance of the Epping Forest Special Area of Conservation to the proposal. I have taken the comments received into account in reaching my decision.

Background and Main Issue

4. In their application to the Council the appellants sought to vary the opening hours on Mondays to Saturdays and Sundays of the Class A1 unit which is one of the commercial uses within the development. The Council has allowed the variation in opening hours from Monday to Saturday and refused the variation on Sundays. The Council's decision notice varies condition 10 to read as follows:

The commercial uses hereby permitted shall not be open to customers/members outside the hours of 0730 to 2300 on Monday to Thursday, 0730 to 0000 (midnight) on Fridays and Saturdays and 0900 to 2300 on Sundays apart from the permitted Class A1 unit which shall not be open to customers/members outside the hours of 0700 to 2300 on Monday to Thursday, 0700 to 0000 (midnight) on Fridays and Saturdays and 0900 to 2300 on Sundays. (Demolition of Public House and garages and replacement with construction of a mixed use development, comprising retail and food and drink units (within classes A1, A3 and A4) at ground floor level and 64 residential units at upper floor levels (first to sixth floors), together with 64 car parking spaces, service yard, access and car parking).

5. The main issue is therefore the effect that the proposed earlier opening time of 07.00 hours on Sundays upon the living conditions of the residents of the flats immediately above and adjacent to the shop premises.

Reasons

6. The shop unit, which is the subject of the appeal, is on the ground floor of a mixed use development (Landmark House) comprising commercial space with flats above. At the time of my site visit none of the ground floor units were occupied but residents had moved into the flats. Landmark House is sited at

the busy junction of Rectory Lane and The Broadway. The appeal site fronts The Broadway and is separated from the units facing Rectory Lane by an access to the flats.

7. The Broadway is an established shopping parade with a wide variety of shops on both sides of the street. In common with Landmark House there are flats over the shops. In the wider area there is a petrol filling station and a supermarket. In combination these uses contribute towards the prevailing character of the vicinity of the appeal site as a bustling local centre.
8. There are flats immediately above the appeal site and some of these units include large open balconies which are in use as amenity space. As a result of the close relationship between the shopfront onto The Broadway and the flats above any comings and goings associated with the shop use would have the potential to disturb the residents of the flats. The proposed extension of opening hours would increase the likelihood of disturbance between 7am and 9am on a Sunday morning.
9. Whilst there may be increased disturbance to residents of the flats this would present itself in the context of a wider area which is characterised by a shopping parade which provides a wide variety of local facilities. For instance there is a cash machine in an adjacent building, a car park to the rear of the terrace of shops and a newsagent on the opposite side of the road which advertises opening hours from 7am on Sundays. All of these uses would be likely to generate noise early in the morning and combined with the road noise associated with the busy road junction, the resulting noise environment for residents of the flats would already have the potential to disturb them. In this context the extended opening hours of the shop unit would not be harmful to the living conditions of residents of the flats in Landmark House.
10. I conclude that the proposed earlier opening time of 07.00 hours on Sundays would not have a harmful effect upon the living conditions of the residents of the flats immediately above and adjacent to the shop premises. The application is therefore in accordance with to Policy DBE9 of the Epping Forest District Local Plan (1998) which requires that an intensification of use does not result in an excessive loss of amenity for neighbouring properties in relation to noise or other disturbance.

Other Matters

11. The Epping Forest District Local Plan (Submission Version) 2017 has been submitted but has yet to be examined or found sound; therefore I have given limited weight to it in my determination of the appeal.
12. The Council has referred to the licensing restrictions and a planning application at 30 Barrington Green (No. 30) which is one of the other commercial units within Landmark House in support of its case. This unit is described by the Council as a restaurant; therefore it is not directly comparable with the shop unit which is the appeal site. Also in terms of its position facing Rectory Lane, No. 30 does not have the same close relationship with the shopping parade as the appeal site. As a result the occupiers close to No. 30 would not experience the same level of noise and disturbance from the shopping area as those close to the appeal site. I have given the reference to No. 30 moderate weight but it does not dissuade me from the conclusion which I have reached in terms of the main issue.

13. Local residents, including residents of the flats in Landmark House and Loughton Town Council and Loughton Residents Association have made objections in respect of matters that fall outside my consideration of the main issue. These include impact on property values, anti-social behaviour, car parking and noise from deliveries and the arrival of staff.
14. Planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property cannot be a material consideration.
15. I have limited information before me regarding the potential for increased car parking demand, anti-social behaviour and noise associated with deliveries and the arrival of staff. On this basis and the lack of associated evidence, I have given these issues only limited weight in my determination of the appeal. They have not led me to a different conclusion other than that which I have already reached in relation to the main issue.

Conditions

16. In response to my invitation to do so, both main parties have provided further information regarding the status of the conditions attached to the original consent (LPA Ref. EPF/2163/13). The Council has confirmed that all of the conditions have been complied with therefore it is not necessary for me to impose those conditions.
17. It was evident at my site visit that the development has commenced therefore I have not included a time limit condition. However I have included a condition to reference the site location plan.
18. I have also imposed a condition to control the hours of opening of the shop unit, which is the subject of the appeal, in accordance with the variation requested by the appellants. This is necessary to protect the living conditions of the occupiers of the flats above and adjacent to the shop premises.

Conclusion

19. For the reasons set out above, the appeal is allowed.

Sarah Dyer

Inspector

Appeal Decision

Site visit made on 21 September 2018

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd November 2018

Appeal Reference: APP/J1535/D/18/3205855

60 Tycehurst Hill, Loughton IG10 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Hanif against the decision of Epping Forest District Council.
 - The application (reference PL/EPF/0616/18 dated 28 February 2018) was refused by notice dated 11 June 2018.
 - The development proposed is described in the application form as "Extension of Conservatory at rear Ground Floor to new dwelling".
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey rear conservatory, at 60 Tycehurst Hill, Loughton IG10 1DA, in accordance with the terms of the application (reference PL/EPF/0616/18 dated 28 February 2018), subject to the following conditions.
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number FES-2_100A (Site Location Plan);
 - drawing number FHA_2001 (Existing Floor Plans);
 - drawing number FHA_2002 (Proposed Floor Plans);
 - drawing number FHA_2003 (Elevations and Section);
 - drawing number FHA_2004 (Plans, Elevations and Section).
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind shall be inserted in the side elevations of the conservatory hereby permitted without the express written approval of the local planning authority.
 - 4) Access to the flat roof on both sides of the conservatory hereby permitted shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

- 5) The obscured glazed screens to the terrace shall be installed in accordance with the approved plans prior to the first use of the terrace, shall remain in place and shall not be removed thereafter.

Preliminary point

2. Notwithstanding the description of the proposed development given in the planning application form, the appeal proposals can adequately and succinctly be described as the construction of a single storey rear conservatory.

Main issues

3. There are two main issues to be determined in this appeal. The first main issue is the effect of the proposed development on the character of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused to their privacy or outlook).

Reasons

4. Tycehurst Hill is within a residential suburb of Loughton that is characterised by substantial houses in a mature townscape. The road is lined with large houses in substantial plots, generally with mature planting in their front and rear gardens. A number of properties in the vicinity of the appeal site have been extended or redeveloped and the houses are mixed in character, exhibiting a variety of architectural styles.
5. Number 60 Tycehurst Hill is a new house designed in a restrained classical style to replace an earlier building. The design is attractive but the house is very large, even by comparison with other large properties in the vicinity. The construction work is nearing completion and the back garden area has been extended, by the acquisition of an additional area from a neighbouring plot, as shown on the revised (and corrected) site plan that was submitted during the course of the appeal.
6. It is now proposed that the new house should be further extended by the addition of a new conservatory, in the centre of the rear elevation.
7. The 'National Planning Policy Framework' has the aim of making effective use of land but it also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
8. An emphasis on the importance of good design is also to be found in local planning policies (including Policies in the Development Plan), notably in the 'Epping Forest District Local Plan' (and in the adopted 'Alterations') and in the emerging 'Epping Forest District Local Plan (Submission Version 2017)'. In particular, "saved" Policies DBE9 and DBE10 of the 'Epping Forest District Local Plan' are concerned with protecting residential amenities and with achieving high standards of design. Policies DM9 and DM10 of the emerging 'Local Plan' similarly aim to promote high quality design.

9. The new house at number 60 Tycehurst Hill is a very large structure in its setting and is very obvious in views from the rear of houses and gardens to the west, where Tycehurst Hill turns through approximately 90 degrees, so that the rear elevations of those houses face the side boundary of the appeal site. Moreover, the land slopes away from the appeal site, with the result that the visual impact on neighbours is increased. Even so, the houses at numbers 52 and 54 Tycehurst Hill (and their neighbours) have relatively long gardens and the new house at number 60 is some distance away, therefore. In any case, the house itself is not the subject of this appeal.
10. The proposed conservatory would be located in an elevated position (in relation to the neighbouring properties) but it would be set back from its side boundaries, against the centre of the rear elevation. It would be a single storey element that would be modest in scale. Thus, the conservatory would not be noticeable in views along Tycehurst Hill and its visual impact on neighbouring properties would be very limited. Hence, the development that is proposed in this appeal would not have an unacceptable visual impact on the character of the host building and its surroundings, including on neighbours' outlook.
11. The application drawings show that the conservatory would be constructed between side walls of facing brickwork, preventing overlooking of neighbours from the interior (while a condition can be attached to provide that no new openings could be inserted, of course). Though the existing terrace on which the conservatory would be constructed could have a potential for overlooking, conditions can also be imposed to reinforce the restrictions that have already been placed on the side terraces that would remain. In consequence, it must also be concluded that the proposed conservatory would not have an undue effect on neighbours' privacy.
12. The appeal site lies within an existing built up area and the proposed development would amount to only a modest extension to the existing dwelling. I have concluded that the project would not be in conflict with national or local planning policies, in principle, and that it is acceptable in planning terms.
13. In short, I am persuaded that the scheme before me can properly be permitted and, although I have considered all the matters that have been raised in the representations (including representations that have been made by local residents), I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of those suggested by the local planning authority in the usual way (without prejudice to their main arguments in the appeal). I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained.

Roger C Shrimplin

INSPECTOR

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Appeal Decision

Site visit made on 21 February 2019

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2019

Appeal Ref: APP/J1535/W/18/3204120

18 Russell Road, Buckhurst Hill IG9 5QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Wasiak against the decision of Epping Forest District Council.
 - The application Ref EPF/0307/18, dated 2 February 2018, was refused by notice dated 18 April 2018.
 - The development proposed is construction of three dwellings (Use Class C3) with associated landscaping, car parking and alterations to access arrangements from Russell Road. Revised application of EPF/0793/17.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted an updated and revised National Planning Policy Framework February 2019 (the Framework) and the 2018 Housing Delivery test Results (the HDT) have been published. I have taken these into account in considering the appeal.
3. The Epping Forest District Local Plan (Submission Version) 2017 (the emerging LP) is at Inquiry Stage. In accordance with the Framework appropriate weight can be given to its Policies depending on the stage of preparation; the extent of unresolved objections and the degree of consistency with the Framework.
4. Committee Members refused the planning application against the recommendation of the Council Officers. I have exercised my own judgement in respect of the planning merits of the proposal.

Application for Costs

5. An application for costs was made by Mr John Wasiak against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues are: whether or not satisfactory vehicular access to the proposed dwellings would be provided; and the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is within a residential area with good access to services and facilities. There would be no objection in principle to residential development provided planning policies and other material considerations would be satisfied. The appeal site is part of the garden of No 18 Russell Drive, the host property, an existing house with a garage and driveway accessed from Russell Drive.

Vehicular access

8. Vehicular access to the proposed dwellings would be along the existing driveway. This would be re-modelled slightly and replacement parking spaces would be provided adjacent to it for use by occupiers of No 18. The existing garage doors would be replaced and vehicles would pass through a new opening in the rear wall of the garage onto a shared private access. The new rear wall opening would be some 2.9m wide and would be off-set to one side of the front gates. A separate pedestrian access would be provided between the garage and No 20 Russell Drive.
9. Concerns have been raised about the dimensions of the garage; its capacity to accommodate the likely vehicle usage and the resultant effects of traffic and parking on Russell Drive. Although more detailed survey drawings with dimensions would have been useful I was able to assess the space available on the driveway and in the garage during my site visit.
10. Due to the solid side walls of the garage; the pillars to either side of the front gates; the wall returns at the rear of the garage; the off-set of the new opening to the rear; and the inward opening gates I consider that visibility for drivers of vehicles would be very restricted. Moreover, as indicated on Plan Ref 913-DG-XX01 Rev A, awkward manoeuvres would be required for two vehicles to pass inside the relatively limited space within the garage.
11. The gates are some 4m wide and the plan indicates the driveway in front would be of a similar width. There would be brick planters on the driveway to either side of the gates to address site level differences.
12. It seems highly probable that drivers would position their vehicles some distance from the edges of the driveway/gates when exiting or entering the site. Therefore there would be a need for considerable manoeuvring with two vehicles being unable to safely and conveniently pass both on the driveway and in the garage due to the limited width available.
13. The height of the garage openings would restrict access by taller vehicles including delivery vans; ambulances; fire rescue appliances; and refuse collection vehicles. The proposals to address these matters include emergency access by code, force and trigger of an alarm; install sprinklers and install a private fire hydrant.
14. The combination of the above would result in access arrangements that would be inconvenient at best and potentially unsafe. I acknowledge that adequate parking and turning within the site beyond the front driveway and garage would be available and that the Highway Authority raised no objections on these grounds. However, it seems probable that the awkward access arrangements, as described above, would result in excessive manoeuvring, including in reverse gear, onto and off Russell Drive as residents and visitors seek to access three additional dwellings. This would be likely at best to lead to

congestion and inconvenience and could result in unsafe conditions for users of this unclassified road. This would reduce rather than improve the quality of life for occupiers of nearby houses. Moreover, whilst not determinative alone, the awkward access arrangements could deter future occupiers and their visitors from using the access, leading to additional on-street parking.

15. Accordingly I consider that satisfactory access would not be available for occupiers of the proposed three dwellings irrespective of whether alternative provision could be made to satisfy the fire and ambulance requirements.
16. The appellant has drawn to my attention other cases where shared drives pass beneath/through buildings. However, these accesses appear to be wider; and/or to have better visibility; and the buildings they serve generally front the road allowing for easy access for deliveries or emergencies. None of them lead me to any different conclusions in respect of the proposal before me.
17. For the reasons set out above I conclude that satisfactory access would not be provided for the proposed dwellings. Accordingly I find conflict with Policy ST4 of the Epping Forest District Local Plan 1998 and Alterations 2006 (the LP) which seeks to prevent traffic congestion and avoid detriment to highway safety. I also find conflict with Policy CP6(i) of the LP in so far as the awkward arrangements would reduce rather than improve the quality of life for occupiers of nearby houses.
18. There would also be conflict with Policies T1 A(v); C(ii) and C(iii) of the emerging LP which seek to promote safety; provide safe, suitable and convenient access for all; and provide on-site layouts that are compatible for all potential users with appropriate parking and servicing provision. I give significant weight to the emerging plan Policy T1 as the evidence indicates that there are no significant objections to it and it is consistent with Paragraph 108(b) of the Framework which seeks safe and suitable access to sites for all users.

Character and appearance

19. The eastern side of Russell Road is characterised by substantial detached and semi-detached dwellings set back from the road along a well-defined building line with some minor variations. The dwellings, although differing in architectural detailing and materials, are generally of traditional appearance. Most have pitched or hipped roofs. The appeal property is a large detached house with a distinctive design, materials and cladding. It would be largely unchanged as a result of the proposal and its value as a non-designated historic heritage asset would be unaffected.
20. Many dwellings have long rear gardens of differing proportions but this is not immediately apparent from the road due to the close spacing of the dwellings. The host property has an unusually large garden which extends behind four adjoining properties on Russell Road and adjoins a number of gardens on Roebuck Lane and Amberley Road. The garden contains a large number of mature trees and shrubs including a number of protected trees. Land levels fall from Russell Road so that the houses to the rear are at a lower level.
21. The proposed houses would be predominantly two storey linked by single storey sections so there would be a continuous building frontage of some 24m. In effect they would form a terrace which would be different in character to

- that of the surrounding properties. It would present a more compressed appearance than is the case for detached houses with gaps between them but would not be significantly different to a pair of semi-detached houses sited two path widths apart from other houses as at Nos 6-12 (evens) Russell Road. In addition the overall density of the development would not be out of character although this would be achieved by the relatively large open areas of the site rather than by the positioning of the houses in relation to each other.
22. There would be gaps at first floor level but these would be relatively narrow and, due to the depth of the buildings, would provide little by way of spaciousness or visual setting between them. The flat roofs would be out of character with the predominantly pitched and hipped roofs of surrounding houses, although flat roofed extensions can be seen nearby and there are large blocks of apartments with flat roofs on Roebuck Avenue. With pitched/hipped roofs the overall mass of the proposed buildings would be much greater.
23. The proposed boxy design would be of completely different character to the surrounding properties. The houses would have cantilevered elements on the front elevations providing visual interest. Windows would be offset but would have a regular rhythm across the length of the building. The external surfaces would be constructed of materials including sedum roof, timber cladding and white render which would not reflect the building materials of most other houses in the locality. Nevertheless such a combination can have a pleasing appearance when used as part of a modern design.
24. The proposed design is uncompromisingly modern in appearance in terms of shape, form, fenestration and materials. However, the houses would be behind existing properties. Although they would contrast with the more traditional houses around they would be a counterpoint rather than competing with existing development, including the non-designated heritage asset at No 18, by being of their own time. They would be at a lower level than houses on Russell Drive and Roebuck Lane. They would be off set from the access and some distance from the street. Accordingly they would not appear prominent in views from the street even when the gates were open. Accordingly I conclude that the design, although out of keeping with the existing, would not be inappropriate on this particular site.
25. The generally leafy nature of the surroundings would be largely unaffected as the protected trees would be retained and only one tree would be removed. The frontage of the proposed houses would be dominated by parking and access areas with little by way of planted areas. However, this is not dissimilar to other properties on Russell Road where consecutive properties have hard surface frontages to provide parking with little planting. Similarly I observed a number of properties with bins stored at the front.
26. On balance I conclude that the proposed development would have an acceptable effect on the character and appearance of the area. I find some conflict with Policies DBE1 of the LP and DM9D of the emerging LP in that the proposal is of a different style to the surrounding properties. However, to my mind, as a discrete enclave of modern design that would not compete with the traditional buildings around, I conclude it would help create a sense of place, enhance the local urban environment and provide an attractive living space for future occupiers. Accordingly, I find compliance with Policies CP2(iv) and CP7 of

the LP and Policy DM9A of the emerging LP and the Framework in these respects.

Other Matters

27. Given the proximity of the appeal site to the Epping Forest Special Area of Conservation (SAC) and the interim advice from Natural England, the requirements of The Conservation of Habitats and Species Regulations 2017 (the Regulations) apply to this appeal. The Regulations require that special consideration is taken in respect of European sites (which include SACs). Planning permission can only be granted where it has been ascertained that the development will not adversely affect the integrity of the SAC.
28. The appellant has provided a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990 to pay a financial contribution to mitigate against the harmful effects of development on recreational receptors in the SAC and to address any identified air quality issues. A condition to secure a Mitigation Strategy has also been proposed. Had I been minded to allow the appeal I would have required much more information in relation to these matters. However, as I have already concluded that the appeal will be dismissed for other reasons, the circumstances that would lead to a grant of permission are not present here. As a consequence, I do not need to undertake an Appropriate Assessment; give further regard to the subsequent tests specified in the Regulations; or look at the Unilateral Undertaking or proposed condition in detail.
29. I acknowledge that the proposal seeks to address concerns raised about previous proposals including a dismissed appeal on the same site Ref APP/J1353/W/17/3178707, including a reduction in numbers of dwellings from four to three. However, whilst taking this into account, I have reached my own decision on the planning merits of the proposal before me.

Planning Balance and conclusion

30. Paragraph 9 of the Framework explains that the economic, social and environmental objectives of sustainable development set out at Paragraph 8 should be delivered through the preparation and implementation of plans and the application of the Framework; they are not criteria against which each decision can or should be judged. The appellant indicates that the Council cannot demonstrate a five-year supply of deliverable housing land and the recently published HDT indicates Epping Forest District Council delivered 49% of its housing requirement over the past three years. In such circumstances the provision of additional housing should be afforded significant weight.
31. However, Footnote 6 to Paragraph 11 of the Framework, in combination with Paragraphs 176 and 177 of the Framework, indicate that the presumption in favour of sustainable development does not apply where a development requires an Appropriate Assessment under the Regulations. The balance to be struck is therefore a balance with no presumption in favour.
32. I have found that the development would not provide satisfactory access for all and that the proposed design would be at odds with the style and detailing of existing dwellings. In these respects there would be conflict with Policies ST4, CP6(i) and DBE1 of the LP and Policies T1 A(v); C(ii) and C(iii) and DM9D of the emerging LP.

33. On the other hand the proposal would make efficient use of land in an accessible location. It would boost the supply of much needed housing which attracts significant weight, although this is moderated by the modest contribution three dwellings would make. It would help create a sense of place; enhance the urban environment; and provide an attractive living space for future occupiers.
34. On balance I conclude that the benefits would not out-weigh the harm I have identified. In failing to comply with Policies ST4, CP6(i) and DBE1 of the LP the proposal cannot comply with the development plan taken as a whole. I find no other material considerations that would justify reaching a decision other than in accordance with the development plan.
35. For the reasons set out I conclude that the appeal should be dismissed.

S Harley

INSPECTOR

Appeal Decision

Site visit made on 21 September 2018

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 8th October 2018

Appeal A Reference: APP/J1535/D/18/3206113

49 Manor Road, Chigwell IG7 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Chaudhery against the decision of Epping Forest District Council.
 - The application (reference PL/EPF/0536/17, dated 18 February 2017) was refused by notice dated 18 April 2018.
 - The development proposed is described in the application form as a "first floor rear extension".
-

Appeal B Reference: APP/J1535/D/18/3206115

49 Manor Road, Chigwell IG7 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Chaudhery against the decision of Epping Forest District Council.
 - The application (reference PL/EPF/0535/17, dated 18 February 2017) was refused by notice dated 18 April 2018.
 - The development proposed is described in the application form as a "first floor rear extension".
-

Appeal C Reference: APP/J1535/D/18/3206120

49 Manor Road, Chigwell IG7 5PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Chaudhery against the decision of Epping Forest District Council.
 - The application (reference PL/EPF/2877/17, dated 23 October 2017) was refused by notice dated 18 April 2018.
 - The development proposed is described in the application form as a "ground floor rear storage shed".
-

Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

3. Appeal C is dismissed.

Preliminary point

4. This Decision relates to three separate appeals for different elements of work at the same address and planning applications have been made by the same applicant in each case. For practical reasons, therefore, this Decision deals with the three appeals together.

Main issues

5. The main issue to be determined in each of these appeals is the effect of the proposed development on the character and appearance of the host building and its surroundings. In the case of Appeal A, an additional main issue is the effect of the development on neighbours' privacy and outlook.

Reasons

6. Manor Road is a relatively busy road, a classified through route. Nevertheless, the road frontages are predominantly residential in the vicinity of the appeal site, characterised by grand houses, set back from the road in very large plots. The architectural quality of the buildings is variable and a mixture of styles is to be found.
7. Number 49 Manor Road is a large house with spacious interiors and a high quality of internal finishes. The submitted drawings indicate that, previously, the house had some Tudor-style details on the exterior but it is now finished with white painted, rendered walls on both the front and rear elevations. The roofs are intricate in form, with a number of small gables that are subservient to the main roof structure on the front elevation. The rear elevation also has some projecting dormers but an earlier addition has created a strongly horizontal feature that cuts across the elevation (with a small sloping section of roof), together with some single storey flat-roofed elements.
8. At the southern end of the back garden there is a substantial outbuilding in a very modern style, with a shallow pitched roof and extensive glazing. This building contains a swimming pool and ancillary spaces, though it has been extended by the addition of rooms that do not appear on the submitted drawings.
9. The appeal proposals involve works to the main house and to the rear outbuilding. Appeals A and B would involve the extension of the existing first floor element further across the rear elevation, above existing ground floor flat roofs, on each of the rear corners of the house (the south-east and south-west corners). Appeal C relates to the construction of a storage building at the rear of the plot, attached to the existing outbuilding. This storage building has already been constructed.
10. The 'National Planning Policy Framework' has the aim of making effective use of land but it also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12) and it points out the importance of creating an attractive streetscape and maintaining the overall quality of the area. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.

11. An emphasis on the importance of good design is also to be found in local planning policies (including Policies in the Development Plan), notably in the 'Epping Forest District Local Plan' (and in the adopted 'Alterations') and in the emerging 'Epping Forest District Local Plan (Submission Version 2017)'. In particular, "saved" Policy DBE10 of the 'Epping Forest District Local Plan' and Policy DM9 of the emerging 'Local Plan' include a specific aim of ensuring that extensions should respect or complement the existing building to which they are to be attached.
12. The two proposed rear extensions to the main house at 49 Manor Road would raise similar architectural design issues. Each of them would extend the strong horizontal feature across the rear elevation of the house, reinforcing the awkwardness of the small pitched roof element. Either of the extensions would be ungainly and out of keeping with the design of the original building. If both were to be built, the effect would be magnified, of course.
13. The rear extensions would not be seen from the public highway but they would be visible from nearby properties and they would have a visual impact on the house itself. In spite of the relatively secluded nature of the plot, therefore, they would cause significant harm to the host building and hence to its surroundings, in design terms. Thus, they would conflict with local and national planning policies that are intended to promote good design.
14. The extension on the south-west corner of the house (nearest to number 47 Manor Road) would be closer to its side boundary, while the layout of the properties in relation to number 47 is more sensitive than is the case in relation to number 51. Nevertheless, the extensions would have only a limited impact on neighbours' residential amenities. The extensions would incorporate windows at first floor level looking towards the rear garden of the existing house and they would extend the flank walls of the building. Even so, they would not unduly dominate the outlook from neighbouring properties, nor intrude on their privacy to an undue degree, bearing in mind the suburban location.
15. The storage shed at the rear of the garden is small in comparison with other buildings on the site. It is poorly conceived, however, and does not relate well to the existing modern style outbuilding. Again, therefore, it is harmful to the host building in design terms, and hence to its surroundings, and is contrary to established planning policies.
16. In the context of these schemes, reference has been made to permitted development rights but no detailed submissions have been made in relation to the appeal proposals (or to the relevance of permitted development rights more generally) and the appeals have been determined on their own merits, in the light of the submissions made.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Nevertheless, I am convinced that the harm that would be done to the architectural qualities of the existing house outweighs the benefits of the project. Hence, I have concluded that the various proposals that form the subject of these appeals would conflict with both national and local planning policies and that they ought not to be allowed.

18. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision. All three of these appeals are dismissed.

Roger C Shrimplin

INSPECTOR



Appeal Decision

Site visit made on 12 February 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

Appeal Ref: APP/J1535/W/18/3212340

14 Ely Place, Chigwell IG8 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nick Kelly against the decision of Epping Forest District Council.
 - The application Ref EPF/0612/18, dated 28 February 2018, was refused by notice dated 22 August 2018.
 - The development proposed is a two-storey side extension, part single and part two storey rear extension and division into 2 no. 3-bedroom dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council refers to policies in its draft Local Plan. While this may be at an advanced stage, I cannot be sure there have been no significant objections to those policies, and the Plan has not yet completed examination. Accordingly, I give these policies only limited weight. At the time of my visit, the proposed development appeared to be well underway.

Main Issue

3. Considering the statement of the Council and the representations of interested parties, the main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Because of the higher ground level of the site compared to that of the adjacent plot, the side extension would be noticeably higher, around 1m, than the neighbouring house, No 14A. However, given the separation of the extension from No 14A of around 2m, and the similarity of their ground to ridge heights, the height of the extended house would not, in relation to No 14A, appear over-dominant. Nor, having regard to similar changes in level between adjoining or closely neighbouring houses in the same street, would the difference in height between the extended building and No 14A appear out of character with the pattern of development in the area. In appearance terms, I find no harm from the height of the proposal in relation to No 14A.
5. Notwithstanding this, the loose, informal arrangement of the houses and the gaps between them gives a distinctive sense of spaciousness to the area.

Where the flanks of houses stand close together, or where they form a semi-detached pair, they tend to be balanced on their opposite flanks by set-back or linked garages, or gardens. This relieves the street scene from built form and gives views through to trees or space behind the houses.

6. The proposed house would be semi-detached on one side, but as close as around 2m to the house on its free side. This would close the existing undeveloped space which contributes to the distinctive spacious character of the estate. It is this siting element of the side of the proposal which would have a poor relationship to No 14A and which would be at odds with the spatial character of the area and the pattern of development of the housing which underpins it.
7. I have taken into account that No 14A is a new house and that many houses in the area have been extended. However, this does not change to any significant degree the spacious character of the area which this proposal would undermine. I note the consents for development referred to by the appellant. However, I do not have the details of these cases or the circumstances which led to their approval to draw any parallels to this case. In any event, I have made my assessment based on the specific circumstances of this proposal, and the character of the area surrounding it.
8. I have noted the proximity of the existing garage to the side boundary, however it is a single storey structure whereas the proposal would extend up to the ridge of the existing house, with greater impact on the space between the houses. The proposal would remove a flank window overlooking No 14A, but this does not outweigh the harm to the character of the area.
9. I conclude that the proposed development would harm the spacious character of the area. It would conflict with policies CP2 and DBE1 of the Epping Forest District Local Plan Alterations adopted July 2006 which seek to safeguard and to enhance the character of the urban environment and require that new buildings respect their setting in terms which include siting. It would also be at odds with paragraph 127 of the National Planning Policy Framework, which indicates that developments should be sympathetic to local character including the surrounding built environment.

Other Matters

10. The Council considers that because of its proximity to the Epping Forest Special Area of Conservation (SAC), and the resulting increased visitor pressure and the air quality alongside the roads which cross it, the proposal would have an adverse impact on the integrity of the SAC. It seeks a planning obligation in respect of mitigation measures. Whilst I note the appellant's comments in this respect, as I am dismissing the appeal on the main issue, it is not necessary for me to consider this matter any further as it could not alter my decision.
11. I have considered the representations of neighbouring occupiers, however the points they raise do not outweigh the harm I have found to the character of the area.

Conclusion

12. The proposed development would make efficient use of a site within an established residential area, providing a modest, social benefit of 1 additional

house to local housing supply. It would bring economic benefits too, both during its construction and from the spending in the local economy of the future occupiers. Energy performance of the house would exceed the requirements of the Building Regulations.

13. However, these benefits of the development would be outweighed by its harm to the character of the area, and its conflict with the development plan as a whole. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

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Appeal Decision

Site visit made on 12 February 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2019

Appeal Ref: APP/J1535/W/18/3212404

12 High Elms, Chigwell IG7 6NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Colin Medley, Goldberg Homes Ltd, against the decision of Epping Forest District Council.
 - The application Ref EPF/2758/17, dated 18 September 2017, was refused by notice dated 22 August 2018.
 - The development proposed is the demolition of existing property for 2x4b-8p houses with basement, ground floor and first floor.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refers to policies in its draft Local Plan. While this may be at an advanced stage, I cannot be sure there have been no significant objections to those policies, and the Plan has not yet completed examination. Accordingly, I give these policies only limited weight.

Main Issue

3. This is the effect of the proposal on the character and appearance of the area.

Reasons

4. The entrance to Ely Place has a distinctive, green and spacious character determined by the low height of the bungalows which enclose it, and the set-back front building lines of these and the house opposite, which together provide attractive and broad, green frontages. It is notable for its variety of development patterns, which range from large bungalows to large well-spaced, 2-storey, detached houses, closer-set large houses and a terrace of 3-storey town houses.
5. In the context of the town houses opposite the site, and the footprint of the existing house, I can see no incompatibility between the subdivision of the plot and the surrounding patterns of development. On this site, houses 2 storeys above ground with a parapet roof would not appear out of place against the other houses which include many with 2 and 3 storeys above ground. Nor would height alone undermine the spacious character in this section of the street. The proposed footprint and plot coverage would not be so dissimilar to

- the existing patterns of development in this street to appear out of character. The houses appear to reflect some of the detailing of the listed house behind them, and against the facades of the surrounding houses they would sit well.
6. The height of the houses would be sufficiently close to the tall boundary wall of the early nineteenth century, grade II listed house in the grounds behind it, that its setting would be preserved. Indeed, the development would free the distinctive garden wall of the listed house from the extensive attachments of the present building, making a substantial improvement to the foreground setting of the listed building in views from the street.
 7. Notwithstanding this, the street-facing building lines of these houses would be uncharacteristically close to the footway compared to the houses in this section of the cul-de-sac. Two-storey buildings at such proximity to the street would crowd the street boundaries and appear at odds with the spacious character of the street in this section.
 8. In summary, I find no harm from the principle of sub-division, the plot coverage of the houses, their height, their design, or the access to them. In regard to my duty under section 66(1) of the Act, freeing the space beside the boundary wall of the listed house would better reveal its significance and enhance its setting. My single criticism is the street-facing building lines of the houses which are set too close to the street. This would undermine the distinctive, spacious character of this section of the street.
 9. For this reason, the proposed development would harm the spacious character of the area. It would conflict with policies CP2 and DBE1 of the Epping Forest District Local Plan Alterations adopted July 2006 which seek to safeguard and to enhance the character of the urban environment and require that new buildings respect their setting in terms which include siting. It would also be at odds with paragraph 127 of the National Planning Policy Framework, which indicates that developments should be sympathetic to local character including the surrounding built environment.

Other Matters

10. The Council considers that because of the proposal's proximity to the Epping Forest Special Area of Conservation (SAC), and the resulting increased visitor pressure and the air quality alongside the roads which cross it, the proposed development would have an adverse impact on the integrity of the SAC. It seeks a planning obligation in respect of mitigation measures. Whilst I note the appellant's comments in this respect, as I am dismissing the appeal for another reason, it is not necessary for me to consider this matter any further as it could not alter my decision. I have taken into account the representations of neighbouring occupiers, but they do not lead me to a different conclusion.

Conclusion

11. The proposed development would make efficient use of a site within an established residential area, providing a modest, social benefit of 1 additional house to local housing supply. It would bring economic benefits too, both during its construction and from the spending in the local economy of the future occupiers.

12. However, these benefits of the development would be outweighed by its harm to the character of the area, and its conflict with the development plan, as a whole. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR

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Appeal Decision

Site visit made on 12 February 2019

by **Helen B Hockenhull BA (Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 March 2019

Appeal Ref: APP/J1535/W/18/3204578

105 Manor Road, Chigwell, IG7 5PN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chigwell Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/3177/17, dated 18 November 2017, was refused by notice dated 25 April 2018.
 - The development proposed is the demolition of existing property and erection of a development of 3 no. 2 bed flats and 1 no. 1 bed flat including car parking.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The Council submitted the Submission Version of the Epping Forest District Local Plan for Examination in September 2018. The Council have advised that there are unresolved objections to certain policies of the Plan. Whilst it forms a material consideration, I accord it limited weight in this appeal.
3. The appellant has provided a signed and dated Unilateral Undertaking pursuant to section 106 of the Town and Country Planning Act 1990. This makes provision for a financial contribution towards the mitigation of effects on the Epping Forest Special Area of Conservation (SAC).

Main Issues

4. The main issues in this case are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of future occupants with particular regard to external amenity space;
 - the effects of the development on highway safety and the adequacy of on-site car parking provision.

Reasons

Character and appearance

5. The appeal site is occupied by a two-storey detached house located

on the corner of Manor Road and Fencepiece Road, Chigwell. The area has a mixed character. North of the site is a petrol filling station and to the east is Sherrell House, a 3-storey building used for sheltered accommodation for the elderly. Looking south are two storey residential properties on Fencepiece Road. To the west lies Manor Court, a large 4 storey apartment building. There are also a number of other flat developments in the wider area. These provide a range of architectural styles including both traditional and modern designs and use a variety of materials.

6. The appeal scheme replaces the existing 2 storey dwelling with a 2 storey building providing 4 apartments. It is proposed to be constructed in brick with render and a pitched tiled roof. The building would have a height to the ridge of approximately 9.2 metres. The adjoining residential property at No. 281 Fencepiece Road is set slightly lower to the appeal site and has a ridge height of around 9 metres. Seen in the context of the 4 storey Manor Court to the rear of the appeal site, I am satisfied that the proposed building would be of an appropriate height and scale resulting in no adverse impact on the character and appearance of the area.
7. In terms of design, the hipped nature of the roof fronting Fencepiece Road reflects the design of the neighbouring residential properties. I acknowledge that the site forms a corner location and is therefore prominent in the street scene. Having regard to the mixed nature of the surrounding area, with both traditional and modern development, I am satisfied that the proposal would not cause harm to the character or appearance of the locality. The proposed materials would also be appropriate complementing other built development in the area.
8. In support of the proposal my attention has been brought to a previous appeal on the site, which also included the adjoining property at No. 281 Fencepiece Road. This scheme was for 11 apartments in a part 3-part 4 storey building. The Inspector found this proposal to be acceptable in terms of the character and appearance of the area. Clearly this was for a much larger building on a bigger plot and therefore would not be completely comparable to the scheme before me. In any event I must determine this appeal on its individual merits.
9. In conclusion I consider that the proposal would not cause harm to the character and appearance of the area. It would therefore accord with Saved Policies CP2 and DBE1 of the Epping Forest District Local Plan and Alterations 2006 (the Local Plan) and draft Policy DM9 of the Submission Version Local Plan. These policies seek to ensure that new development respects its setting in terms of scale, proportion massing and height and safeguards and enhance the townscape of the urban environment.

Living conditions

10. The appeal scheme provides a shared external amenity space of just under 40 square metres. This adjoins the patio area to Flat A. Flat B would have access to 2 separate patio areas and Flats C and D on the first floor would have balcony areas. The smallest balcony, around 4.8 square metres in area, would serve Flat D, the one bedroom flat.
11. The shared outdoor amenity space whilst it would be accessible to all future occupants, would be sited next to habitable room windows in Flat A.

Occupants of this flat would suffer a loss of privacy when other residents make use of the area. This would adversely affect their living conditions.

12. However, each flat would have a private amenity area, either a patio or a balcony. Saved Policy DBE8 of the Local Plan requires new residential development to provide private amenity space and sets out several criteria which should usually be met. Whilst the Council has raised concern about the shared amenity space, no evidence has been provided to demonstrate that the private amenity space, the proposed balconies and patios, would be inadequate for future occupants.
13. Applying the criteria of Policy DBE8, the balconies would be accessible, be of a usable size and receive reasonable direct sunlight. They would not have an excessive slope in finished form and would be private on a continuing basis. Whilst I accept that they would not be located to the rear of the building, this is not unusual in a flat development.
14. The appellant has referred me to two other approved flat developments on Manor Road which do not have private outdoor amenity space. Whilst this may be the case, I have considered the appeal scheme on its individual merits.
15. In summary, on the basis of the evidence before me, I am satisfied that, notwithstanding my concerns with regard to the shared amenity space, the appeal scheme provides adequate private amenity space. The proposal would therefore provide acceptable living conditions for future occupants in compliance with Saved Policy DBE8 of the Local Plan.

Highway safety

16. The reason for refusal refers to two issues. Firstly, the manoeuvring of vehicles into and out of the site onto Manor Road and secondly the number and size of the car parking spaces.
17. The appeal scheme provides 4 on site car parking spaces, one for each flat. The Council has stated that in line with the Essex County Council Parking Standards 2009, the proposal should provide 7 spaces.
18. The access to the development would be in the same position as the access to the existing garage on the site but would be widened to 5 metres. It would therefore be no closer to the traffic light junction of Manor Road/ Fencepiece Road. Whilst there may be an increase in vehicles using the access, this would be minimal, and I have no evidence to suggest that highway safety would be compromised. The appellant has made me aware that the appeal site along with the neighbouring site is proposed to be allocated in the Submission Version Local Plan for residential use (Site CHIG.R3 and CHIG.R11). This allocation also assumes the use of this existing access.
19. Turning to the matter of on-site car parking, the four spaces to be provided would measure approximately 4.9 metres by 2.5 metres. This is marginally below the required minimum standard of 5 metres by 2.5 metres stated in the Essex County Council Parking Standards. The appellant has argued that the size of the proposed car parking spaces is nevertheless typical of car parking spaces in the UK. Whilst accepting the car parking spaces would be of a minimum size, I consider that they would be adequate.

20. The above Parking Standards allow for a reduction in on site car parking in areas of good access to public transport. The appeal site is located close to a number of bus routes and is within walking distance of an underground station. The site is therefore very accessible by means other than the car. A reduction in on site car parking spaces is therefore justified.
21. Furthermore, I note that the Essex County Council Highway Authority have raised no objection to the scheme. This is based on the Highway Authority's Development Management Policies adopted as Supplementary Guidance in February 2011. This post-dates the Parking Standards referred to by the Council.
22. Taking the above factors into account, I am satisfied that the appeal proposal would have an acceptable access and adequate car parking, causing no harm to highway safety. The proposal would therefore comply with Saved Policies ST4 and ST6 of the Local Plan and draft Policy T1 of the Submission Version Local Plan. These policies aim to ensure that new development does not have an adverse impact in terms of road safety and provides adequate car parking.

Other Matters

23. The appeal site lies approximately 2.8 km away from the Epping Forest Special Area of Conservation (SAC). The requirements of The Conservation of Habitats and Species Regulations 2017 (the Regulations) therefore apply to this appeal. These require that I, as the competent authority, ensure that there are no significant effects from development both individually and cumulatively, which would adversely affect the integrity of the SAC.
24. Two issues have been identified which could lead to adverse effects. Firstly, recreational pressure and secondly air pollution from vehicles. The appellant has made me aware of a report to the Council's Cabinet in October 2018 which addressed the approach to managing recreational pressure. The report recommended that development contribute £352 per dwelling. As the appeal scheme results in a net increase of 3 dwellings on the site, the appellant has provided a signed and dated Unilateral Undertaking making provision for the required contribution of £1056.
25. The Council have brought my attention to interim advice from Natural England, issued 20 September 2018. This advises that all new development in the district has the potential to increase air pollution unless appropriate mitigation is provided. The Council is working with Natural England and other neighbouring authorities towards establishing a mechanism for collecting contributions that would be used to offset any potential impact because of air pollution on the SAC and a Mitigation Strategy which would identify specific measures or projects.
26. I note that the Council has resolved to grant planning permission for a similar scheme for 4 flats on the site subject to a section 106 agreement to provide the necessary financial contributions to fund appropriate mitigation measures¹. The agreement has not been finalised and the planning permission has not been issued in line with the Council's Interim Advice² on this matter.

¹ Planning application ref EPF/1798/18

² Planning Applications affected by Epping Forest Special Area of Conservation (SAC) – Interim Position 30 July 2018.

27. Planning permission can only be granted where it has been demonstrated that the development will not adversely affect the integrity of the SAC. In the absence of mitigation to overcome the in-combination effects that have been identified due to air pollution, I am unable to allow this appeal.

Conclusion

28. I have found that the appeal scheme would cause no harm to the character and appearance of the area, to the living conditions of future occupants or to highway safety. However, as there is no agreed mitigation in place at the current time to address the effect of air pollution, I cannot be satisfied that the appeal proposal, in combination with other development, would not have an adverse impact on the SAC.

29. For the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

Inspector

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Appeal Decision

Site visit made on 21 February 2019

by **S. Harley, BSc.(Hons), MPhil, MRTPI, ARICS**

an Inspector appointed by the Secretary of State

Decision date: 5th March 2019

Appeal Ref: APP/J1535/W/18/3208263

39 Traps Hill, Loughton, IG10 1SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Udy Agarwal against the decision of Epping Forest District Council.
 - The application Ref: EPF/2885/17 dated 23 October 2017, was refused by notice dated 30 May 2018.
 - The development proposed is demolition of existing house and replace with two houses.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the appeal was submitted an updated and revised National Planning Policy Framework February 2019 (the Framework) and the 2018 Housing Delivery Test Results (the HDT) have been published. I have taken these into account in considering the appeal.
3. The Epping Forest District Local Plan Submission Version 2017 (the emerging LP) is at Inquiry Stage. In accordance with the Framework weight can be given to the emerging LP according to its stage of preparation; the extent of unresolved objections and the degree of consistency with the Framework.

Background and Main Issues

4. The planning application was refused by the Area Planning South Sub-Committee against the recommendation of the Council Officers. The single reason for refusal relates to the effect of the proposal on the character and appearance of the area. Neighbours and the Loughton Residents Association raised objections to the planning application and the appeal on a number of matters including the effect on the living conditions of the occupiers of adjoining properties.
5. I have exercised my own judgement and, from all I have seen and read, I consider the main issues are the effect of the proposal on the living conditions of occupiers of Nos. 41 and 35 Traps Hill; and the effect of the proposed development on the character and appearance of the area taking particular account of scale and design.

Reasons

6. The site is within the built-up area of Buckhurst Hill with good access to services and facilities. Additional dwellings would be acceptable in principle if planning policies and other material considerations would be satisfied.

Living conditions

7. The appeal site is at a higher level than No 35 and a lower level than No. 41. The houses are staggered so that the house at No. 41 is mainly forward of the house on the appeal site and the house at No. 35 is partially behind the house on the appeal site. The proposed houses would also be staggered so that No 39A, which would be closest to the boundary with No. 35, would be set further back than No 39B, which would be closest to the boundary with No 41.
8. No. 41 is a detached house set in some 3m to 4m from the shared boundary. At the rear the closest part of No. 41 appears to have been used as an integral part of the living accommodation for some considerable time. The closest part of the existing No. 39 to the shared boundary is single storey with a flat roof. This wraps around the rear of the existing dwelling and incorporates a first-floor balcony. The closest two storey element has a relatively narrow span. The main two-storey side wall is some 4m to 5m from the shared boundary. The existing main roofs are hipped with a second-floor dormer facing No. 41.
9. The upper floors of No. 39B would extend some 7.2m beyond the rear wall of No. 41. They would be significantly closer to the boundary and longer than the upper floors of the existing house. There would be a further 6.8m single storey projection behind this. The eaves of the upper roof would be some 5.9m high. I consider that the proposed dwelling due to its height, length and position would have an over dominant and overbearing effect as viewed from the rear of No. 41, even though that property is at a slightly higher level and the proposed dwelling would be set at a slightly lower level.
10. The upper floors of No. 39A would project significantly further back than the existing two storeys of No. 39 but would not extend significantly beyond the main rear elevation of No. 35. The proposed single storey would extend some 7m further back and would be about 3.2m high and some 1.2m from the shared boundary. The proposed dwelling would be at a significantly higher level than No. 35. Even though it would be set at a slightly reduced ground level, I consider that the proposed dwelling due to its height, length and position would have an over dominant and overbearing effect as viewed from the rear of No. 35. The width of the garden at No. 35 does not reduce this over bearing effect even though it ensures other outlooks are available for the occupiers.
11. In both the neighbouring properties there are trees and shrubs along the shared boundaries. Whilst these have a softening effect to my mind this does not justify buildings of such a scale so close to the boundaries. Nor does the reduction in overlooking by the removal of the existing balcony justify an increase in building mass of the scale proposed.
12. I acknowledge that the proposal has been amended and reduced in scale compared to plans previously submitted and following extensive negotiations with the Council. However, this does not mean the proposal before me is acceptable in my judgement. The submitted plans partially indicate the extent

of the extensions which previously had permission Ref EPF/0378/12 (now lapsed). Although parts of the proposed development would be lower in height, no comparative side elevations were provided so the full effect of the permitted extensions is difficult to evaluate. However, the comparative footprints indicate that the rearmost part of the permitted extensions would be set well in from the boundaries and would have less effect on the neighbouring properties. Accordingly the lapsed permission leads me to no different conclusion.

13. For the reasons set out above I conclude that the proposed development would have a harmful effect on the living conditions of the occupiers of Nos. 41 and 35 Traps Hill. Accordingly, there would be conflict with Policies DBE9 and CP7 of the Epping Forest District Local Plan 1998 and Alterations 2006 (the LP) and Policy DM9 of the emerging LP which seek to ensure no loss of amenity in terms of visual impact, over-bearing or enclosing effect. There would also be conflict with those principles of the Framework that seek a high standard of amenity for existing and future users.

Character and appearance

14. Traps Hill is predominantly made up of substantial two-storey detached houses arranged in a staggered design, well set back from the road side and with wide curtilages. There are generally gaps to side boundaries and large rear gardens. The character is suburban in style and layout. Individual properties differ in in architectural detailing and materials but are predominantly of more traditional appearance and some changes have taken place over time. The appeal house is a typical large detached property with a wide curtilage and has noticeable gaps to the side boundaries at first floor and above, which adds to the generous spacious character of the area.
15. The proposed development would subdivide the property into two disproportionately long and narrow curtilages. The extent of built development to the rear would not be particularly apparent. However, although there is nothing in principle wrong with the design and appropriate facing materials could be used, the relatively narrow dwellings with only a 2m gap between the two combined, with the asymmetrical, boxy, design would appear unsympathetically urban and discordant on this particular site. The retention of frontage vegetation would soften the impact but the dwellings would be particularly noticeable across the driveways.
16. I acknowledge that the property across the road at No. 36 has a relatively narrow frontage. However, this seems to me to be due to the angle of the boundaries with the neighbours having wider splayed frontages. It does not lead me to conclude that sandwiching two properties together in the manner proposed would be appropriate in this location.
17. Moreover, whilst each planning proposal falls to be considered on its own merits, allowing this appeal could make it difficult for the Council to resist other similar proposals nearby. This would further reduce the spacious suburban character of the area.
18. On balance I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with Policies CP2(iv), CP7 and DBE1 of the LP and Policy DM9 of the emerging LP insofar as these policies require that new developments should respect their

setting, safeguard the character and townscape of the urban environment and should not result in unsympathetic change in the built environment. The proposal would also conflict with those principles of the Framework that seek well-designed places, that developments are sympathetic to local character, are visually attractive and add to the overall quality of the area concerned.

Other Matters

19. Given the proximity of the appeal site to the Epping Forest Special Area of Conservation (SAC) and the interim advice from Natural England, the requirements of The Conservation of Habitats and Species Regulations 2017 (the Regulations) apply to this appeal. The Regulations require that special consideration is taken in respect of European sites (which include SACs). Planning permission can only be granted where it has been ascertained that the development will not adversely affect the integrity of the SAC.
20. The appellant has indicated a willingness to pay a financial contribution to mitigate against the harmful effects of development on recreational receptors in the SAC and considers that such matters and any on any identified air quality issues could be addressed by condition. Had I been minded to allow the appeal I would have required much more information in relation to these matters. However, as I have already concluded that the appeal will be dismissed for other reasons, the circumstances that would lead to a grant of permission are not present here. As a consequence, I do not need to undertake an Appropriate Assessment; give further regard to the subsequent tests specified in the Regulations; or consider in detail any planning condition.

Planning Balance and Conclusion

21. Paragraph 9 of the Framework explains that the economic, social and environmental objectives of sustainable development set out at Paragraph 8 should be delivered through the preparation and implementation of plans and the application of the Framework; they are not criteria against which each decision can or should be judged. The appellant indicates that the Council cannot demonstrate a five-year supply of deliverable housing land and the recently published HDT indicates Epping Forest District Council delivered 49% of its housing requirement over the past three years. In such circumstances the provision of additional housing should be afforded significant weight.
22. However, Footnote 6 to Paragraph 11 of the Framework, together with Paragraphs 176 and 177 of the Framework, indicate that the presumption in favour of sustainable development does not apply where a development requires an Appropriate Assessment under the Regulations. The balance to be struck is therefore a balance with no presumption in favour.
23. I have found that the development would be harmful to the living conditions of occupiers of neighbouring properties and to the character and appearance of the area. As set out above there would be conflict with the development plan. On the other hand, the proposed development would make efficient use of previously developed land in an accessible location. It would boost the supply of much needed housing which attracts significant weight, although this is moderated by the very modest contribution one dwelling would make.
24. On balance I conclude that the benefits would not out-weigh the harm I have identified. In failing to comply with Policies CP2(iv), CP7, DBE1 and DBE9 of

the LP the proposal cannot comply with the development plan taken as a whole. I find no other material considerations that would justify reaching a decision other than in accordance with the development plan. For the reasons set out above I conclude that the appeal should be dismissed.

S Harley

INSPECTOR

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Appeal Decision

Site visit made on 21 February 2019

by **S Harley BSc(Hons) MPhil MRTPI ARICS**

an Inspector appointed by the Secretary of State

Decision date: 7th March 2019

Appeal Ref: APP/J1535/W/18/3208280

37 Hillyfields, Loughton IG10 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Tappenden, SJT Limited against the decision of Epping Forest District Council.
 - The application Ref EPF/3512/17, dated 22 December 2017, was refused by notice dated 30 May 2018.
 - The development proposed is construction of new access with 7 No three bed houses and 2 No two bed houses and associated parking.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the site as stated on the planning application form is set out above. However, the site address is described as 'land to the rear of Nos 33-37 Hillyfields, Loughton, Essex IG10 2PT' on the planning decision and the appeal form. This is a more accurate description of the site as shown on the plans and I have considered the appeal on this basis.
3. Since the appeal was submitted an updated and revised National Planning Policy Framework February 2019 (the Framework) and the 2018 Housing Delivery test Results (the HDT) have been published. I have taken these into account in considering the appeal.
4. The Epping Forest District Local Plan (Submission Version) 2017 (the emerging LP) is at Inquiry Stage. In accordance with the Framework appropriate weight can be given to its Policies depending on the stage of preparation; the extent of unresolved objections and the degree of consistency with the Framework.
5. Committee Members refused the planning application against the recommendation of the Council Officers. I have exercised my own judgement in respect of the planning merits of the proposal.

Application for costs

6. An application for costs was made by Mr S Tappenden, SJT Limited, against Epping Forest District Council. This application is the subject of a separate Decision.

Main Issue

7. The main issue is whether or not satisfactory living conditions would be provided for future occupants of the proposed dwellings.

Reasons

8. The site formerly contained lock-up garages which have been demolished. It is within the built-up area of Loughton with good accessibility to services and facilities. Residential development would be acceptable in principle provided relevant planning policies and material considerations would be satisfied.
9. The proposal is for nine dwellings arranged in two terraced blocks. Block A would be at right angles to Block B. The proposed layout would mean that the front elevations of three properties in Block B would wholly or partially face the side wall of Block A at a distance of about 5.6m.
10. The side wall of Block A would be some 9m long and about 5m high to the eaves line. The Building Research Establishment guidelines 'Site layout for planning for daylight and sunlight: a guide to good practice' (BRE Guidelines) indicate that an acceptable daylight in interiors would be achieved if a 25-degree vertical angle from a centre point of a window is not obstructed. The Essex Design Guide advises that this would equate to at least a 10m spacing between opposite house fronts.
11. The appellant has submitted an External Daylight Study. Table 6 of the Study indicates that four windows in Block B would have a Vertical Sky Component of less than 80% of the required target. Two of the affected windows would serve cloakrooms for which external daylight is not essential. However, two would serve kitchens for which daylight is considered important in the BRE Guidelines. Moreover, Table 6 also indicates that more windows would have a shortfall than if Block B were not in the position proposed in relation to Block A. In my view this would result in gloomy and unsatisfactory living conditions for future residents in parts of Block B. That there would be rear windows in separate living rooms does not lead me to any different conclusion.
12. Moreover, and although not referred to on the decision notice, I consider the outlook directly onto the flank wall of Block A from parts of Block B at a distance of less than 6m would be less than satisfactory. I remain of this view even though the hipped roof to Block A would reduce that over bearing and over dominating effect to some degree.
13. The proposal is for two new blocks and, in my judgement, it would not amount to good design for a new development to have sub-standard daylight and a poor outlook arising solely from the proposed layout. I conclude that the proposed development would not provide satisfactory living conditions for some future occupants. Accordingly I find conflict with Policies DBE9 of the Epping Forest District Local Plan 1998 and Alterations 2006 (the LP) and Policy DM9 H(i) of the emerging Plan, which seek adequate daylight, sunlight and open aspects to all parts of development. There would also be conflict with those principles of the Framework that seek a high standard of amenity for future occupants.

Other Matters

14. Given the proximity of the appeal site to the Epping Forest Special Area of Conservation (SAC) and the interim advice from Natural England, the requirements of The Conservation of Habitats and Species Regulations 2017 (the Regulations) apply to this appeal. The Regulations require that special consideration is taken in respect of European sites (which include SACs). Planning permission can only be granted where it has been ascertained that the development will not adversely affect the integrity of the SAC.
15. The appellant has provided a Unilateral Undertaking under s106 of the Town and Country Planning Act 1990 to pay a financial contribution to mitigate against the harmful effects of development on recreational receptors in the SAC and to address any identified air quality issues. Had I been minded to allow the appeal I would have required much more information in relation to these matters. However, as I have already concluded that the appeal will be dismissed for other reasons, the circumstances that would lead to a grant of permission are not present here. As a consequence, I do not need to undertake an Appropriate Assessment or give further regard to the subsequent tests specified in the Regulations or to look at the Unilateral Undertaking in detail.
16. The appellant amended the proposals to address concerns raised and has expressed dissatisfaction with the advice provided by the Council. However, neither of these go to the heart of the planning matters related to this appeal.

Planning Balance and conclusion

17. Paragraph 9 of the Framework explains that the economic, social and environmental objectives of sustainable development set out at Paragraph 8 should be delivered through the preparation and implementation of plans and the application of the Framework; they are not criteria against which each decision can or should be judged. The appellant indicates that the Council cannot demonstrate a five-year supply of deliverable housing land and the recently published HDT indicates Epping Forest District Council delivered 49% of its housing requirement over the past three years. In such circumstances the provision of additional housing should be afforded significant weight.
18. However, Footnote 6 to Paragraph 11 of the Framework, in combination with Paragraphs 176 and 177 of the Framework, indicate that the presumption in favour of sustainable development does not apply where a development requires an Appropriate Assessment under the Regulations. The balance to be struck is therefore a balance with no presumption in favour.
19. I have found that the development would not provide satisfactory living conditions for all future residents; would not amount to good design and would not accord with the Policies of the development plan as set out above. On the other hand it would make efficient use of a previously developed site in an accessible location. It would boost the supply of much needed housing which attracts significant weight. The proposed density of development would not be unacceptable in itself. However, there are other ways in which good use can be made of the site as is evidenced by the planning permission for seven dwellings on the same site Ref EPF2913/16.
20. On balance I conclude that the benefits would not out-weigh the harm I have identified. In failing to comply with Policy DBE9 of the LP the proposal cannot

comply with the development plan taken as a whole. I find no other material considerations that would justify reaching a decision other than in accordance with the development plan.

21. For the reasons set out I conclude that the appeal should be dismissed.

S Harley

INSPECTOR