

# Committee Agenda



**Webcast  
Meeting**



**Epping Forest  
District Council**

## ***Area Planning Subcommittee East Wednesday, 12th December, 2007***

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Democratic Services Officer** Mark Jenkins - Research and Democratic Services  
Email: [mjenkins@eppingforestdc.gov.uk](mailto:mjenkins@eppingforestdc.gov.uk) Tel: 01992 564607

Members:

Councillors M Colling (Chairman), Mrs M McEwen (Vice-Chairman), Mrs D Collins, R Frankel, P Gode, A Green, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, D Kelly, R Morgan, G Pritchard, B Rolfe, Mrs P K Rush, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

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**A BRIEFING FOR THE CHAIRMAN, VICE-CHAIRMAN AND APPOINTED SPOKESPERSONS WILL BE HELD AT 6.30 P.M. IN COMMITTEE ROOM 1 ON THE DAY OF THE SUB-COMMITTEE.**

### **WEBCASTING 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.**

**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 and copies made available to those that request it.**

**Therefore by entering the Chamber and using the lower 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 sit in the upper council chamber public gallery area**

**If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.**

**1. WEBCASTING INTRODUCTION**

1. This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower 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 move to the upper public gallery”

**2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 6)**

General advice to people attending the meeting is attached.

**3. MINUTES (Pages 7 - 16)**

To confirm the minutes of the Sub-Committee meeting of 14 November 2007.

**4. APOLOGIES FOR ABSENCE**

**5. DECLARATIONS OF INTEREST**

(Assistant to the Chief Executive) To declare interests in any item on this agenda.

**6. ANY OTHER BUSINESS**

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution 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.

In accordance with Operational Standing Order 6 (non-executive bodies), any item raised by a non-member shall require the support of a member of the Committee concerned and the Chairman of that Committee. Two weeks' notice of non-urgent items is required.

**7. DEVELOPMENT CONTROL (Pages 17 - 78)**

(Director of Planning and Economic Development) To consider planning applications as set out in the attached schedule

**Background Papers:** (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule. (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which

consideration is to be given to the enforcement of planning control.

## 8. DELEGATED DECISIONS

(Director of Planning and Economic Development) Schedules of planning applications determined by the Head of Planning and Economic Development under delegated powers since the last meeting of a Plans Subcommittee may be inspected in the Members Room or at the Planning and Economic Development Information Desk at the Civic Offices, Epping.

## 9. 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.

**Confidential Items Commencement:** Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

**Background Papers:** Paragraph 8 of the 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 (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

## **Advice to Public and Speakers at Council Planning Subcommittees**

### **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 Subcommittee.

### **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**. Ring the number shown on the top of 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 allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

### **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 and if you are not present by the time your item is considered, the Subcommittee will determine the application in your absence.

### **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 through Democratic Services or our website [www.eppingforestdc.gov.uk](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

### **How are the applications considered?**

The Subcommittee 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 Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow a course of action different to officer recommendation, they are required to give their reasons for doing so.

The Subcommittee cannot grant any application, which is contrary to Local or Structure Plan Policy. In this case the application would stand referred to the next meeting of the District Development Control Committee.

### **Further Information?**

Can be obtained through Democratic Services or our leaflet 'Your Choice, Your Voice'

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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee East    **Date:** 14 November 2007

**Place:** Council Chamber, Civic Offices, High Street, Epping    **Time:** 7.30 pm - 9.00 pm

**Members Present:** M Colling (Chairman), Mrs M McEwen (Vice-Chairman), Mrs D Collins, R Frankel, A Green, Mrs A Grigg, Mrs H Harding, Ms J Hedges, D Jacobs, D Kelly, R Morgan, G Pritchard, B Rolfe, Mrs P K Rush, D Stallan, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

**Other Councillors:**

**Apologies:**

**Officers Present:** A Sebbinger (Principal Planning Officer), C Neilan (Landscape Officer and Arborculterist), M Jenkins (Democratic Services Assistant) and G J Woodhall (Democratic Services Officer)

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### 45. 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. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

### 46. 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.

### 47. MINUTES

**RESOLVED:**

That the minutes of the meeting held on 17 October 2007 be taken as read and signed by the Chairman as a correct record.

### 48. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors Mrs D Collins and C Whitbread declared a personal interest in the following item of the agenda. The Councillors had determined that their interest was prejudicial and they would leave the meeting for the consideration of the application and voting thereon:

- EPF/0610/07 – Coopersale Hall School, Flux's Lane, Epping

(b) Pursuant to the Council's Code of Member Conduct, Councillor Mrs J Hedges declared a personal interest in the following item of the agenda by virtue of being a member of Epping Town Council. The Councillor had determined that her interest was not prejudicial and that she would remain in the meeting for the consideration of the application and voting thereon:

- EPF/2152/07 – 33 St. Albans Road, Coopersale, Epping
- EPF/0610/07 – Coopersale Hall School, Flux's Lane, Epping
- EPF/1716/07 – 1-7a Station Road, Epping
- EPF/2123/07 – 17 Lynceley Grange, Epping

(c) Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in the following item of the agenda. The Councillor had determined that his interest was not prejudicial and that he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0610/07 – Coopersale Hall School, Flux's Lane, Epping

#### **49. ANY OTHER BUSINESS**

The Sub-Committee were informed that there was to be an extra meeting of the Plans East Sub-Committee on Wednesday 8 May 2008.

#### **50. PROBITY IN PLANNING - APPEAL DECISIONS APRIL - SEPTEMBER 2007**

The Planning Officer presented a report to the Sub-Committee regarding Probity in Planning - Appeal Decisions from April to September 2007. The report, which complied with the recommendation of the District Auditor, advised the decision making committees of the results of all successful appeals, in particular those that were refused contrary to officer recommendation.

During the six-month period between April and September 2007, the Council received 54 decisions on appeals of which 47 were planning and related appeals, and 7 were enforcement appeals. Of the 47 planning and related appeals, 11 were allowed (23%) with none of the 7 enforcement appeals, a combined total of 20.3% of the Council's decisions, being overturned.

For the Best Value Performance Indicator, which only considered appeals against the refusal of planning permission, the performance figure was 20.5%, which was within target and made the Council one of the top quarter performing authorities.

As with the previous 6-month period, the proportion of appeals that had arisen from decisions of the committees to refuse, contrary to the recommendation of officers, was at a relatively high level of around 23%. Of the 47 appeal decisions, 11 had arisen in such circumstances. The Council only lost 3 of these cases which was much lower than previously. Of the 11 appeals allowed, 7 were in the face of officer's decisions to refuse under delegated powers and 1 was where the officer recommendation to refuse was agreed by committee.

The Council's performance during this 6 month period had been highly satisfactory.



**RESOLVED:**

That the Planning Appeal Decisions from April to September 2007 be noted.

**51. DIVERSION OF PUBLIC FOOTPATH 76 NORTH WEALD BASSETT**

The Principal Planning Officer presented a report to the Sub-Committee regarding diversion of Public Footpath 76 North Weald Bassett. This item had been heard at the previous meeting of Area Plans East Sub-Committee on 14 October 2007. The Sub-Committee had resolved, at that meeting, to agree the recommendation to authorise the Director of Corporate Support Services to make and seal a footpath diversion order in respect of 76 North Weald Bassett. However the plan that was appended in the previous agenda, and another subsequently displayed to members at the committee meeting, were incorrect, in that the position of one of the lines was shown as being outside of the site to which the applicant had ownership. A correct plan was shown to the Sub-Committee at the meeting. Procedurally, it was necessary to rescind the previous recommendation concerning the making and sealing of the footpath diversion order.

**Background Information**

Planning permission was granted on appeal, in 2004, for the creation of fishing lakes on land at Thornwood Camp, Carpenters Arms Lane. However one of the lakes obstructed the recognised "definitive" line of Public Footpath 76. A developer wished to implement the planning consent, but was unable to because of the impact on the definitive footpath.

The lake did not impact on the actual line of any current footpath. The definitive line, as defined by Essex County Council, did not appear to have ever been the actual position of any footpath. The line appeared to have passed through buildings when the site was a military camp. Essex County Council had been planning a review of their footpath map, but had advised the District Council that this was unlikely to have been completed for several more years.

The footpath, as it currently existed through this section of land, was close to the route which appeared to have existed in the 1920s and was established and enhanced by Epping Forest Countrycare in 1999. The path was well delineated and marked and provided a logical route.

The intention was that the line of the "definitive" footpath was diverted to follow the actual footpath. Therefore, there was to be no actual change to the path on the ground. This order related only to the area of land within the planning application site. Two short additional areas of footpath were also required to join up with the definitive line until such time as the County Council reviewed their maps.

The recommendation was that the diversion order be made.

**RESOLVED:**

- That the Sub-Committee rescinds the previous decision (made on 17 October 2007) since this was made with reference to plan reference LD/13/C/067/0a, which was incorrect.
- That the Sub Committee determines to authorise the Director of Corporate Support Services to make and seal a footpath diversion order under Section

257 of the Town and Country Planning Act 1990 (as amended) (“the Act”) in respect of Footpath 76 North Weald Bassett, as shown on the attached plan.

- That the Director of Corporate Support Services be authorised to confirm the order in accordance with the Act, subject to no objection being made within the statutory consultation period.
- That should the order be objected to during the statutory consultation period that it be referred to the Secretary of State for confirmation in accordance with the Act.
- That the developer be required to pay the Councils administrative and legal costs incurred in the preparation, making and confirmation of the order, the carrying out of the statutory processes required under the Act, including all costs incurred if the order is referred to the Secretary of State for confirmation and that a deposit be paid, in an amount to be determined by the Director of Corporate Support Services, before the order is made.

**52. DEVELOPMENT CONTROL**

**RESOLVED:**

That the planning applications numbered 1 - 6 be determined as set out in the schedule attached to these minutes.

**53. DELEGATED DECISIONS**

The Sub-Committee noted that schedules of planning applications determined by the Head of Planning and Economic Development under delegated authority since the last meeting had been circulated and could be inspected at the Civic Offices.

**CHAIRMAN**

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2152/07
<b>SITE ADDRESS:</b>	33 St Alban's Road Coopersale Epping Essex CM16 7RD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	TPO 6/83: Fell 1 Hornbeam; re-pollard 2 Hornbeams.
<b>DECISION:</b>	Granted Permission (With Conditions)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days' notice of such works.
- 2 The crown reduction authorised by this consent shall be to immediately above previous pollard points.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2154/07
<b>SITE ADDRESS:</b>	1 Forest Drive Fyfield Ongar Essex CM5 0TP
<b>PARISH:</b>	Fyfield
<b>WARD:</b>	Moreton and Fyfield
<b>DESCRIPTION OF PROPOSAL:</b>	TPO 5/98; Fell: London Plane and Cedar.
<b>DECISION:</b>	Granted Permission (With Conditions)

## CONDITIONS

- 1 Two replacement tree or trees, of a species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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 its written consent to any variation.

### **Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0610/07
<b>SITE ADDRESS:</b>	Coopersale Hall School Flux's Lane Epping Essex
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Extension of existing classrooms wing.
<b>DECISION:</b>	Granted Permission (Subject to S106)

## 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, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly.

The statement must explain how the protection will be implemented, including responsibility for site supervision, control and liaison with the Local Planning Authority.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 5 Details of all new windows at a scale of no less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works hereby approved. The works shall be implemented in accordance with such approved details.
- 6 The extensions hereby approved shall not be occupied until new and improved pedestrian facilities along the access road from Flux's Lane to the school grounds have been provided in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.
- 7 The extensions hereby approved shall not be occupied until space has been provided within the proposal site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be maintained thereafter free of any impediment to its designated use.

**Also subject to** the prior completion of a satisfactory planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

1. A school travel plan.
2. New and improved pedestrian facilities in Flux's Lane and at the Flux's Lane/Stewards Green Road and the Stewards Green Road/Brook Road/Bower Hill junctions (details to be agreed with the Highways Authority).

3. The bringing up to current Essex County Council standards of the bus stops located in the vicinity of the proposal site (details to be agreed with the Highways Authority).

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1716/07
<b>SITE ADDRESS:</b>	1-7a Station Road Epping Essex CM16 4HA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>DESCRIPTION OF PROPOSAL:</b>	Alterations to planning approval EPF/1227/05, to include providing additional two apartments by splitting flats 5 and 6, moving refuse and cycle stores, relocating fire escape stairs and adding additional dormer window to top floor.
<b>DECISION:</b>	Granted Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 4 Notwithstanding the details submitted which are otherwise hereby approved all windows proposed on the development hereby approved, including dormers but excluding rooflights shall be of white painted timber, double hung vertically sliding sashes with 100mm reveals.
- 5 The rooflights hereby approved shall be fitted so that they do not project above the level of the proposed tiling.
- 6 Notwithstanding the details submitted which are otherwise hereby approved the proposed roof tiling shall be of natural slate and of blue/black colour.
- 7 The proposed A1 and A2 units hereby approved shall at no time result in more than 50% of these units being in non-retail use without the prior written approval of the Local Planning Authority.

- 8 The powered two wheeler/bicycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained at all times.
- 9 One of the car parking spaces hereby approved shall be designated as a disabled bay and shall be retained permanently for that purpose.
- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the storage and disposal of refuse to serve both the commercial and residential units. The use of the properties shall not be commenced until such time as the approved measures have been implemented and such measures shall be retained thereafter.
- 11 Construction work (which includes deliveries and other commercial vehicles to and from the site) shall only take place on site between the hours of 07.30am and 18.30pm Monday to Friday and 08.00am to 13.00pm on Saturdays and at no time on Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2123/07
<b>SITE ADDRESS:</b>	17 Lynceley Grange Epping Essex CM16 6RA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey extensions to side and rear and elevational changes.
<b>DECISION:</b>	Deferred

The Committee deferred this application to enable the applicants to revise the design and for a site visit to take place.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/1967/07
<b>SITE ADDRESS:</b>	40 Landview Gardens Ongar Essex CM5 9EQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extensions and single storey rear extension.
<b>DECISION:</b>	Refused Permission

The Committee's attention was drawn to an error on the Summary of Representations in that what was written as 38 Kettlebury Way should have read 39 Landview Gardens.

**REASONS FOR REFUSAL**

- 1 The proposed two storey side extension, by reason of its bulk, massing and proximity to No. 38 Landview Gardens, would result in excessive loss of light to that property, to the detriment of the amenities of the occupiers of that dwelling. This would be contrary to Policy DBE9 of the Adopted Local Plan and Alterations.



## AREA PLANS SUB-COMMITTEE 'EAST'

Date 14 December 2007

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1	EPF/2182/07	Cedars 18A Beulah Road Epping Essex CM16 6RH	GRANT	19
2	EPF/2123/07	17 Lynceley Grange, Epping, Essex CM16 6RA	GRANT	24
3	EPF/2179/07	Land Adjacent to Broadbents, South of No 4 Buttercross Lane, Epping, Essex CM16 5AA	GRANT	32
4	EPF/2205/07	24 Coopersale Common, Epping, Essex CM16 7QS	GRANT	40
5	EPF/2268/07	North Barn, New Farm Drive, Abridge, Essex RM4 1BU	REFUSE	43
6	EPF/2056/07	Land Adjacent to Hanger 2, North Weald Airfield, Merlin Way, North Weald, Essex	GRANT	49
7	EPF/2188/07	162-164 High Street, Ongar, Essex CM5 9JJ	GRANT	52
8	EPF/2189/07	162-164 High Street,	GRANT	57

		Ongar, Essex CM5 9JJ		
9	EPF/2149/07	2 Thrifts Mead, Theydon Bois, Epping, Essex CM16 7NF	GRANT	60
10	EPF/2183/07	11 Morgan Crescent, Theydon Bois, Epping, Essex CM16 7DU	GRANT	63
11	EPF/2198/07	7 Green View, The Green, Theydon Bois, Epping, Essex CM16 7JD	GRANT	67
12	EPF/2342/07	Barkers Farm, Mount End Road, Theydon Mount, Epping, Essex CM16 7PS	GRANT	72

**Report Item No:1**

<b>APPLICATION No:</b>	EPF/2182/07
<b>SITE ADDRESS:</b>	Cedars 18A Beulah Road Epping Essex CM16 6RH
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr Marsh
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/31/90 - Cypress: Fell, Ash: 30% crown reduction.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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 its written consent to any variation.
- 2 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days' notice of such works.
- 3 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).
- 4 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 5 The crown reduction authorised by this consent shall be by no more than 30%.

*This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.*

**Description of Proposal:**

- T2. Ash. Crown reduction 30%.
- T3. Cypress. Fell.

### **Description of Site:**

Both the Ash, T2 and Lawson Cypress, T3 are located in the rear garden of this detached residential dwelling. The cypress stands at a distance of about 4m from the rear elevation of the house. It stands about 9m in height and is partially visible from the circular turning head at the end of this residential cul de sac. The ash stands close to the rear boundary and cannot be viewed from any public place. This end of the road is characterised by a mixed mature tree presence, which substantially obscures the recently built dwellings.

### **Relevant History:**

TPO/EPF/31/90 was served as an Area Order following proposals to develop the plot. Negotiations between the council and the developer allowed the removal of numerous cypresses to provide adequate space for the new houses. Comments in a tree survey carried out at the time categorised a number of cypress trees to be of only average merit.

### **Relevant Policies:**

LL9: The Council will not give consent to fell a tree ..... protected by a Tree Preservation Order unless it is satisfied that this is necessary and justified. ....any such consent will be conditional upon appropriate replacement of the tree.

LL8: Pruning of preserved trees.

### **Issues and Considerations:**

#### Introduction

The application is made following concerns raised by neighbours in respect of T2 Ash. Recent incidents of falling branches into their property, have prompted the proposed specification for crown pruning works to reduce the risk of further limb drop.

The proposal to prune T2 must be considered with a view to the likely harm to the tree's health and appearance from reducing the crown set against the ongoing nuisance of branch fall onto third party land.

The proposal submits that T3 Cypress is too close to the house and blocking out light into the ground floor rooms and modest rear garden. Additionally, a drain survey of a soakaway located approximately 2m from the base of T3 revealed tree roots growing through it . This obstructive root mass has resulted in a failure of the drain pipe and surface runoff water system in heavy downpours, where overflowing gutters and down pipes flood the rear patio area.

The issue in respect of T3 is whether or not the tree's removal is justified and necessary due to the problems associated with the drainage system and the amount of light it blocks from the house and garden.

#### Considerations

It is suggested that the following questions need to be addressed:

- What is the age, condition and pruning history of the trees?
- How great would be the loss to amenity in the felling of the cypress tree?
- What other factors must be considered?

1. What is the age, condition and pruning history of the trees?

T2 Ash is a mature tree of average condition with clear signs of previously heavy pruning, which has subsequent regrowth to form dense new crown. The new branches appear to be largely well attached to old wood but not in all cases. This has resulted in the recent branch failures suffered by the neighbours.

T3. Lawson cypress is observed to be early mature with potential for future growth. It appears to be of typical form for the species. No indication of pruning works were observed and the tree appears to be of normal vigour with typical foliage density. The trunk deviates as it emerges from the ground but shows a high level of vigour in the nature of the bark formation at this lower level.

2. How great would be the loss to amenity in the felling of the tree?

T3 stands in the rear garden and is partially visible above the single storey roofline of that part of the house. It cannot be said to command a prominent position in the general street scene. Its removal will have a minimal impact in terms of the loss of public landscape amenity, should permission be granted to fell it.

3. What other factors should be considered?

The likely harm to T2 from a major crown reduction will be visibly significant and may have detrimental consequences for the tree's health. However, the problems caused by the tree shedding branches and its lack of public amenity justify the proposal to repeat previous pruning primarily on safety grounds.

It must be noted that T3 has a very upright habit with a small crown spread and therefore the amount of light it blocks from the garden is relatively limited early in the day.

T3's invasive roots require that the soakaway system be dug up and rebuilt. Extensive root damage to major roots would be inevitable in remedying the drainage problem, which may render the tree dangerously unstable and threaten its long term health.

In a written representation the applicant indicated a willingness to undertake the replacement of T3 at a more suitable location, in a different part of the garden, close to a large gap where several conifers have been recently removed from a neighbour's garden. He cited the additional planting he has already initiated in the front garden to demonstrate his awareness and willingness to undertake his duty to replace a TPO tree.

**Conclusion**

T2 Ash has a severe pruning history and signs of structural weakness have recently come to light with limb drop problems giving rise to the submitted 30% crown reduction pruning specification. It is considered that, in this instance, the tree will tolerate the specified pruning and the proposal would be seen to accord with local plan landscape policy LL8.

T3 Lawson cypress is alive and well but barely visible from any public vantage points. The light loss issue is not so acute that the only reasonable course of action would be to remove the tree.

The issue of root damage to the drains carries more weight in favour of removing the tree for the reasons given above.

It is recommended to grant permission to fell T3 on the grounds that the drainage problems suffered justify the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

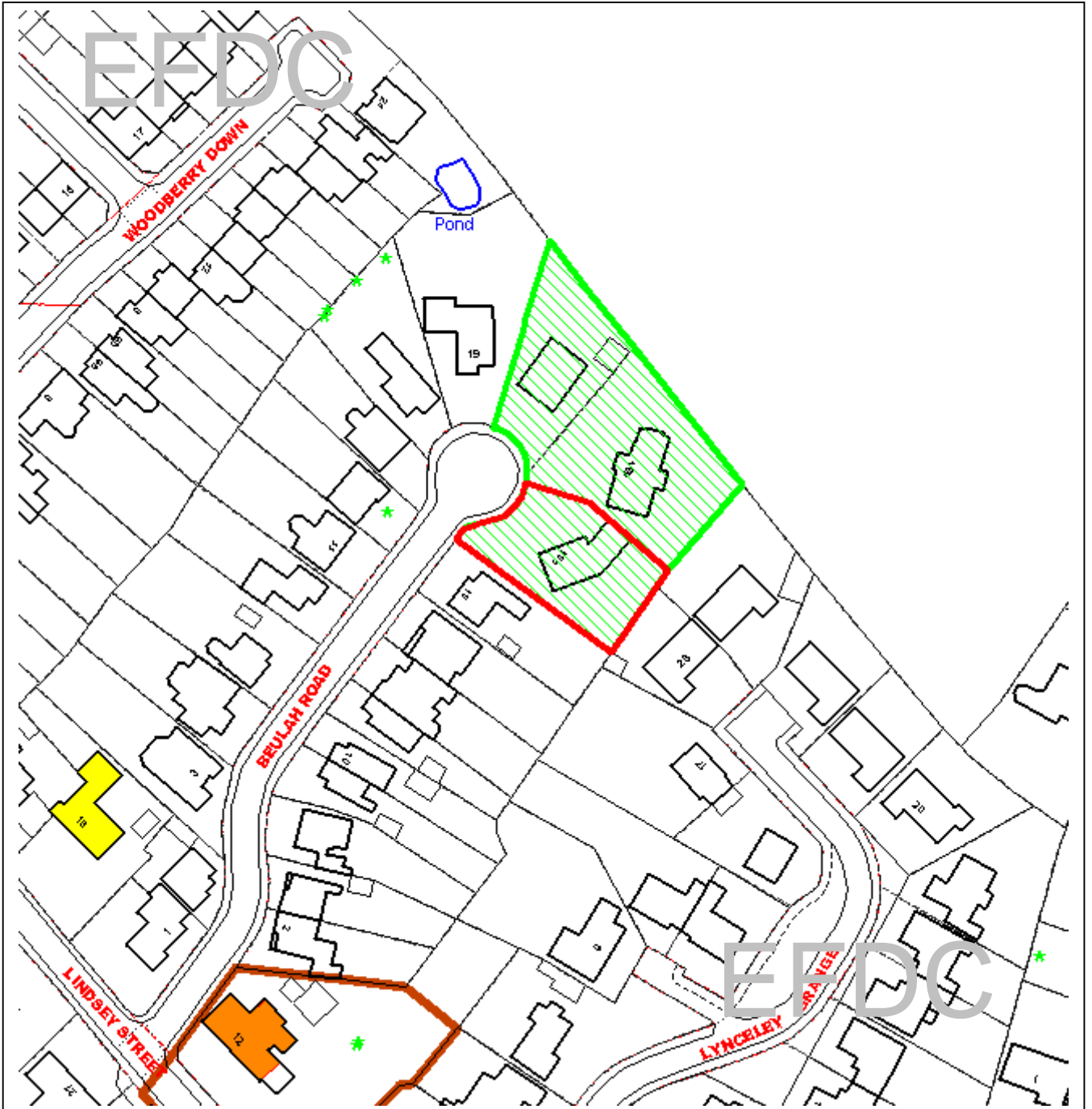
**SUMMARY OF REPRESENTATIONS**

TOWN COUNCIL had no objection to the application.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2182/07
Site Name:	Cedars, 18A Beulah Road, Epping, CM16 6RH
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2123/07
<b>SITE ADDRESS:</b>	17 Lynceley Grange Epping Essex CM16 6RA
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr & Mrs I Gillan
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey extensions to side and rear and elevational changes.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls or roof slopes of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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.



*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

The Committee will recall that this application was deferred at the last meeting (14/11/07) in order for Members to make a site visit and for discussions to take place to enable the applicant to submit amended plans. The site visit took place on 26/11/07, however the applicant has not submitted revised plans. A supporting document however has been submitted from the applicant's agent, the content of which has been reproduced below.

*"I understand that the Chair of the Committee, Councillors and yourself will visit the above site on 26<sup>th</sup> November, following the deferral of consideration of the current TP Application for the extension of the chalet bungalow. In this respect I would request please on behalf of Mr and Mrs Gillan, that the following points should be brought to the attention of the Committee:-*

*"1. I attach a photograph of the boundary with No. 15 taken about 2 years ago [this will be displayed to Members at the Meeting] indicating then that there was reasonably dense planting on the boundary with No. 17, which was removed at the request of the owner of No. 15. My clients were reasonable in removing this, as requested, but are now being criticised for proposing an extension which overlooks No. 15.*

*"The medium height planting, in my opinion, would have reduced the overlooking at least to the majority of the garden & probably some of the habitable rooms. The planting on the adjacent boundary still serves this purpose.*

*"I would also further confirm that the request for the dormers (with and without windows) are to provide rooms within a chalet type design which are more readily furnished especially regarding full height wardrobes. This is the sole purpose of the retention of the blind dormer & there is no intention of attempting to insert windows at a later date.*

*"2. The committee have commented on two occasions that the original builder would have built a larger property originally if that had been possible.*

*"However, I must clarify that my Client's relative purchased the original house on the original plot as shown on the Committee papers, & purchased part of the garden of the Grange at a later date. This addition has in general terms doubled the plot size & made it feasible to propose an extended property on the now larger plot."*

The previous report has been repeated below, and since the application remains the same as presented to Members, is unchanged.

### **Description of Proposal:**

The applicant is seeking planning permission for the construction of a two storey side and rear extension of the existing building along with a smaller single storey rear extension.

The proposed double storey side extension will be located on the north western elevation of the dwelling. It will have a width of 4.1 metres by a depth of 11.7 metres and forms part of the double storey rear extension.

The proposed double storey rear extension is to project 5 metres from the original rear façade and will have a width of 7.3 metres. The small single storey rear extension is to be constructed behind the existing living dining area. It is to project 2.4 metres from the rear façade and have a width of 8.3 metres.

Both the double storey side and rear extension will have a gable roof form to match the existing dwelling. Dormer windows are proposed within the roof slope of the front, side and rear elevations to provide additional living space within the roof.

It should be noted that the detached garage has been deleted from the application since it does not require planning permission as it could be constructed under permitted development.

### **Description of Site:**

The site is located at the end of a cul-de-sac on the south western side of Lynceley Grange. The site itself is mainly regular in shape and comprises of approximately 800 square metres. A medium size fence and mature vegetation are located on the side and rear boundaries.

Located to the front of the site is a small chalet bungalow with a single car space garage attached to the south western elevation.

Other buildings within the surrounding area are of a similar appearance, style and design to that of the subject site. Building form mainly comprises of chalet style bungalows. Materials include brick, and render with gable roof forms. The dwellings in the area are generally set off both side boundaries with spaces between buildings being a dominant feature in the street scene.

### **Relevant History:**

EPF/0342/06 – Two storey extensions to side and rear, detached garage and elevational changes (refused)

EPF/1467/06 - Two storey extensions to side and rear, detached garage and elevational changes – revised application (refused and dismissed on appeal 13/8/07). A copy of the appeal decision is appended after the report.

### **Policies Applied:**

#### Local Plan Polices;

DBE1, DBE2, DBE3, DBE9 and DBE10 relating to design, impact on neighbours and locality.

### **Issues and Considerations:**

It should be noted that Council refused the previous application (EPF/1467/06) for two reasons which are as follows:

1. The proposals represent overdevelopment of the site resulting in a building out of scale and character with the surrounding properties and thereby harmful to the amenities of the area, contrary to policies BE1 of the Replacement Structure Plan and DBE10 of the Adopted Local Plan.
2. The proposals will result in undue overlooking of the adjacent properties contrary to policy DBE9 of the Adopted Local Plan.

The applicant subsequently appealed the decision to refuse the application. This appeal was then dismissed. (Planning Inspector's report attached).

The key difference between this proposal and that previously dismissed on appeal is the change of the proposed dormer window that faces towards No. 15, which is to be "blind" and tile hung in its entirety. All other aspects of the scheme remain unchanged.

The Inspector dismissed the appeal not because of the first reason, as it was found that the proposed development would not cause harm to the character or to the appearance of the site, but agreed with the issue of overlooking. The Inspector stated (paragraph 4 of the appeal decision) that the proposed dormer window serving the upstairs bedroom that faces towards number 15 Lynceley Grange would cause a serious loss of privacy to the adjoining property, as it would overlook into the habitable room windows and private open space.

As stated above, the only change to the current scheme to that of the application that was previously refused, is that the dormer window in question above has been changed so that it has a solid tile hung face and not a window in order to meet the Inspector's concerns. There are to be no other changes in relation to the size and design of the extensions.

Given that the Inspector raised no objections to design and style of the proposed extensions in relation to their bulk and appearance, it would now be very difficult for the Council to raise a further objection to them since this would be very difficult to sustain on appeal. The central issue is whether the concern about the loss of privacy to adjoining properties is overcome.

Although it is an unusual design response to have a solid tile hung face on a dormer window, it does resolve the concerns as it would not cause any loss of privacy to the adjoining property of number 15 Lynceley Grange.

Therefore it is now considered that the proposed development is now acceptable as it would both reflect the character of the surrounding area in terms of appearance, siting and design and it would not cause an impact to the amenities enjoyed by surrounding property owners.

### **Conclusion:**

In conclusion it is considered that the proposal can now be supported as the size and design of the extensions have not been found unacceptable by the Appeal Inspector and the overlooking issue has been resolved. Therefore it is recommended that the application be granted permission subject to conditions.

### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL - The committee objects to the application as it is considered that the development is an overdevelopment, out of character with the surrounding area and that it would cause a loss of privacy to adjoining properties.

8 LYNCELEY GRANGE - Overdevelopment of the site. Intrusion into the quiet and beautiful nature of Lynceley Grange.

28 LYNCELEY GRANGE - The size of the development would dwarf the surrounding building and is out of character. The proposed extension would cause a loss of daylight to habitable rooms.  
Traffic and parking issues

20 LYNCELEY GRANGE - Traffic and parking issues. The proposed development would not be in keeping with the surrounding area. There is a shortage of this style of home in Epping.

14 BEULAH ROAD - The proposed development would be out of keeping with the dwellings in Lynceley Grange in terms of size and design

13 LYNCELEY GRANGE - The appearance of the proposal would be out of character with the surrounding area. The building would appear out of scale and overbearing. Loss of privacy to rear garden

7 LYNCELEY GRANGE - The proposed development is out of character with the surrounding area and would cause a precedent for other developments within the street. Not enough width between the front boundary and the dwelling for an access to the proposed garage.

15 LYNCELEY GRANGE - The potential to add a window in the future to the solid tiled hung face dormer window. The proposed garage would be in breach of the covenant. The proposed extensions would overlook adjoining properties causing a loss of privacy. The proposed construction would result in damage to my property. Traffic and parking issues. The development would be out of keeping with the surrounding area. Noise during construction

26 LYNCELEY GRANGE - Overdevelopment and out of character to the surrounding area. Traffic and parking issues

11 LYNCELEY GRANGE - Loss of privacy to adjoining properties. The proposed extension is out of scale in relation to the surrounding area. Traffic and parking issues. The development would cause a precedent for other developments in the street.

5 LYNCELEY GRANGE - The proposed development would be out of keeping with the character of the area.

6 LYNCELEY GRANGE - Overdevelopment of the area and not in keeping with existing properties. Intrusion of sight and sound to neighbouring properties. Will cause more vehicle movement in an already congested space. Would set a precedent for further overdevelopment in the estate

4 LYNCELEY GRANGE - The proposed development would be out of character with the surrounding area.

18 BEULAH ROAD - Overdevelopment of the existing property in relation to the surrounding area. The development if allowed would set a precedent within the area. There is no need for a diversity of housing styles and forms within Lynceley Grange. Traffic and parking issues. The proposed garage would be in breach of a covenant

3 LYNCELEY GRANGE - The proposed extension represents an overdevelopment of the site. The proposed extension represents a loss of privacy to adjoining properties



# Appeal Decision

Site visit made on 6 June 2007

by **John Felgate** BA (Hons), MA, MRTPI

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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Date: 13 August 2007

**Appeal Ref: APP/J1535/A/07/2034767**

**17 Lynceley Grange, Epping, Essex CM16 6RA**

- 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 & Mrs I Gillan against the decision of Epping Forest District Council.
- The application Ref EPF/1467/06, dated 25 July 2006, was refused by notice dated 20 September 2006.
- The development proposed is "2 storey extensions to side and rear, detached garage and elevational changes".

## Decision

1. I dismiss the appeal.

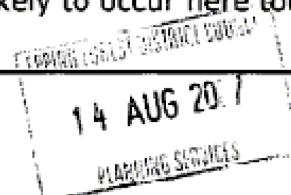
## Main issues

2. The main issues in this appeal are the effects of the proposed development on the living conditions of adjoining occupiers and on the character and appearance of the surrounding area.

## Reasons for decision

### *Living conditions of adjoining occupiers*

3. The appeal building is a modest chalet bungalow, set within a cul-de-sac. Other properties in the road are mostly of a similar style and size, though some have been extended. The appeal proposal would extend the building to the side and rear, mainly in the same chalet style, together with a smaller single storey extension to the rear only, and a detached double garage to the side.
4. That part of the main extension containing the proposed new living room, with the main bedroom above, would project from the rear of the dwelling, parallel with the boundary of No 15 Lynceley Grange. This bedroom would have a large dormer window, measuring about 2.5m by 1m, in its side roof slope facing towards No 15. From this window there would be clear views over the proposed single storey extension, into No 15's rear garden at a distance of about 9.5m. Notwithstanding the distance from the boundary, I consider that this juxtaposition would give rise to a serious loss of privacy to a large part of the garden area. Beyond this there would also be views from the same dormer towards No 15's kitchen/diner, lounge and first floor windows. Whilst the distance in this case would be in excess of 20m, nevertheless I consider that some overlooking (actual or perceived) would be likely to occur here too.



Given the number of rooms that would be affected, I consider that this would constitute a further threat to privacy, and that combined with the overlooking of the garden, the result would be a significant reduction in the occupiers' enjoyment of their property.

5. I accept that due to the existing screening (which is not proposed for removal) and the distances from most boundaries, no other adjoining properties would be significantly affected, either by overlooking or in any other way. Nevertheless, for the reasons stated, I consider that the proposed development would have a serious adverse effect on the living conditions of the occupiers of No 15 Lynceley Grange, and this would be contrary to Policy DBE9 of the Epping Forest Local Plan (adopted 1998).

#### *Character and appearance*

6. I accept that the footprint and overall mass of the building would be significantly increased by the proposed extensions, and I appreciate the concerns of the Council and local residents to preserve the present low rise, low density character of the estate. However, the proposed development would not exceed the height of the existing dwelling, and would match the prevailing style of other dwellings in the area in terms of its width and general design. Furthermore the appeal site appears to me to be of ample size to accommodate the extended dwelling. In this context I can see no reason to discount the additional land which has been incorporated into the site, particularly since any covenants are a private rather than a planning matter.
7. Consequently I do not consider that the proposed development would cause harm to the character or appearance of the area. Nor do I find any conflict with Local Plan Policy DBE10, nor with Policy BE1 of the Essex and Southend-on-Sea Replacement Structure Plan (adopted 2001), in so far as these relate to the protection of local character. However, this finding does not overcome the harm that I have identified to living conditions at an adjoining property.

#### **Other matters and conclusion**

8. I appreciate that the appeal scheme has been amended following an earlier refusal, and that approval was recommended by the Planning Officer. However, I have considered the current proposals on their own merits in the light of the relevant policies.
9. I note that the Council have raised no objection to the proposed garage, but in the absence of full details of the garage design, I am not in a position to consider this element of the scheme further.
10. I have considered all of the other matters raised, but I find nothing further to affect my decision. Although the proposed development would cause no harm to the character or appearance of the area, it would nevertheless cause significant harm to the living conditions of occupiers of No 15 Lynceley Grange, by reason of overlooking of that property's garden and rear windows. Accordingly, I conclude that the appeal should be dismissed.

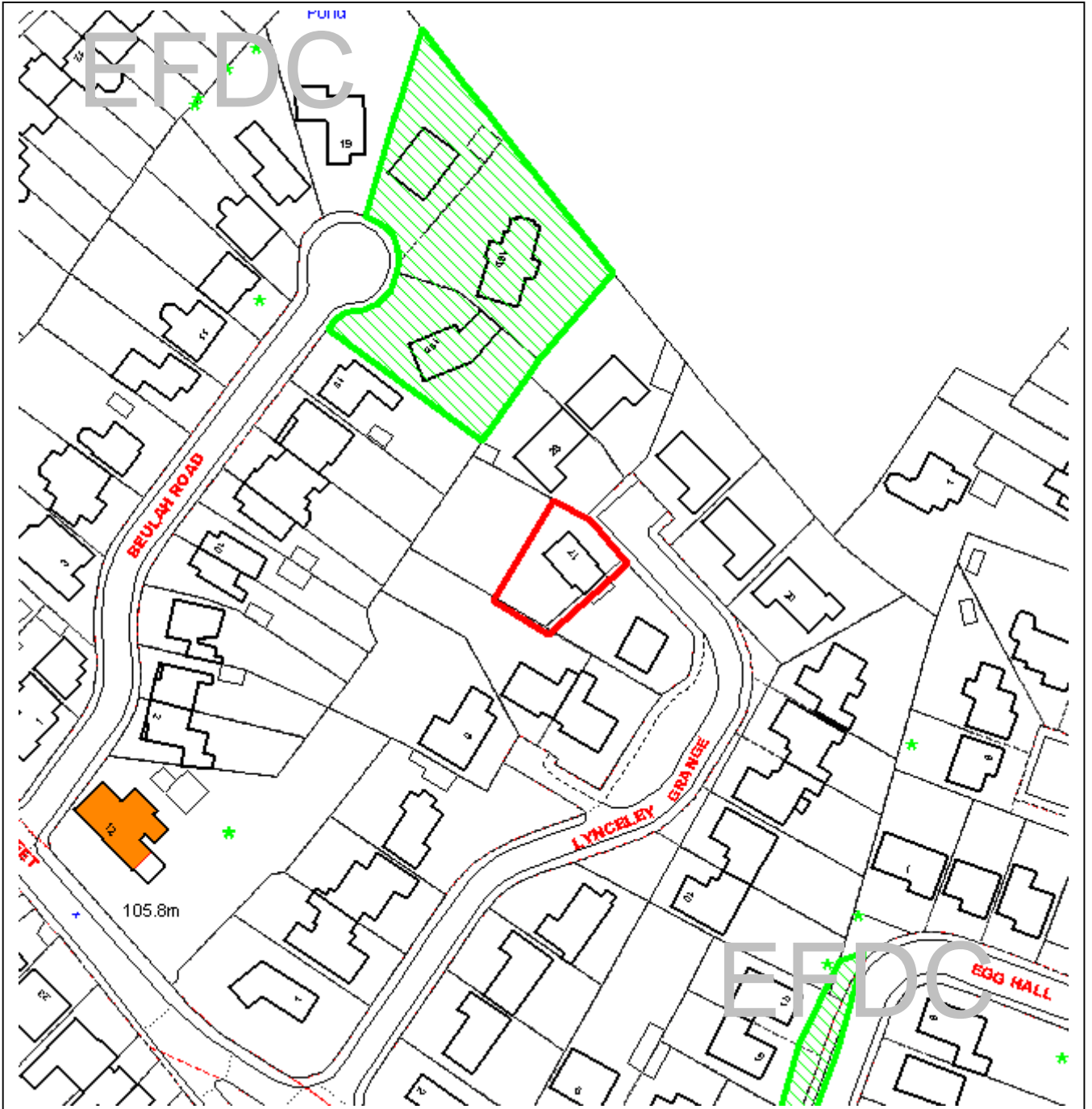
*John Felgate*

INSPECTOR



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/2123/07
Site Name:	17 Lynceley Grange, Epping, CM16 6RA
Scale of Plot:	1/1250

**Report Item No:3**

<b>APPLICATION No:</b>	EPF/2179/07
<b>SITE ADDRESS:</b>	Land Adjacent To Broadbents, South of No. 4 Buttercross Lane Epping Essex
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	A J Poulton (Epping) Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of one, two storey house.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of



any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. 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, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 Prior to commencement of development, or any site clearance, a full survey shall be carried out by a qualified herpetologist, to establish the extent of a suitable habitat for Great Crested Newts and the presence of any such newts on the site. A report setting out the results of this survey and full details of means of protecting newts during construction and providing a habitat for them following construction shall be submitted to and agreed in writing by the Local Planning Authority. The mitigation scheme shall be drawn up in consultation with the Wildlife Licensing Department in Bristol. The development shall be carried out in accordance with the agreed scheme and the mitigation scheme shall be completed prior to the first occupation of the dwelling and thereafter retained.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
- 6 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such

approved details.

- 7 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 8 A flood risk assessment shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate that adjacent properties shall not be subject to increased flood risk and, dependant upon the capacity of the receiving drainage, shall include calculations of any increased storm run-off and the necessary on-site detention. The approved measures shall be carried out prior to the first occupation of the building hereby approved and shall be adequately maintained in accordance with a management plan to be submitted concurrently with the assessment.
- 9 Before the building is occupied, a suitably surfaced area shall be provided, and thereafter maintained to the satisfaction of the Local Planning Authority, within the curtilage of the site to enable a vehicle to turn and leave the property in forward gear. Details of this should be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development.
- 10 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents (staff) and visitors vehicles.
- 11 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.
- 12 The wall fronting Buttercross Lane shown on the approved plans shall be protected during construction and thereafter retained.
- 13 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 14 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the 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.
- 15 Prior to commencement of development details shall be submitted setting out where contractors vehicles will park and materials deposited throughout the construction process to ensure that Buttercross Lane will not be unduly disrupted. The agreed plan will then be complied with throughout the construction period.
- 16 Prior to commencement of development a repair schedule for the historic outbuilding on the site shown to be retained on the approved plans, shall be submitted and agreed in writing by the Local Planning Authority. The agreed repairs shall be completed prior to the first occupation of the dwelling and the building shall be

thereafter retained.

17 All doors and window frames in the dwelling hereby approved shall be timber.

*This application is before this committee since the recommendation differs from the views of the local council (pursuant to Section P4, Schedule (9) of the Council's Delegated Functions)*

**Description of Proposal:**

Erection of one detached, two storey, 5 bedroomed house. The proposed house to have a rendered finish and slate roof, and set behind the existing historic wall that fronts Buttercross Lane.

**Description of Site:**

The site is located on the eastern side of Buttercross Lane and is bounded on two sides by car parking with residential properties adjacent to the north and opposite. Buttercross Lane slopes down to the west and the site is about half a metre above the level of the land at number 4. A two-metre high brick wall encloses the site and there is an existing vehicular access at the southern end of the site. There is a small dilapidated folly on the south eastern side of the site. The car park beyond the northeast site boundary is approximately 1.5 metres below the site level and separated from it by a 2m wall. The land, originally an orchard area, is disused and devoid of trees, other than a yew tree, which is the subject of a tree preservation order, located on the eastern boundary of the site.

The site is within the Epping Conservation Area and is of historic interest as it was once the garden of Henry Doubleday who was an important local scientist and horticulturist.

**Relevant History:**

EW/EPR/64/51- Erection of dwellinghouse and garage- Approved 21.11.57

EPF/1772/87 Two detached houses- Refused 07.03.88

EPF/88/90 – Outline application one house and new access refused 22.2.91

EPF/482/91- Outline application for one house utilising existing access – approved 19.08.91

EPF/665/96 renewal of the above. Approved 02.07.96

EPF/2250/04 Outline application for 2 dwellings- Refused 9/02/05 Appeal dismissed.

EPF/1992/05 Erection of 5 flats with 5 car parking spaces. Refused 13.01.06 and dismissed on appeal.

EPF/1149/07 Erection of one detached dwelling- Withdrawn.

### **Policies Applied:**

CP1, CP2, CP3, CP4, CP5, CP7. Core policies relating to sustainable location, protection of environment, urban form and quality and energy conservation.

HC7 Conservation Areas

DBE1 Design of buildings,

DBE2 impact on existing properties

DBE3 Development in urban areas

DBE6 Car parking

DBE 9 Private amenity space

DBE9 Amenity of neighbouring properties

LL10 retention of landscaping/trees

NC4 Protection of established habitats

ST1 Sustainable Locations

ST2 Accessibility of development

ST4 Road safety.

### **Issues and Considerations:**

This proposal complies with the policy preference for providing new dwellings within the existing urban areas in locations with good access to employment and community facilities. The site is within the Conservation Area and adjoins a site on which there is known to be a colony of Great Crested Newts, which are a protected species. The main issues to be considered are therefore the impact of the proposal on the character and amenity of the Conservation Area, the impact on residential amenity of adjacent residents, highway issues and tree protection and wildlife habitat issues.

#### **1. The Conservation Area.**

The pattern of development in Buttercross Lane is of predominantly two storey detached houses with frontages of varying width set close to but at varying distances from the road, which has no footway. There is a degree of enclosure created by the houses, boundary walls and trees in gardens set around a relatively lightly used road. The existing front boundary wall is an important feature and provides an historic link to previous development in the locality due to its age. The outbuilding/folly in the corner of the site, is of local historic interest and is worthy of retention. The proposed development retains this pattern of development, maintaining the old wall and erecting behind it a dwelling of appropriate scale, massing, materials and architectural detail, which will preserve and enhance the character of the conservation area and the street scene. Although the house is somewhat larger than others in the street it is not considered excessive and a substantial side garden remains free of development. The folly and the yew tree that are important to the conservation area are to be retained.

#### **2. Residential Amenity.**

The proposed development has no significant windows in the elevation facing number 4 Buttercross Lane and it is sufficient distance from the boundary with that property not to result in loss of residential amenity. The property does face number 5 at quite close proximity on the other side of the lane, but as this is the public frontage of the property it is not considered that there will be an undue loss of privacy.

The proposal has additionally been designed to ensure adequate private amenity space for the new property is provided.

### 3. Highway Issues.

The proposal provides adequate parking and turning area within the site for at least two cars and additional provision for cycle parking. The proposal should not result in any on street parking or any harm to highway safety. It is not considered that the additional traffic resulting from one dwelling will have an adverse impact on safety at the junction with the High Street.

### 4. Tree Protection.

The yew tree on the eastern boundary of the site is protected and the applicant has submitted details to show that the development can be achieved without harm to this tree, which is of public amenity value. Its protection during construction can be covered by condition.

### 5. Great Crested Newts.

There is a colony of Great Crested Newts based in the pond immediately to the rear of the application site. They are a protected species and it is an offence to do anything which would endanger them. It is likely that there are newts within the application site, but no survey of the site has been carried out to properly assess this. Natural England have been consulted and have raised objection, but have advised that although ideally a full survey should be carried out prior to any planning consent being granted, this may not be sufficient grounds to refuse consent. The appeal inspector when dismissing the last appeal on the site stated that Great Crested Newts could be protected by other legislation and by condition, and did not include their protection in her reasons for dismissing the appeal. On this basis it is considered that subject to suitable conditions to protect any newts on the site and to provide mitigation measures to ensure that the site still provides a habitat for newts, the development can be accepted.

### 6. Archaeology

The proposed development lies immediately adjacent to the known medieval and post medieval extent of Epping and potentially within an area of significant archaeological interest, there is a distinct likelihood that archaeological remains will be disturbed or destroyed by the proposed development, Essex County Council have therefore requested a condition that prevents any works taking place until the applicant has secured the implementation of a programme of archaeological works.

### 7. Other issues.

Neighbours have raised concerns regarding controls over hours of working and parking of contractors' vehicles during construction. Given the narrowness of the lane and the proximity to residential properties it is considered that conditions are necessary to ensure disruption is kept to a minimum.

Neighbours have suggested that permitted development rights for further additions to the property should be removed. As this is a conservation area, additions are restricted in any case to no more than 50 cubic metres and given that the house is behind a high wall and has a relatively large garden it could be considered unreasonable to withdraw these rights. A condition preventing additional windows in the elevation facing Number 4 is however proposed to ensure no future overlooking.

### **Conclusion.**

It is considered therefore that the proposed development is in accordance with the adopted policies of the Local Plan and the application is therefore recommended for approval subject to conditions.

## **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL – Committee object to this as it was felt that the proposed extension was an overdevelopment, which would be out of keeping with the street scene particularly in view of conservation area considerations.

3 BUTTERCROSS LANE – The overall size of the house should be reduced to accord more reasonably with others in the vicinity, approval of one (smaller) property on the site would remove uncertainty relating to this vacant plot. House should be sited further back on the plot to reduce impact on the street scene. Retention of the current wall and erection of a further wall on the return boundary is to be commended. Permitted development rights should be removed by Article 4 direction. Suitable conditions should be added to ensure disruption during construction is minimised.

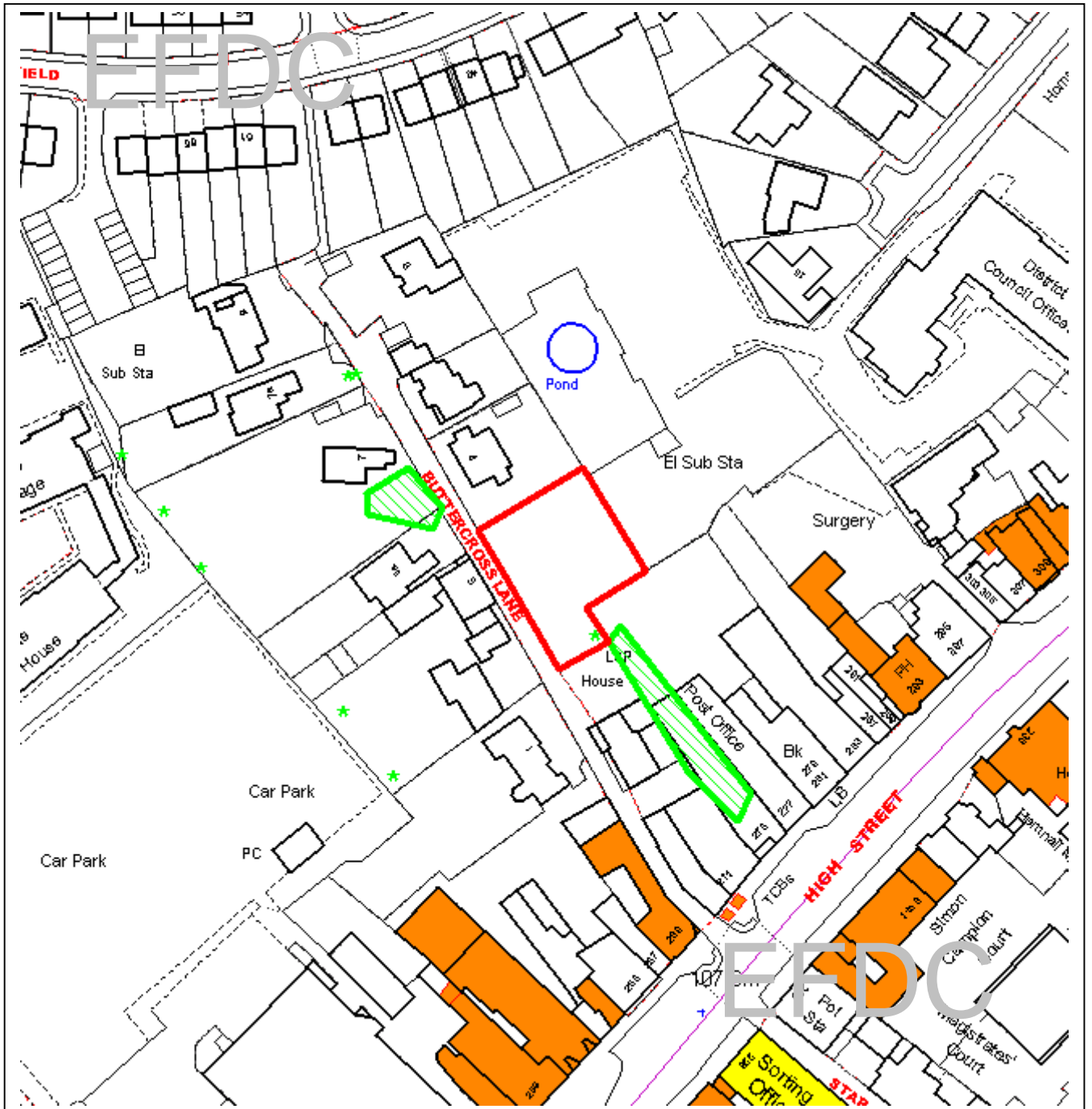
4 BUTTERCROSS LANE – It is undesirable that further additions be added permitted development rights should therefore be removed. The wall must be retained and protected during construction. Conditions should be added to ensure that there is no disruption, from noise, contractors' vehicles etc during construction. Any new tree planting should be restricted to native broadleaf trees, fast growing conifers that would shade my land should not be allowed.

6 BUTTERCROSS LANE – No objection subject to all the comments said before being adhered to.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/2179/07
Site Name:	Land Adj Broadbents, South of No. 4 Buttercross Lane, Epping, CM16 5AA
Scale of Plot:	1/1250

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2205/07
<b>SITE ADDRESS:</b>	24 Coopersale Common Epping Essex CM16 7QS
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Mr Stephen Porcas
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no enclosure or balcony shall be formed at any time on any part of the roof of the development hereby approved without the prior written approval of the Local Planning Authority.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

This application is for the erection of a single storey rear extension. The extension is to be 3 metres deep.

**Description of Site:**

The application site comprises a semi-detached chalet bungalow with a mansard roof, built in the 1930s with a long rear garden. The property is located on the western side of the road and is sited within a fairly uniform building line.

**Relevant History:**

EPF/0161/05 – two storey side extension and single storey rear extension – refused  
EPF/2246/05 – two storey rear extension – refused and appeal dismissed



### **Policies Applied:**

Residential Development Policies from Epping Forest District Council's Adopted Local Plan and Alterations:-

DBE9 – Amenity considerations.

DBE10 – Extension design criteria.

### **Issues and Considerations:**

The main issues with this application relate to the impact on neighbouring amenity from the single storey rear extension, as well as the design of the proposal.

The extension is a conventional 3 metre deep flat roofed extension and is to be sited on the common boundary with No. 22 (to the north). Rear additions of this depth are identified as acceptable within the Local Plan, and it is considered that there would not be any undue effects on the amenities of the adjoining property as a result of this extension. A condition preventing the use of the roof of the extension as a roof-terrace will prevent any undue overlooking occurring.

Aesthetically the addition is of an acceptable design, and poses no untoward design issues.

The plans also indicate a side extension, however this does not form part of this application. That structure would represent permitted development if constructed prior to the rear extension. Whilst a previous application for a side addition was refused, this application does not cover that proposal and just relates to the rear extension. An informative will state that the consent is only for the side extension for the avoidance of any doubt.

### **Conclusion**

The single storey rear extension the subject of this application is of a standard design and poses no amenity issues. There are no relevant issues that warrant withholding planning permission and the application is recommended for approval.

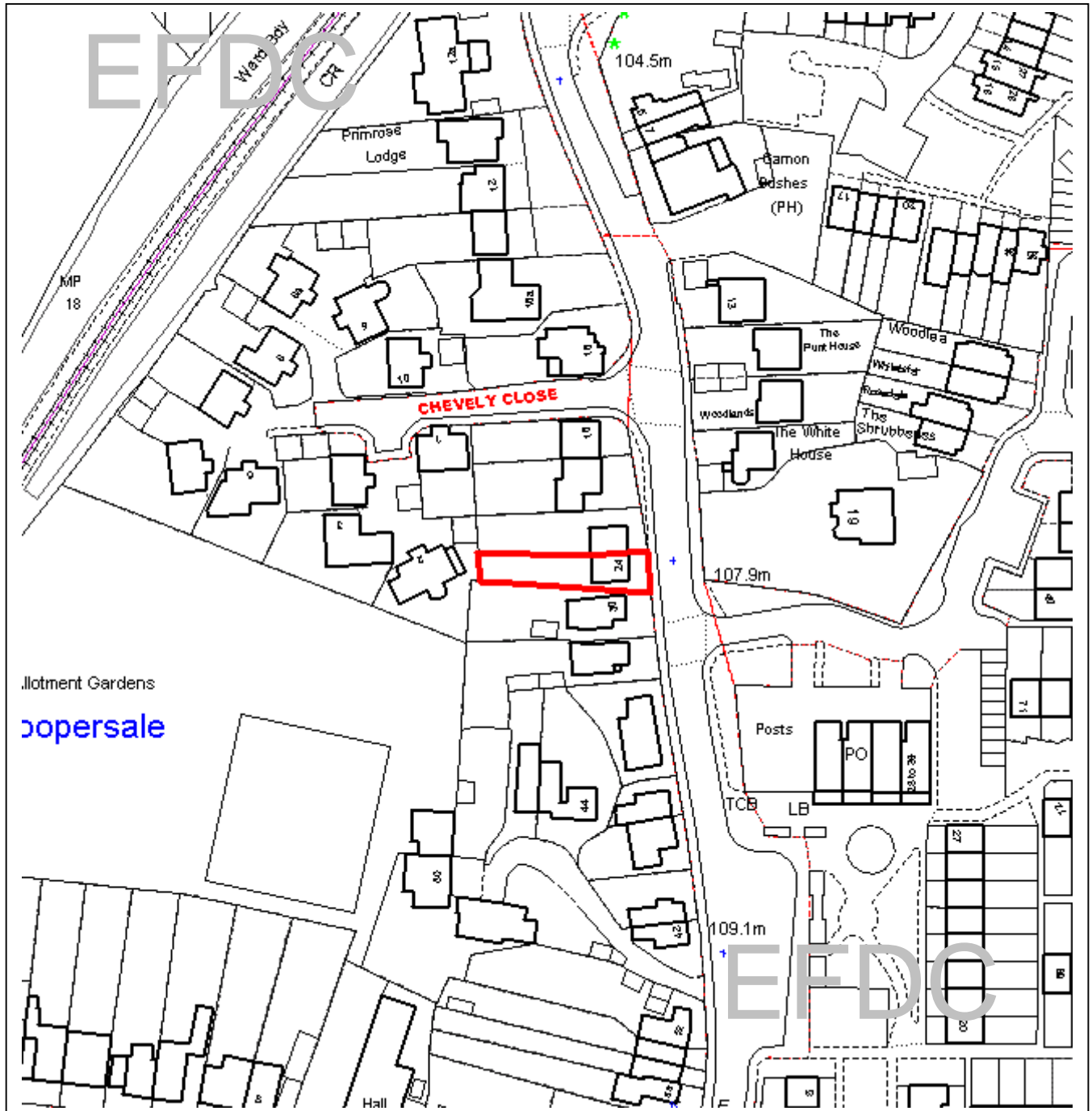
### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL – Committee object to this application as it was felt that the proposed extension was an overdevelopment which would be out of keeping with the street-scene. Committee also felt that the plans appear to be confusing. A two storey side extension was refused permission in 2005. The plans accompanying the current application does not show a 2 storey side extension on the existing layout however one is shown on the proposed layout.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/2205/07
Site Name:	24 Coopersale Common, Epping, CM16 7QS
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/2268/07
<b>SITE ADDRESS:</b>	North Barn New Farm Drive Abridge Essex RM4 1BU
<b>PARISH:</b>	Lambourne
<b>WARD:</b>	Lambourne
<b>APPLICANT:</b>	Mr & Mrs T Hart
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of agricultural barn to a single dwelling with associated external alterations principally to create window and door openings
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASON**

- 1 Due to the limited agricultural use of the barn following its construction within the last ten years, there is insufficient evidence to satisfy the Council that the works within the last ten years were not completed with a view to securing a residential use of the building, contrary to policy GB8A of the adopted Local Plan and Alterations.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks planning permission for the conversion of an agricultural barn to a single four bedroom dwelling. Minor elevations alterations comprising fenestration changes, the insertion of roof lights and the addition of a solar panel of approximately (2.7 x3m ) on the rear roof slope.

**Description of Site:**

The application site is an area of approximately 0.25 hectare, upon which there is a large hay barn. The hay barn is part two part single storey. The appearance of the hay barn is somewhat domestic, with a main entrance leading into an area with a staircase leading up to the first floor. There are several openings in the barn and there is an integral cart lodge. The floor level of the barn varies with the site and accordingly, the internal floor is staggered, although only by a couple of steps. At the time of the site visit, the barn was mainly empty. A few items of furniture were stored in the barn and there were a number of tools, which the owner advised were used for maintaining the boundary fencing.

Contrary to the comments received from the Parish Council, there is no fireplace inside the barn.

### **Relevant History:**

EPF/0789/98. Agricultural building. Approved 24/08/98.

The barn was erected with the benefit of planning permission granted in 1998. There is some dispute as to when the barn was completed, with the applicant maintaining that the barn was completed and in use from 1998 and the occupiers of neighbouring properties and Lambourne Parish Council stating that it was not completed until 2001. As no application was submitted to building control for the construction of the barn, the Council does not hold any records confirming when the barn was actually completed.

In April 2006, planning permission for a barn on the site opposite (at Red Cottage) was refused on the basis that the application failed to supply sufficient information to justify that the barn was demonstrably necessary for the purposes of agriculture and that the building would be an incongruous addition to the area, having a harmful effect on the green belt.

### **Policies Applied:**

DBE1 – Design of new buildings  
DBE2/9 Impact on neighbours  
DBE4 – Development in the green belt  
DBE8 – Private amenity space  
GB2A – Development in the green belt  
GB8A – Change of use or adaptation of buildings  
GB9A – Residential conversions  
ST4 – Road safety  
ST6 – Vehicle parking

### **Issues and Considerations:**

The main issues in this case are:

1. Whether the buildings are capable of conversion without any major or complete reconstruction;
2. Whether the conversion is acceptable in terms of green belt policy;
3. Whether there would be any adverse impact on the amenities of the occupiers of neighbouring dwellings;
4. Whether the proposed physical alterations to the building would have an acceptable appearance;
5. Whether the proposed dwellings would have adequate amenity space; and
6. Highway and parking matters.

#### 1. Capability of building for conversion

Policy GB8A of the local plan alterations requires that the building is of permanent and substantial construction and capable of conversion without major or substantial reconstruction. The building is of recent construction and appears to be easily capable of conversion for residential use without the need for major or complete reconstruction. To the contrary, the only changes proposed are the insertion of windows, many of which would replace existing openings within the barn and other elevational changes.

#### 2. Green Belt policy

In addition to the above, policy GB8A also requires that the use would not have a materially greater impact on the green belt than the present use and the associated traffic use would not be harmful to the countryside. It is considered that the traffic arising from a residential use

would be less than for an agricultural or commercial use and accordingly, there would be less of an impact.

Policy GB8A requires that the Council is satisfied that works within the last 10 years were not completed with a view to securing a use other than that for which they were ostensibly carried out. In this case, it is suggested by neighbouring occupiers and the Parish Council that the intention was always that the building would be used for residential purposes. This suspicion, they say, is supported by the design of the barn, which is residential in character (although, as the applicant has advised, the barn was constructed fully in accordance with the approved plans). Furthermore, the barn was constructed within the last ten years. However, the applicant claims that the barn was constructed in 1998, which is not far short of ten years ago and the applicant further claims that between 1998 and 2002 the barn was used for storing hay and agricultural vehicles. At this time, the site owners owned North Lodge, Chalet Kennels, and 16 acres of pasture. In 2002, Chalet Kennels, North Lodge and the 16 acres of pasture were sold on. As a consequence, the barn became redundant for agricultural purposes.

The applicant claims that the new owners of Chalet Kennels were granted an option to purchase the barn, but never took it up. The occupiers of Chalet Kennels argue that they have repeatedly tried to purchase the barn, but it has only been offered for sale at an inflated price. Regardless of the situation concerning the sale of the barn to the occupiers of Chalet Kennels, last year a planning application for a new barn at Red Cottage (Chalet Kennels) was refused permission, on the basis that the application failed to supply sufficient information to justify that the barn was demonstrably necessary for the purposes of agriculture. Accordingly, whilst the barn is capable of being used for agricultural purposes, it is not evident that there is a need for such a use within the immediate vicinity.

Policy GB8A also states that preference will be given to employment generating uses such as recreation, tourism, small workshops and storage. In this instance, due to the location of the barn at the end of a narrow lane which runs through the kennels site, it is considered that the vehicular movements arising from an employment generating use would be harmful. Finally, this policy states that where possible, conversions will employ sustainable design and construction techniques, as set out in policy CP4. As limited building works are proposed, there is a limit to the extent of sustainable design and construction which may be possible. However a solar panel is proposed on the rear roof slope. As this faces in a westerly direction the sun it receives will be limited, but should be sufficient to ensure that it is productive, in the absence of a south facing roof slope.

Furthermore, policy GB9A states that residential conversions of rural buildings worthy of retention will not be permitted unless either it has been demonstrated that business reuse is unsuitable, the residential conversion is a subordinate part of a business scheme or the development is for the purposes of agriculture, horticulture or forestry. It is considered that due to the limited vehicular access to the site, re-use for business purposes would not be practical.

### 3. Amenities of neighbouring properties

Due to the location of the building in relation to neighbouring property, it is not considered that there would be a material loss of amenity. The window proposed in the side of the master bedroom would be located approximately 20 metres from the site boundary and would not, therefore, result in any material overlooking of this neighbouring property.

### 4. Appearance

The external alterations proposed to the building involve the insertion of windows and a solar panel and the addition of a wall and doors/windows to the existing cart lodge. The proposed

solar panels would be located to the rear of the building and would not, therefore, be visible from the lane. Whilst they would cover a large area of the roof, it is considered that their environmental benefits outweigh their appearance. The remaining alterations are minor in scale and it is not considered that they would harm the appearance of the building.

#### 5. Amenity Space

DBE8 of the local plan requires that new dwellings have an adequate area of private amenity space. The site around the barn extends approximately 30 metres to the rear and is considered to be ample space.

#### 6. Highway and parking matters

The barn would be accessed from the private narrow lane, which forms a continuation of New Farm Drive and is the access to the barn at present. It is considered that the proposed use would attract fewer vehicular movements than the agricultural use and accordingly, the retention of the existing access is considered to be acceptable. There is a gravel area to the front of the barn which would provide off street parking for several vehicles.

### **Conclusion**

In light of the above appraisal, the main issue arising from the policy consideration seems to be whether the Council is satisfied that works within the last ten years were not completed with a view to securing a use other than that for which they were ostensibly carried out.

Although there is varying evidence of when the barn was completed, it was certainly less than 10 years ago and if there ever was an agricultural use it ceased very early on. It is accepted by both the applicant and neighbours that the barn has not been used for the storage of hay since 2002 when the land and other buildings were sold on. The proposed change of use does not comply with criteria (iv) of policy GB8A because of this and the application is therefore recommended for refusal.

However, the committee may accept the applicant's statement that the barn was erected with the genuine intention of it being used for agricultural purposes, and indeed may have been used as such up until 2002. If it was completed in 1998, some nine years ago, the committee may feel that it would not appear to be in the spirit of this policy to refuse planning permission with just one year short. Members may consider that a permission is justified despite not meeting the letter of policy GB8A.

### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL. Objection. The plans state that this barn is redundant and not needed and therefore the owners wish to convert it into a house. However, we understand that a local person has been in contact with the owners, interested in purchasing this barn to use it for agricultural purposes in the vicinity. It also states that this barn was built in 1998, which is misleading as the building works did start in 1998 but it was not finished until approximately 2001. Since this barn was built there has been no evidence that this building has ever been used for agricultural purposes. It is felt locally that in appearance this barn resembles a house, and the intention of the owner has always been to build a home on this piece of land and the original plans for a barn were a means to this end. It is also believed that a fireplace and staircase were built originally in the barn which is not the usual internal features for a barn and therefore reiterates the intention for the building from the start.

CHALET KENNELS, RED COTTAGE, NEW FARM DRIVE. Objection. The barn was completed in 2001 and has never been used for the storage of hay. For most of the time it has been used for

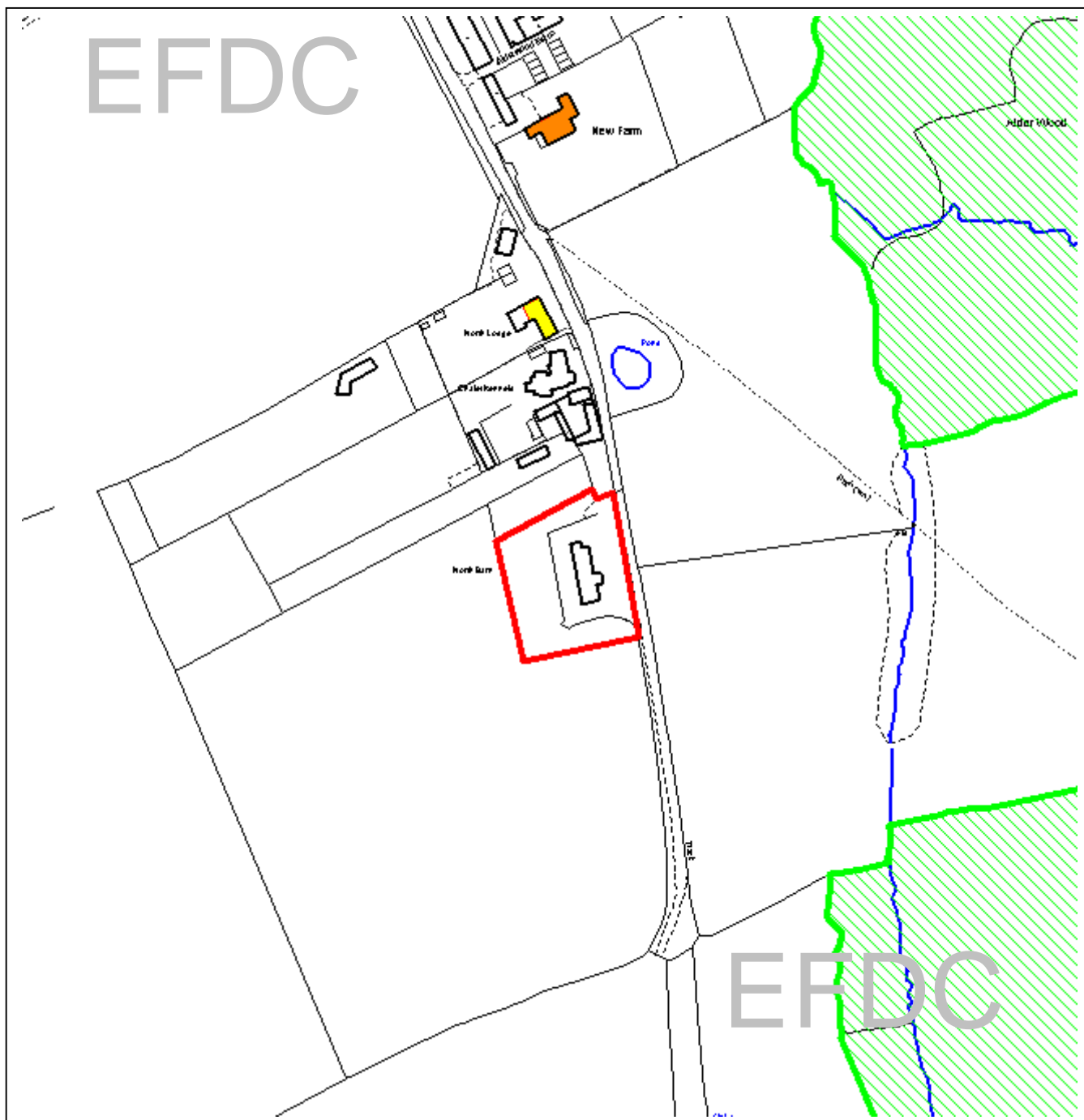
storage of furniture or has been left empty. The building has clearly been built with a view to obtaining consent for residential use: there is a residential staircase inside and clear lintels where windows can easily be fitted. We have been seeking to purchase or rent the barn for a number of years for agricultural use. The owner has been unwilling to accept a very high rent bid by market standards. We are happy to pay the market price in order to use the building for hay storage, but the barn has never been properly offered for sale on the market. By insisting that the barn must only be used for agricultural use the council will ensure that it can be used as originally envisaged and will mean that another barn will not need to be built in a nearby location, i.e. the openness of the green belt will not need to be affected any further.

NORTH LODGE, NEW FARM DRIVE. Objection. The barn was finished towards the end of 2001 and has not been used for storing agricultural goods as far as I know. The nature of the building has always suggested that its real purpose was residential. I would therefore oppose this application as it has not been proved that it cannot have an agricultural use which would be a more appropriate use in the green belt. I am also concerned about the increase in traffic noise during the evening in what is a very quiet lane.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/2268/07
Site Name:	North Barn, New Farm Drive, Abridge RM4 1BU



**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/2056/07
<b>SITE ADDRESS:</b>	Land adjacent to Hanger 2 North Weald Airfield Merlin Way North Weald Essex
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	EFDC - Environmental Services
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of land for the storage of bins and erection of enclosure.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 This permission shall inure until 31 December 2008, following which date all wheelie bins together with the enclosure shall be removed from the site.

*This application is before this Committee since it is an application for the Council's own development (Pursuant to Section P4, Schedule A (e) of the Council's Delegated Functions).*

**Description of Proposal:**

This application seeks consent for the temporary storage of approximately 3500 – 4000 Council wheelie bins at the airfield. The bins were previously stored on land adjacent to Langston Road Depot, Loughton (The 'T11 Site'). However, this land is no longer in the Council's ownership and this factor combined with the reintroduction of a weekly rubbish collection from May to September, has meant that the Loughton depot is no longer available to store the bins. It is anticipated that the bins will be used or stored elsewhere within 1 year.

The development also consists of the erection of temporary 'heras' fencing forming an enclosure. 'Heras' fencing stands at just over 2m high, is of steel construction and is anchored to the ground with a concrete base.

**Description of Site:**

The bins are stored on a triangular shaped area of land situated on the southern side of Hanger 2, which is positioned on the western side of the airfield, adjacent to the M11 motorway.

The whole site is within the Metropolitan Green Belt.

**Relevant History:**

None relevant

### **Policies Applied:**

#### Adopted Local Plan

GB2A- Development with the Green Belt

RST27- Use and development of the airfield

RST29- Development of further major buildings

### **Issues and Considerations:**

The key issues relevant to this proposal are the appropriateness of the development in light of both Green Belt and recreation, sport and tourism policy.

In principle, the open storage of goods is not a use detailed within government guidance (PPG2) or Local Plan policy GB2A as an appropriate use in the Green Belt. However, the application has a number of special circumstances which are considered to overcome the harm by way of inappropriate development.

Firstly, the use of land will be strictly temporary and this can be enforced through the imposition of a planning condition to any consent granted. The fencing which surrounds the site is also temporary and will leave no permanent trace on the land.

Secondly, the bins are well screened in the south west corner of the airfield, behind Hanger 2 and the M11 motorway. There will be no visual impact upon the public domain outside of the confines of the airfield and the application does not conflict with the purposes of including land within the Green Belt.

With regard to recreation policy RST29, the proposal clearly does not accord with the strategic aim of enhancing the airfield as a multi-functional recreational and leisure facility. However, given that the siting of the wheelie bins is temporary, the development will not unduly detract from this objective.

### **Conclusion**

The particular circumstances of this case, which relate to its temporary nature mean that there is no undue permanent harm to the Green Belt or strategic recreation objectives. Approval is recommended for a temporary period until the end of next year.

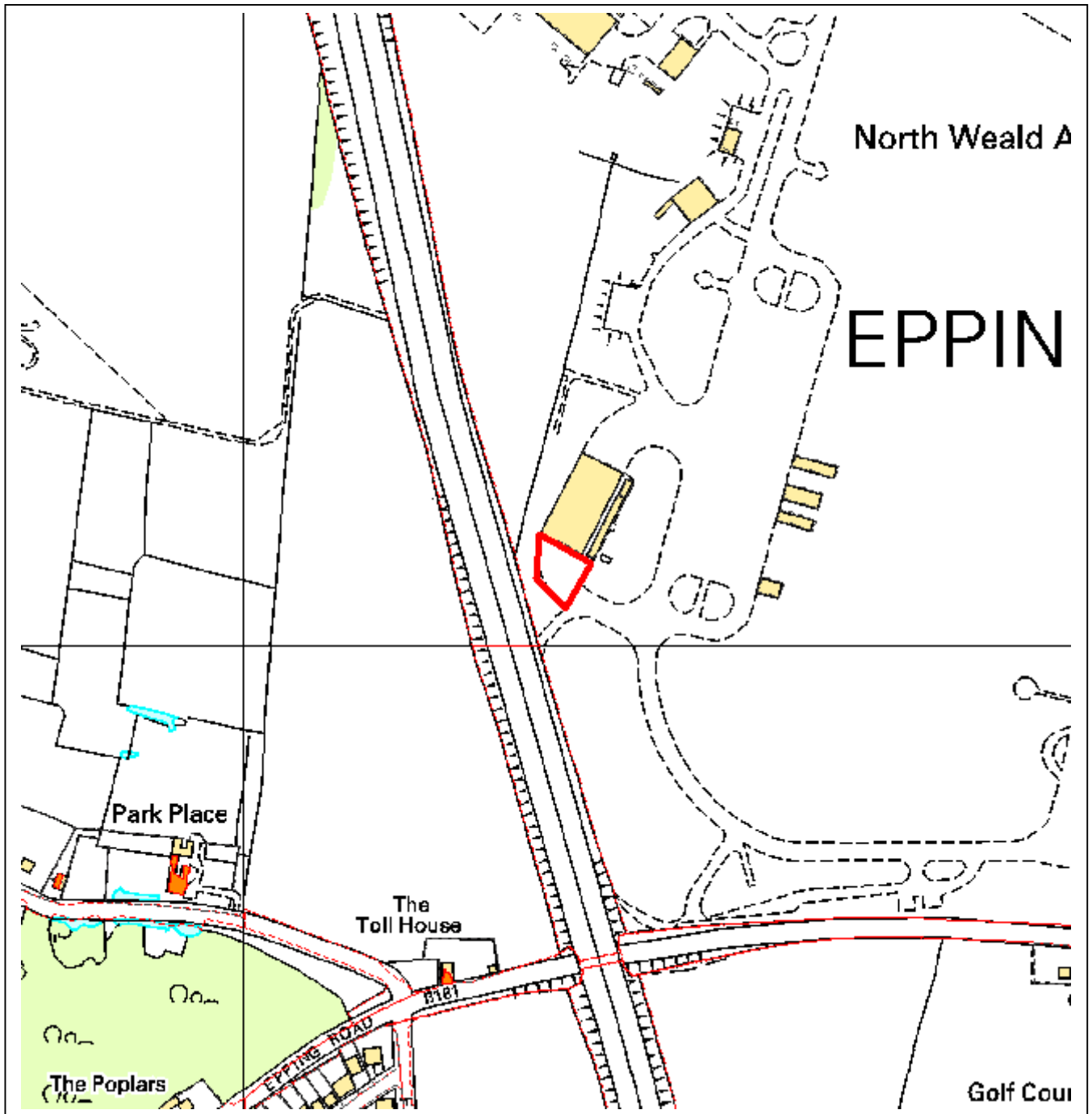
### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL - No comments received.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/2056/07
Site Name:	Land adj. Hanger 2, North Weald Airfield, Merlin Way, North Weald,
Scale of Plot:	1/5000

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/2188/07
<b>SITE ADDRESS:</b>	162 - 164 High Street Ongar Essex CM5 9JJ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr & Mrs Dale
<b>DESCRIPTION OF PROPOSAL:</b>	Conversion of outbuilding into two storey residential dwelling.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.
- 4 Prior to the commencement of the development details of the proposed surface materials for the driveway shall be submitted to and approved in writing by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
- 5 The development, including site clearance, must not commence until a tree protection plan, to include all the relevant details of tree protection has been submitted to the Local Planning Authority and approved in writing.

The statement must include a plan showing the area to be protected and fencing in accordance with the relevant British Standard (Trees in Relation to Construction-Recommendations; BS.5837:2005). It must also specify any other means needed to ensure that all of the trees to be retained will not be harmed during the development, including by damage to their root system, directly or indirectly. Any proposed arboricultural work should be included in a written method statement and must be agreed in writing with the Local Planning Authority before commencement of work.

The statement must explain how the protection will be implemented, including

responsibility for site supervision, control and liaison with the LPA.

The trees must be protected in accordance with the agreed statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

- 6 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.
- 7 The development shall be carried out in accordance with the amended plans received on 28th Nov 2007 unless otherwise agreed in writing with the Local Planning Authority.

*This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

**Description of Proposal:**

Conversion of outbuilding into two storey residential dwelling. It will have one bedroom and one parking space would be provided.

**Description of Site:**

A detached outbuilding measuring 6.4m x 5.2m with a monopitched roof rising to a maximum height of 3.4m. It is in the rear yard of No 162 High Street in the apex of the boundary wall with Manor House to the north and 1 St Martins Mews to the east, and is accessed via Manor Square from the High Road. The site is within the Town Conservation Area, and Manor House to the northeast is a Grade II listed building.

**Relevant History:**

EPF/1472/07 - Change of use of Ground Floor to A3 (Restaurant use): approved

**Policies Applied:**

DBE 1 & 2	Design Polices
DBE9	Impact upon amenity for neighbouring or surrounding properties
HC 6 & &	Conservation Area
HC 12	Setting of Listed Buildings
ST 4 & 6	Highways

**Issues and Considerations:**

The main issues in this application are:

1. Street scene and context
2. Design & the Conservation Area
3. Impact on Neighbours
4. Highways

The plans have been revised to delete the dormer windows which have been replaced by two velux windows.

### 1. Building in Context & Street Scene:

- This is a small site in the centre of the urban envelope of Ongar, and is a suitable site for residential development, in an area which has good services and transport links.
- Whilst the site is small, this is a small scale development which is modest and a good use of previously developed urban land, which is in line with Government policies on the efficient use of urban land.
- The proposal will see the original building retained, the walls raised and a new gable ended pitched roof installed, raising the height of the building to 6.2m. The other dimensions of the building will remain the same.
- The resulting building, although higher than the existing will not be readily visible from the street and would not have an adverse effect on the character and appearance of the area.

### 2. Design & Conservation Area

- The scheme has been revised to remove the dormers on the advice of the Councils Conservation Area Officer and now has a simple and attractive appearance which is appropriate to this area.
- It removes a rather unattractive monopitched roof and ensures the survival of this building with a modern and appropriate use.
- The new roof will enhance and improve the appearance and character of the building within the Conservation Area, and the Conservation Area Officer raises no objections to the scheme.
- The scheme will have no adverse effect on the setting of The Manor House.
- Materials will match.

### 3. Neighbours' Privacy and Amenity

- The scheme has been designed so that there will be no adverse overlooking of the properties in St Martins Mews or The Manor House. It should be noted that the elevation of The Manor House which faces the side of the development is the front elevation which is less sensitive to overlooking in any event.
- The Manor House is also screened by a mature tree line on the southern boundary which gives a very high degree of screening, and the Councils Tree Officers have raised no objections subject to the appropriate conditions.
- There will be no loss of privacy to any neighbour by this scheme.
- The dwelling will be 15m from the back of No 162, and there will be some overlooking from the first floor windows, but the distance and the layout of the site means that this would not justify a refusal on these grounds.
- The distance from the front of The Manor House to the conversion is 8m, and due to the location and screening it is considered that there is no adverse effect on the outlook from The Manor House.
- Although it is close to the Manor House it is considered that in this Town Centre Location there will be no adverse disturbance caused to the occupant of that property by the use of the building as a dwelling.
- There will be no significant loss of light or sunlight to any of the 3 gardens of neighbours, and no loss of sunlight to any rear elevation.

### 4. Highways

- Parking associated with the use is unlikely to be excessive.
- The one parking space complies with the Essex Parking standards for this type of use.
- The Highway Authority has raised no objections to the scheme.

- A neighbour has raised a comment that the grant of permission for the restaurant use required parking to be provided at the rear of the property. This is not the case and this topic is not mentioned in the report or in the conditions on the planning permission.

#### 5. Other Matters

- It is the case that there may be some disturbance caused to the amenity of the occupant by the use of the site as a restaurant, but an extraction system is required for this site and any occupant will be aware of this use.
- Whilst there is no amenity space provided this is a small flat for a single occupant in a town centre location and this is not considered to justify a refusal on these grounds.
- Any matters regarding to the building work proposed to the boundary wall will be dealt with under the Party Wall Act.

### **Conclusion**

The scheme is for a modest single dwelling in an innovative use of the site. There will be no harm caused to the amenities of the neighbouring properties, and the scheme enhances the appearance and character of the Conservation Area and is therefore recommended for approval.

### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL – Site is not easily accessible and the Council has therefore been unable to ascertain the level of intrusion the development represents to neighbours. The Council would not support a development which resulted in the neighbouring property being overlooked to the extent that the development represented a significant intrusion.

THE MANOR HOUSE - OBJECT, Manor Square already has a parking congestion problem, and this will add to the problem. Recent grant of change of use of 162 to a restaurant based on provision of parking to the rear of the facility, which this contradicts. Drawings do not show the proximity of the front (south elevation) of Manor House. It is no more than 6m from the development, and will be built on and upwards on our boundary wall. It will restrict light to the front rooms. The height must be over 6m double the current height. This will reduce sunlight and increase shadow. We have single glazing and we will be affected by noise.

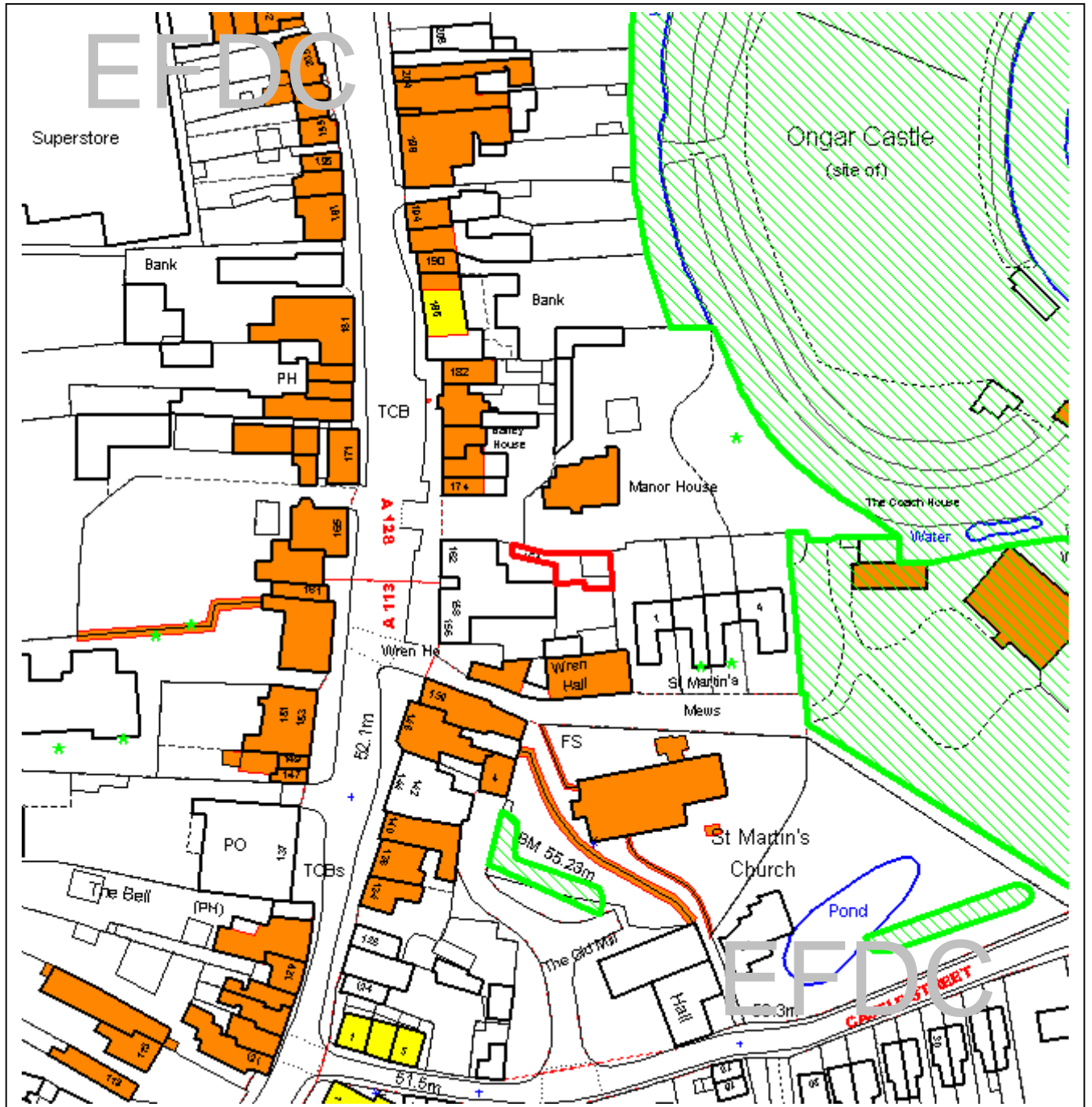
1 ST MARTINS MEWS – OBJECT, the size of the building proposed will seriously affect the amount of sunlight I get into my garden, blocking the evening sunlight, and will overshadow half of my garden. The existing boundary wall does not need to be taken down. We are in a conservation area and works to building will have an impact on the roots of the trees

2 ST MARTINS MEWS – OBJECT, will be visible from my rear windows and will obstruct views of trees and prevent light into my garden. Any windows that look across my site will affect privacy.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>7 &amp; 8</b>
Application Number:	EPF/2188/07 & EPF/2189/07
Site Name:	162 - 164 High Street, Ongar, CM5 9JJ
Scale of Plot:	1/1250



**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/2189/07
<b>SITE ADDRESS:</b>	162 - 164 High Street Ongar Essex CM5 9JJ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr & Mrs Dale
<b>DESCRIPTION OF PROPOSAL:</b>	Balcony to rear flat roof and erection of entrance gates, removal of cellar flaps to basement.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 3 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 4 Details of the types and colours of the external finishes, wooden screening and wooden gates shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions). (Since a related application is reported elsewhere on the agenda.)*

**Description of Proposal:**

Balcony to first floor flat rear roof, erection of entrance gates, and removal of cellar flaps to basement.

**Description of Site:**

A first floor residential flat above a restaurant at No 162 High Street. Manor House to the north and 1 St Martins Mews to the east, and the site is accessed for vehicles via Manor Square from the

High Road. The site is within the Town Conservation Area, and Manor House to the northeast is a Grade II listed building.

**Relevant History:**

EPF/1472/07 - Change of use of Ground Floor to A3 (Restaurant use) - approved

**Policies Applied:**

DBE 1 & 2	Design Polices
DBE9	Impact upon amenity for neighbouring or surrounding properties
HC 6 & &	Conservation Area
HC 12	Setting of Listed Buildings
ST 4 & 6	Highways

**Issues and Considerations:**

The main issues in this application are:

1. Street scene
2. Design & the Conservation Area
3. Impact on Neighbours
4. Highways

The plans have been revised to show a raised wooden screen on top of the parapet.

1. Street Scene:

- This is a small site in the centre of the urban envelope of Ongar, and consists of a first floor residential flat over a retail shop which was recently granted permission for a change of use to a restaurant.
- The main part of the application is to change a first floor flat roof at the back of the property to a roof terrace for use by the occupants of the flat. This would consist of installing a 1.1m high parapet and a .07m high wooden screen on the existing 'L' plan floor, and installing a door in the rear elevation to allow access.
- A wooden sliding gate would be installed in the existing gap in the boundary wall onto Manor Square, and the cellar flaps to the basement would be removed and the opening infilled.
- These changes are relatively minor and would not have any adverse impact on the character and appearance of the street scene

2. Design & Conservation Area

- The scheme has been revised to include the wooden screening, and has no adverse effect on the character and appearance of the Conservation Area.
- The terrace is well designed and integrates well with the existing building, and the gates are appropriate to this area.
- The scheme will have no adverse effect on the setting of The Manor House.
- Materials will match

3. Neighbours' Privacy and Amenity

- The scheme has the potential for overlooking and disturbance to The Manor House. It should be noted that the elevation of The Manor House which faces the side of the development is the front elevation which is less sensitive to overlooking.

- However the total screening on the terrace is 1.8, which is above the average eye level and will remove the potential for any adverse overlooking.
- The Manor House is also screened by a mature tree line on the southern boundary which gives a very high degree of screening.
- The distance from the front of The Manor House to the boundary of this site is 8m, and due to the location and screening it is considered that there is no adverse effect on the outlook from The Manor House.
- Although it is close to the Manor House it is considered that in this Town Centre Location, where there will be a certain level of noise, light and activity, there will be no significant disturbance caused to the occupant of that property by the use of the roof as a terrace area.
- Noise caused by the use of the terrace will also be subject to Environment Health legislation.

#### 4. Highways

- The Highway Authority has raised no objections to the scheme.

#### 5. Other Matters

- It is the case that there may be some disturbance caused to the amenity of the occupant of the flat and terrace by the use of the site as a restaurant, but an extraction system is required for this site and any occupant will be aware of this approved use.

### **Conclusion**

The scheme is for a modest change to the existing building to allow the occupants some amenity space and causes no harm to the amenities of the neighbouring properties, has no adverse effect on the appearance and character of the Conservation Area and is therefore recommended for approval.

### **SUMMARY OF REPRESENTATIONS:**

TOWN COUNCIL – Site is not easily accessible and the Council has therefore been unable to ascertain the level of intrusion the balcony represents to neighbours. The Council would not support any development which resulted in the neighbouring property being overlooked to the extent that the development represented a significant intrusion.

THE MANOR HOUSE - OBJECT, Parapet will do little to stop people looking into our bedrooms, will cause a noise disturbance, possibly with music until late in the evening, lighting will add to our discomfort.

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/2149/07
<b>SITE ADDRESS:</b>	2 Thrifts Mead Theydon Bois Epping Essex CM16 7NF
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	J Thomas
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear extension.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 The development shall be carried out in accordance with the amended plans received on received 13/11/07 unless otherwise agreed in writing with the Local Planning Authority.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

This application is to demolish the existing rear extension and erect a larger single storey rear extension.

**Description of Site:**

The application site comprises of a two-storey linked detached situated on the south side of Thrifts Mead in a small cul-de-sac. The street scene is varied and the dwellings do not follow a uniform building line. The rear gardens of properties are generally shallow in depth and the dwelling has been extended with a single storey rear extension.

**Relevant History:**

N/A

### **Policies Applied:**

Residential Development Policies from Epping Forest District Council's Replacement Local Plan: -  
DBE9 – Amenity considerations.  
DBE10 – Extension design criteria.

### **Issues and Considerations:**

The main issues and considerations in relation to this application are the design, appearance and amenity of neighbouring properties.

#### **1. Neighbours Amenity & Design**

- The original application involved the construction of a rear extension with a proposed depth of 6.05m on the boundary with no. 1 Thrifts Mead. Due to the depth of the proposal, the proximity of the adjoining dwelling and the shallow depth of the rear gardens, the proposal was considered to be unacceptable. The applicant was informed and the application has since been revised during the course of the application limiting the depth of the extension to 4.0m.
- The revised proposal will demolish the existing rear extension and erect a larger rear extension that measures 4.0m in depth and 8.3m in width set in 0.5m from the boundary with adjacent dwelling at no.1.
- Due to the linked detached nature of this dwelling with no.1 Thrift Mead, the properties are joined with a double garage located at no.1. As there are no habitable rooms on the boundary, it is not considered that the revised scheme with a 4.0m depth will harm the amenities of adjacent dwelling or will cause a negative impact, which meets with this council's policy DBE9. There is a 1.8m high fence with trellis above on the boundary with no. 1 that offers additional screening.
- As the proposal involves a pitched roof, the first floor windows are set higher than the highest point of the roof. It is therefore unlikely a balcony can be formed. Second letter from neighbour also request the window on the flank wall has a fixed frame. There is a 0.5m set back from the boundary with no. 1; it is not considered necessary the windows have a fixed frame. Neighbours other objections are noted however, for the reasons stated above it is considered that there will be no negative impact to their amenity from this proposal.
- As the proposal will be located at the rear, it will not be visible on the street scene and there remains sufficient amenity space provision within the rear garden of the site.
- The proposal is acceptable and there are no concerns that the extension will detrimentally affect neighbours amenity.

### **Conclusion**

This application is acceptable and is recommended for approval with conditions.

### **SUMMARY OF REPRESENTATIONS:**

THEYDON BOIS PARISH COUNCIL - Objects: full comments will be reported orally at the meeting.

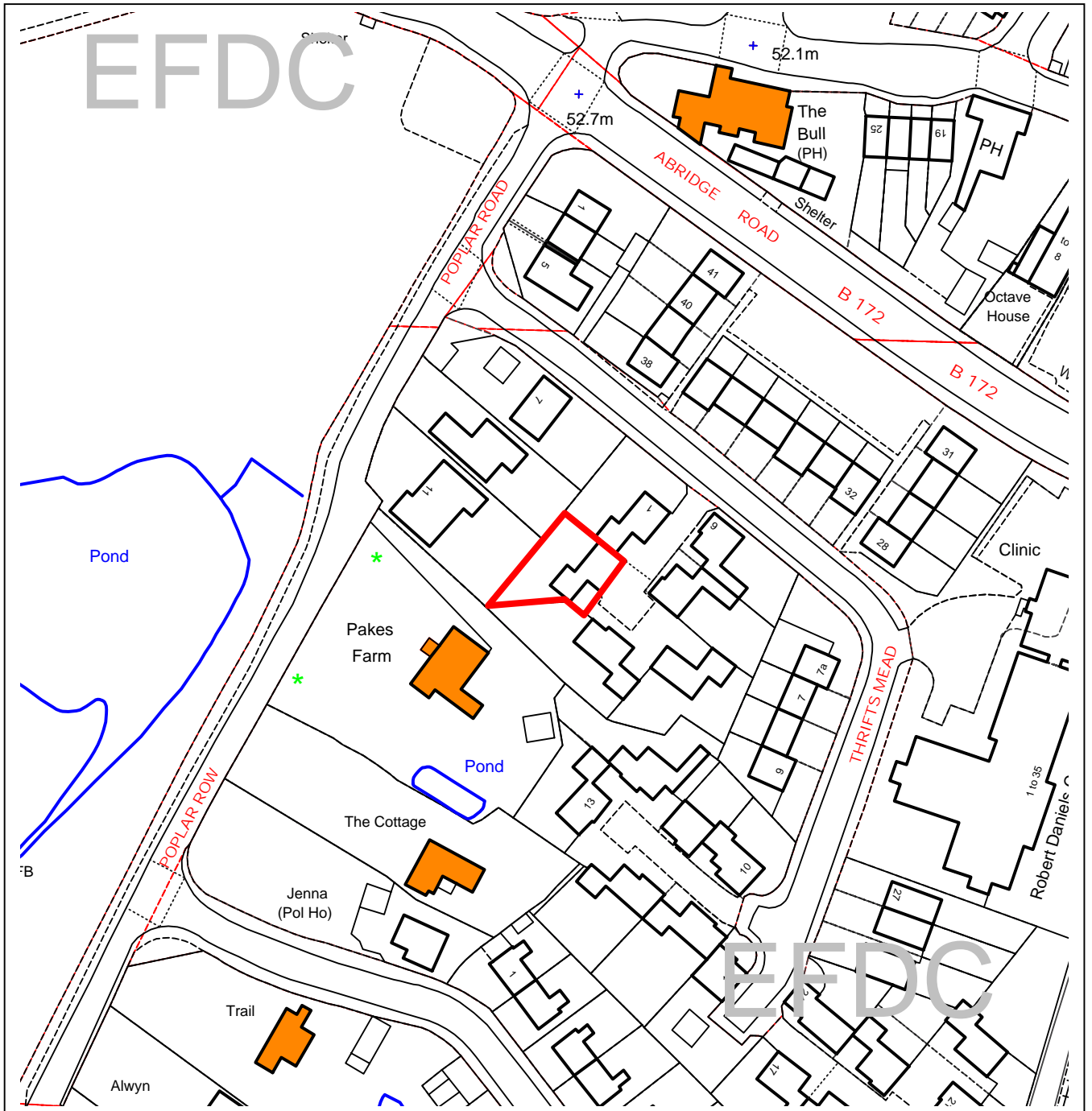
1 THRIFT MEAD - Objects (letter dated 30 October 2007): Depth of extension is excessive at 6.05m, it will cause overshadowing.

Amended drawings: (letter dated 07 November 2007): Amended drawings not properly dimensioned. Concerned about depth of foundations. Would like condition to obscure window and for the window to be fixed and non-opening. Would not want balcony enclosure to be formed. Would request materials match existing and flank wall that faces their property is rendered white.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>9</b>
Application Number:	EPF/2149/07
Site Name:	2 Thrifts Mead, Theydon Bois, CM16 7NF
Scale of Plot:	1/1250

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2183/07
<b>SITE ADDRESS:</b>	11 Morgan Crescent Theydon Bois Epping Essex CM16 7DU
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr & Mrs R Mortimer
<b>DESCRIPTION OF PROPOSAL:</b>	New single storey rear extension and two storey side extension. (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the first floor flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

Revised application for a single storey rear extension and two storey side extension. The single storey rear extension would be 2.4m deep and 2m wide with a pitched roof to a maximum height of 3.8m. The two storey side extension would be 10.8m deep and 3.2m wide with a double pitched roof to a maximum height of 6.85m. The proposed ground floor attached garage would extend an additional 1m to the side and 1m to the front and would be to a depth of 5.65m.

**Description of Site:**

Two storey semi-detached property located on the southeastern side of Morgan Crescent, Theydon Bois. The property has an existing single storey rear extension and first floor side dormer.

## **Relevant History:**

EPF/1176/07 - Single storey rear extension and two storey side extension – withdrawn 19/07/07

## **Policies Applied:**

DBE9 – Amenity Considerations

DBE10 – Residential Extensions

## **Issues and Considerations:**

The main issues here relate to the potential impact on the neighbouring properties and with regards to the design.

### *1. Amenity Considerations*

The proposed single storey rear extension would replace an existing detached garage. It would be set off the shared boundary with No. 11 by 1m and sits on ground approximately 200mm lower than the neighbours. It would primarily be located adjacent to the neighbour's detached garage and would have no detrimental impact on the neighbour.

The proposed two storey side extension would be set off the shared boundary by 1m. It would not extend beyond the rear wall of the existing property, which itself does not extend as far to the rear as the two storey extension at No.11. There is one proposed flank window serving an ensuite and one serving a bedroom. The ensuite window would be obscure glazed, however the bedroom window would not be. This window would be in the same location as the existing flank bedroom window, albeit closer to the shared boundary. Due to the angle of sight and location of the window there would be no overlooking of the neighbours rear garden, and any potential overlooking of the neighbours flank window (which also appears to serve a bedroom) would not be significantly more intrusive than that which already exists.

### *2. Design*

The proposed single storey rear extension would have a pitched roof that would adjoin the roof of the existing rear addition, and would not be out of character with the original property.

The proposed two storey side extension would have a double pitched roof with hip ends. It would be very similar in appearance to the existing two storey side and rear extension at No. 23 Morgan Crescent, and would be an improvement on the existing unsightly flat roofed side dormer. The extension would be set off the shared boundary by 1m, and therefore would not result in a terracing effect, and the provision of a ground floor garage built off the existing front wall and extending to the side boundary would not be detrimental to the appearance of the street scene.

Several properties within Morgan Crescent, Dukes Avenue and Woodland Way have large side and rear extensions, and there is no particular single style or design to these. Due to this variety the proposed additions would not be detrimental to the character or appearance of the surrounding area.

### *3. Parish Council Objections*

The parish council have objected on the following grounds:

1. The double doors at the front are inappropriate – other examples in the village where the entrance door has been moved to the front in these types of houses have lessened the impact by setting the door back.
2. The main side entrance should be retained.



3. The side bedroom window does not have obscured glass and therefore will be intrusive on the neighbouring property.
  4. The edge of the guttering protrudes over the boundary line into next door.
  5. The overall size and bulk is also intrusive on the street scene.
- Providing double doors to the front of the property does not detrimentally alter the appearance of the street scene and it is not felt that the front door needs to be recessed as a design feature.
  - Several properties in Morgan Crescent and the surrounding streets have relocated their main entrance to the front of the property, and therefore this is not out of character with the surrounding area.
  - As explained above, given the position of the flank bedroom window and the existing flank window which it replaces, this would not result in any further overlooking than existing.
  - Although the plans do indicate that the guttering would overhang the shared boundary it also states on the plan 'new gutter to be positioned clear of boundary'. Therefore this would be acceptable to ensure no trespassing occurs.
  - The size of this proposed extension is very similar to, and in some cases smaller than, several other examples within Morgan Crescent and the surrounding streets. This extension is very similar to that existing on No. 23 Morgan Crescent, granted planning permission in 2005.

### **Conclusion:**

In light of the above the proposed two storey side and single storey rear extension are recommended for approval.

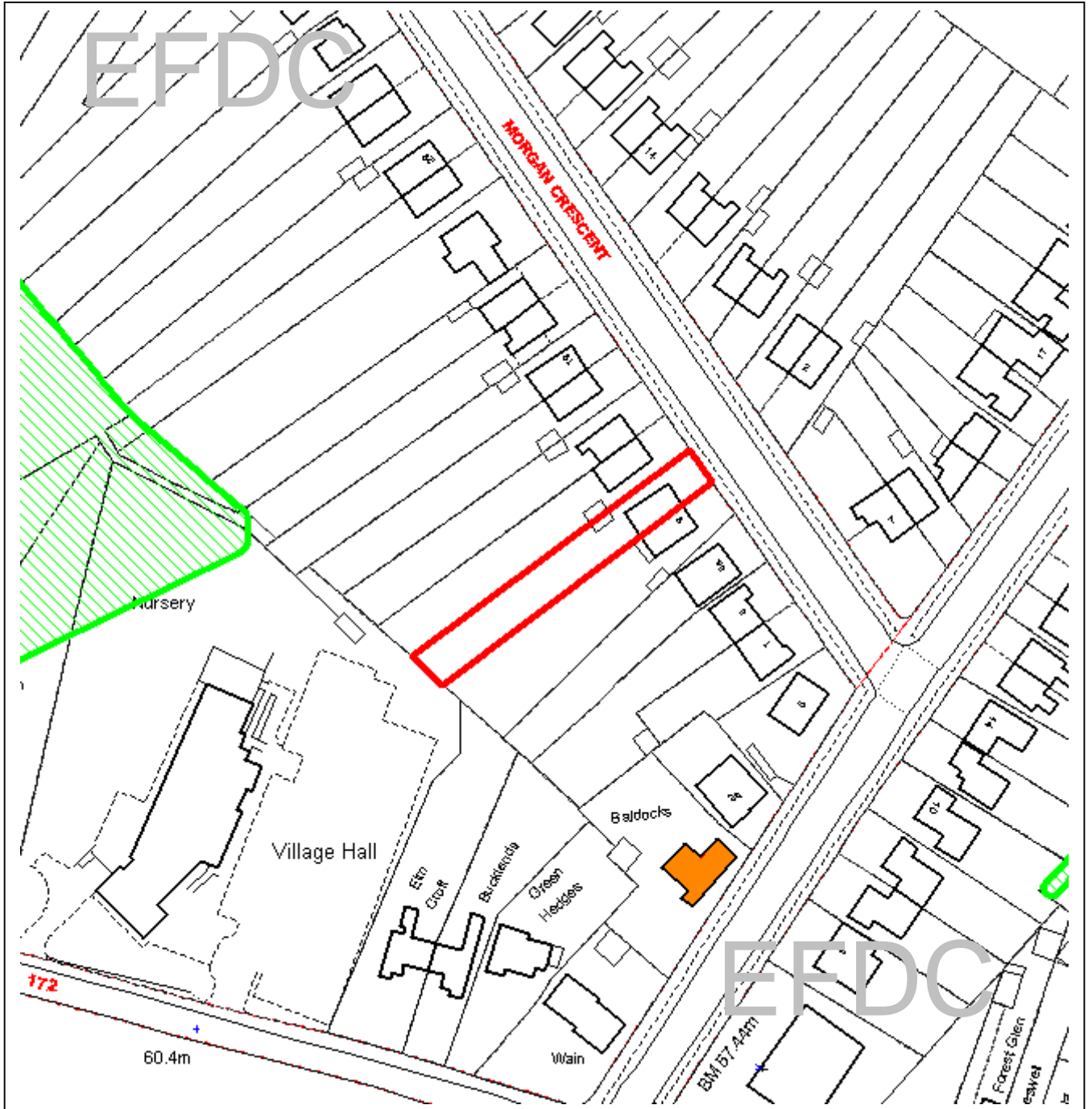
### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – Object as the double doors at the front are inappropriate, the main side entrance should be retained, the side bedroom window would result in overlooking, the guttering protrudes over the boundary line into next door, and the overall size and bulk is intrusive on the street scene.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>10</b>
Application Number:	EPF/2183/07
Site Name:	11 Morgan Crescent, Theydon Bois, CM16 7DU
Scale of Plot:	1/1250

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/2198/07
<b>SITE ADDRESS:</b>	7 Green View The Green Theydon Bois Epping Essex CM16 7JD
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr M Beaumanoir
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side and rear extension and loft conversion with front dormer window.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 3 Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).*

**Description of Proposal:**

Consent is being sought for a two storey side and rear extension and loft conversion with front dormer windows. The side extension would be 1.7m wide at the front and 4m wide to the rear and would follow the line of the angled side boundary. This side extension would have an inset front wall and overhanging ridged roof continuing the existing roofline. The rear extension would be 6.8m wide and 4.65m deep and would incorporate the existing two storey rear protrusion. It would have a hip ended ridged roof running at an angle to the main roof line to a maximum height of 8.25m. The loft extension would involve the insertion of two 1.35m wide by 2.25m high pitched roofed front dormer windows.

### **Description of Site:**

Two storey end terrace dwelling located at the western end of Green View, Theydon Bois. This terrace consists of seven properties facing Theydon Green, which is part of Epping Forest land.

### **Relevant History:**

EPF/1685/07 – Two storey side extension and loft conversion with dormer windows – withdrawn 01/10/07

### **Policies Applied:**

DBE9 and DBE10 – Residential Development Policies  
LL5 – Protection of Urban Open Space

### **Issues and Considerations:**

The main issues here relate to the potential impact on the neighbouring properties, on the adjacent area of open space, and with regards to the design.

#### **1. Impact on No. 6 Green View**

The proposed two storey rear extension would reduce the overall depth of the existing protrusion at ground floor level and would only extend 1m beyond the existing first floor rear wall. This would be set off the shared boundary with No. 6 by 1.4m and would therefore have no detrimental impact.

#### **2. Impact on No. 2 Woburn Avenue**

The proposed rear extension would result in a reduction of depth at ground floor level of the existing protrusion, and would extend towards the rear boundary at first floor level by 1m. This would be approximately 10m from the shared boundary with No. 2 Woburn Avenue, which sides onto the application site, and would therefore not impact on light or visual amenities. There would be one additional window located in the rear first floor wall of the protrusion than that existing, however this would do little to exacerbate any overlooking issues. Therefore this application complies with Local Plan policy DBE9.

#### **3. Impact on Theydon Green**

The Conservators of Epping Forest have objected to this application as they feel the height and proximity to the boundary would be visually intrusive from the forest land and as the glazing on the side elevation will potentially increase light pollution in the area. This site is the only property that borders onto Theydon Green. Whilst it is accepted that there is a lot of glazing proposed in the flank wall, the existing side elevation contains five large windows facing Theydon Green and as this is a domestic property, it is unlikely that the proposed alterations would result in an unduly detrimental level of light pollution. With regards to the bulk and proximity, Theydon Green is an open space located within a built-up, urban village and it is not felt that this extension would result in a detrimental visual impact to the 6.5 hectare area of open land.

#### **4. Design**

The proposed side extension would continue the existing roof line and would be just 1.7m wide at its front most point. Therefore whilst the sloped side wall would be visible from the front of the property, the extension would not appear overbearing or out of keeping when viewed from the front of the site. The 450mm set back of the front wall would break up the fascia of the building and

would result in a slight subservient appearance. The opposite end terrace house has been built stretching to both boundaries and has an angled flank wall similar to that proposed. Whilst this has been in existence for several years (and may pre-date the Planning Act) it still sets a precedent for a wider end terrace property to the row. Several of the other dwellings in this terrace have had unsympathetic changes, such as alterations to windows, and the overall character of the terrace has been somewhat altered over the years. Therefore this proposed side extension would not be detrimental to the appearance or character of the street scene.

The rear extension would have a pitched roof running at an angle to the main ridge line and set down by 600mm. This would successfully break up the roof plan and would be in keeping with the original dwelling.

All of the properties in this row of terraces, except the application site and No. 6, have roof dormers of an identical size and design as those proposed. Due to this these proposed dormers would improve the appearance of this property bringing it more in line with the remainder of the terrace. It is understood that No. 6 is also going to apply for a front dormer window, although as of yet there has been no planning application received.

The parish council and several neighbours have objected to this proposal partly as the application site is claimed to be locally listed. Members should however be aware that neither this site nor any of the terraced houses in Green View are locally listed.

#### 5. Other Considerations

The Parish Council and some neighbouring properties have objected as there is no parking provision for this dwelling. None of the properties in Green View have off street parking and (bearing in mind current vehicle parking standards) given the proximity to the train station, public transport system, and local facilities, provision of parking at this location would not be required. Also the 1.7m wide area of land to the side would be insufficient to allow for the parking of a vehicle and therefore, despite this extension, no off street parking is currently available to this property (although due to a boundary dispute with the City of London the land to the side of the house has previously been used for parking).

#### **Conclusion:**

Due to the above the proposed two storey side and rear extension and loft conversion with front dormer windows are acceptable and are recommended for approval.

#### **SUMMARY OF REPRESENTATIONS:**

PARISH COUNCIL – Object as this property deserves special consideration as it is on the local list, the increased bulk is inappropriate in this sensitive location on the Village Green and is not in keeping with the street scene. There is no provision for car parking which is unacceptable and the angled flank wall detracts from the unique character of the valued terrace of houses.

CITY OF LONDON – Object as the height and proximity of the extension would be visually intrusive from forest land and as the amount of glazing proposed would result in an increase of light pollution to the area.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – Object as this would be overdevelopment of a locally listed building, it would have a detrimental effect on the neighbouring property, there are concerns regarding parking and road safety, and there would be a loss of amenity value to neighbours and villagers.

THEYDON BOIS AND ABRIDGE ACTION GROUP – Object as any change to the front of this row of terrace properties would undermine the appearance and symmetry of the street scene.

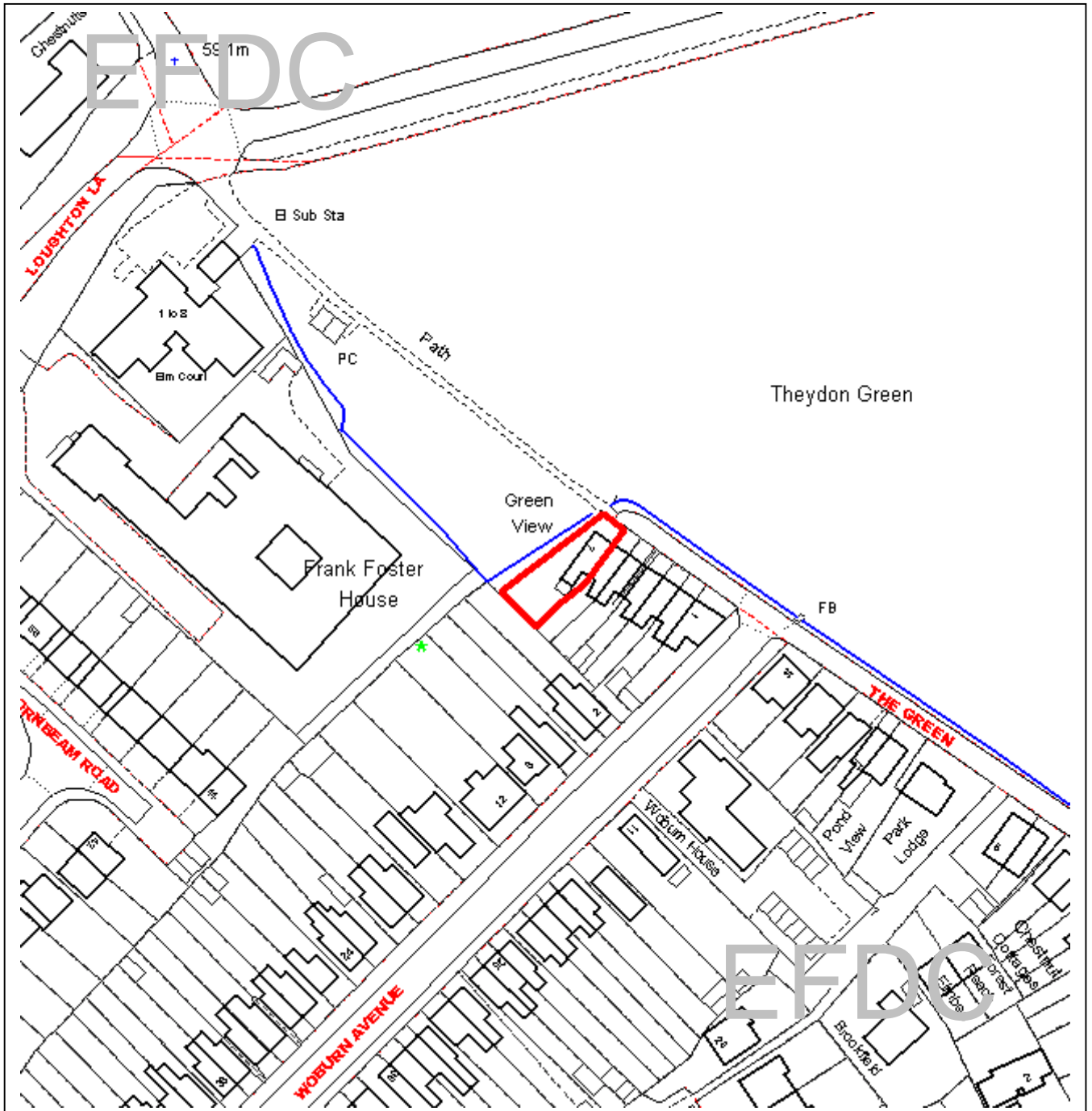
1 GREEN VIEW – Object as this would be overdevelopment of a locally listed building, the extension appears to extend beyond the building line for the rear of the Green View Cottages, and there would be a loss of parking.

WAIN, COPPICE ROW – Object as this would be overdevelopment in a very prominent position on the village green.



# Epping Forest District Council

## Area Planning Sub-Committee East



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Agenda Item Number:	11
Application Number:	EPF/2198/07
Site Name:	7 Green View, The Green, Theydon Bois, Epping, CM16 7JD
Scale of Plot:	1/1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2342/07
<b>SITE ADDRESS:</b>	Barkers Farm Mount End Road Theydon Mount Epping Essex CM16 7PS
<b>PARISH:</b>	Theydon Mount
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Leonard Barker
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use from farm office/ice cream parlour to supervisory residential unit for goat farm.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**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 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A-E shall be undertaken without the prior written permission of the Local Planning Authority.
- 3 The occupation of the supervisory residential unit hereby approved shall be limited to a person solely or mainly working in conjunction with the agricultural enterprise taking place at Barkers Farm, Mount End, Theydon Mount or a widow or widower of such a person, and to any resident dependants.
- 4 This consent shall inure for a limited period expiring 1 year from the date of this Notice, at which time the development permitted by this Notice shall be discontinued.

*This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to Section P4, Schedule A (k) of the Council's Delegated Functions).*

**Description of Proposal:**

Use of small room and adjacent larger farm office for residential purposes to supervise goat farm.



## **Description of Site:**

The building to be converted measures 5m x 8.5m and is part of a red brick building, currently being converted into commercial offices.

The overall site is an approx. 2.4 hectare holding located on the east side of Mount End. It comprises a single field, which rises from the road towards woodland to the east. A "U" shape group of buildings are located towards the northern end of the site and comprise of the red brick office, small room (formerly laid out as an ice-cream parlour), metal frame barn, and couple of goat pens. There is a large hardstanding area between this complex and the road. There are two other structures on the site at present, these being a single storey building close to the road which is presently having a new pitch roof added to it and further south, a stable building, currently being used as a goat pen and barn.

The site is in an open countryside location in the small hamlet of Theydon Mount.

## **Relevant History**

There is a long history of planning applications going back 20 years in respect of this site, many of which have been to try and establish residential accommodation on the site to supervise a goat farm on the site. Whilst planning permission was temporarily granted in 1998 for a mobile home (for 18 months) this was in order to allow the applicant time to justify a farming business and in turn justify grounds for a more permanent dwelling, which in subsequent permissions he has failed to do so and planning permissions have been refused. A public inquiry was suspended by the applicant in respect of an appeal against the council's refusal of planning permission for a permanent dwelling in 2000.

In respect of the ice cream parlour, this was converted from an isolation pen for goats in 1996 as part of an application for a certificate of lawful development. (CLD/EPF/933/96).

Since then, planning permission has been granted for the following:

- EPF/965/02 – Stable block - granted planning permission.
- EPF/1482/03 – Change of use of milking parlour and dairy building to office use and conversion of barn to light industrial use – Refused planning permission in 2003 but subsequently allowed on appeal in 2004.
- EPF/891/04 – Conversion of existing barn into document storage – granted 2004.
- EPF/398/05 – Two new dormers to front and side to front building – granted 2005
- EPF/827/06 – Porch and ramp – granted 2006.
- EPF/517/07 – New roof to existing building – granted 2007.

However, planning permission was refused for the following:

- EPF/1554/99 – Retention of mobile home – Refused 2000
- EPF/1701/00 – Retention of mobile home for 1 year – Refused 2001
- EPF/790/01 – Stationing of mobile home – Refused 2001
- EPF/379/05 – Change of use of part of existing agricultural building to provide overnight accommodation – Refused 2005
- EPF/941/05 – Outline application for erection of a permanent dwelling ancillary to existing goat farm – Refused 2005.

## **Relevant Policies**

### **Local Plan policies**

GB2A – (General restraint in the Green Belt)

GB8A - (Change of use criteria in the Green Belt)  
GB17A – (Agricultural workers dwellings)

### **Issues and Considerations**

The main issue is whether there is Green Belt harm in granting planning permission for the conversion and whether the building constitutes a permanent and substantial building capable of conversion without major reconstruction.

As can be seen from the above planning history, the applicant has tried on numerous occasions to provide living accommodation on the site in order to supervise a goat herd for an agricultural business. In Green Belt terms, the siting of a temporary home or building of a permanent dwelling is clearly inappropriate dwelling in the green belt, unless it is for an agricultural, forestry or horticultural worker and then, as stated in Policy GB17A, only if it is essential (if not essential, that there is firm evidence of viability of the enterprise at the time and in the long term), there has been a genuine attempt to find an alternative accommodation in reasonable travelling distance and the floor space does not exceed 150 square metres. The applicant and owner, Mr Barker, has failed so far to demonstrate a viable agricultural business on the site to justify the stationing of a mobile home or building of a permanent dwelling to supervise his animals. Until March of this year, there had been no goat business here since Mr Barker had to destroy his herd following the first outbreak of the foot and mouth disease in 2001.

Since March of this year, the applicant has re-introduced goats on the site: 24 billy-goat kids have been fattened and have just been sold for meat. Another 20+ are due in early December. The current business is being run on the basis of meat production and not for goats milk/cheese as previously attempted by the applicant. Evidence of receipts and supplier have been seen by officers. In addition to this, the planning permission for conversion of the barn to light industrial use and conversion of the red brick, former dairy building to B1 Offices is being implemented. Conversion work is well underway and nearing completion.

The re-establishment of the goat herd on the site is welcomed and there appears to be a genuine attempt to make this an on-going business. However, this alone would not provide sufficient income for the applicant and it has been acknowledged by him that he needs to establish other forms of business to supplement their income. This was first planned for in the form of a Business Action Plan in 2003 put together by ADAS to justify the conversion of existing buildings on the site to offices, document storage and light industrial use. With Government advice in PPS7 encouraging farm diversification, the allowed planning appeal and grant of planning permission has set up the opportunity for the applicant to rent out the commercial use and bring in an income. Despite this, the applicant is not abandoning the farm enterprise and mainly through his partner, will farm goats on the site for meat sales.

Currently, there is an unauthorised caravan which has recently been brought onto the site as temporary accommodation since the goats have been re-introduced. The applicant strongly believes there needs to be on-site overnight supervision for the goats in case they need essential care at short notice or to deal with emergencies. Apart from an 18 month period in 1998 when a mobile home was allowed on appeal, his previous attempts have been to bring new structures or buildings on the site that have been refused planning permission, because of the harm to the openness of the Green Belt and inability to prove viability or long term viability of the farm business.

This current proposal however, does not follow the same proposals as before in that it is a proposed conversion of part of the existing building on the site. Policy GB8A of the Local plan is therefore relevant in this case.

Policy GB8A allows the change of use of an existing building in the green belt subject to a criteria relating to both the building and the proposed use. The re-use of a building is not inappropriate development in the green belt subject to it being capable of conversion without major reconstruction and having a form, bulk and general design in keeping with its surroundings. There is no doubt the current office and empty ice-cream parlour area of the former dairy building, proposed to be converted, can be or that it is out of keeping. The Planning Inspector in allowing the appeal for conversion of another part of the same dairy building for offices stated that, quote,

*“There is no argument that the dairy is a permanent and substantial building readily capable of conversion without significant reconstruction. Nor do I believe that the brick-and-tile building of this style can be considered inappropriate to its surroundings.”*

The policy then goes on to state that the use should not have a greater material impact than the present use, generate traffic that would have a detrimental impact on the character or amenities of the countryside or convert a building built within the last 10 years.

The building has been in-situ since 1990 and finally granted permission in 1997. The Planning Inspector has accepted on appeal part of the conversion of the red brick building to commercial offices which involved some minor external changes. The proposal the subject of the planning application does not involve any external changes, in fact, the only physical change would be to put in an internal door between the current farm office (proposed to be the living room) and the former ice-cream parlour (proposed to be the bedroom). From outside of the site or even where views are possible into the site, there will be no noticeable change, nor any extra impact on the character of the countryside. This part of the building is well screened by the rest of the red brick building and rear barn building. The building has been on site in excess of 10 years and this has always been used as a farm office occupied by the applicant. The office has a kitchen, toilet and washing area. The parlour is presently tiled and decorated. With plumbing and electricity already present, even internally there is virtually no adaptation required. The applicant has stated that the accommodation will dual up as both residential and his farm office.

Policy GB9A is more specific to residential conversion and generally is seen as a last resort in conversion terms, as PPS7 advises re-use for economic development is more preferable. However, the conversion in this case will be ancillary and a sub-ordinate part of the farm business enterprise and there will be no additional paraphernalia associated with it such as private gardens, given the re-use is surrounded by hardstanding areas and the yard entrance to this complex of buildings. Further commercial business use of this farm office is unlikely to be supported and given the residential conversion is for an agricultural worker, the proposal will in fact have no impact on the visual amenities of the countryside or the open character of the green belt.

Finally, planning permission was refused in 2005 for conversion to residential involving the conversion of three existing goat pens. These are located next to the application proposal, but would have involved external alterations that were material changes and therefore it would have involved substantial reconstruction, contrary to the then relevant policy GB8 (now GB8A). If the agricultural business had proved to be non-viable, there would have been little scope for the building to be opened up to goat pens again. Furthermore, the loss of the goat pens, at the time to be used to rear young goats, would have resulted in an imbalance of agricultural use to the newly approved office, storage and light industrial uses of the buildings. It is also more visible across the rear yard and not as enclosed as the proposal, and therefore overall, to the detriment of the openness of the Green Belt.

## **Conclusion**

For the first time since the appeal decision to allow a mobile home on the site for 18 months in 1998, there appears to be a reasonable argument to support residential accommodation on this site in conjunction with the agricultural enterprise. It involves a conversion of a building with no

external changes required at all. It fits in with the applicant's business plan for the site to encourage the re-start of the goat rearing business alongside other commercial uses, that have the benefit of planning permission. To convert a building, and it should be noted that it is of relatively small floor area (about 43 square metres) and therefore only large enough to be a one bedroom unit, would safeguard against future planning permissions for caravans/mobile home or more permanent buildings. Even so, the applicant would still need to demonstrate to Officers and of course Members, that this is at last a genuine farming business that needs supervisory accommodation, given it has been nearly 10 years since his only temporary permission for accommodation on the site and the farming business is still not viable. A temporary permission of 1 year is therefore appropriate in this case to help show the business to be genuine and longer term viability.

After very careful consideration, it is considered that the proposal complies with the relevant Green Belt policies of the Local Plan and planning permission is recommended for approval, subject to some relevant planning conditions, including a temporary permission.

**SUMMARY OF REPRESENTATIONS:**

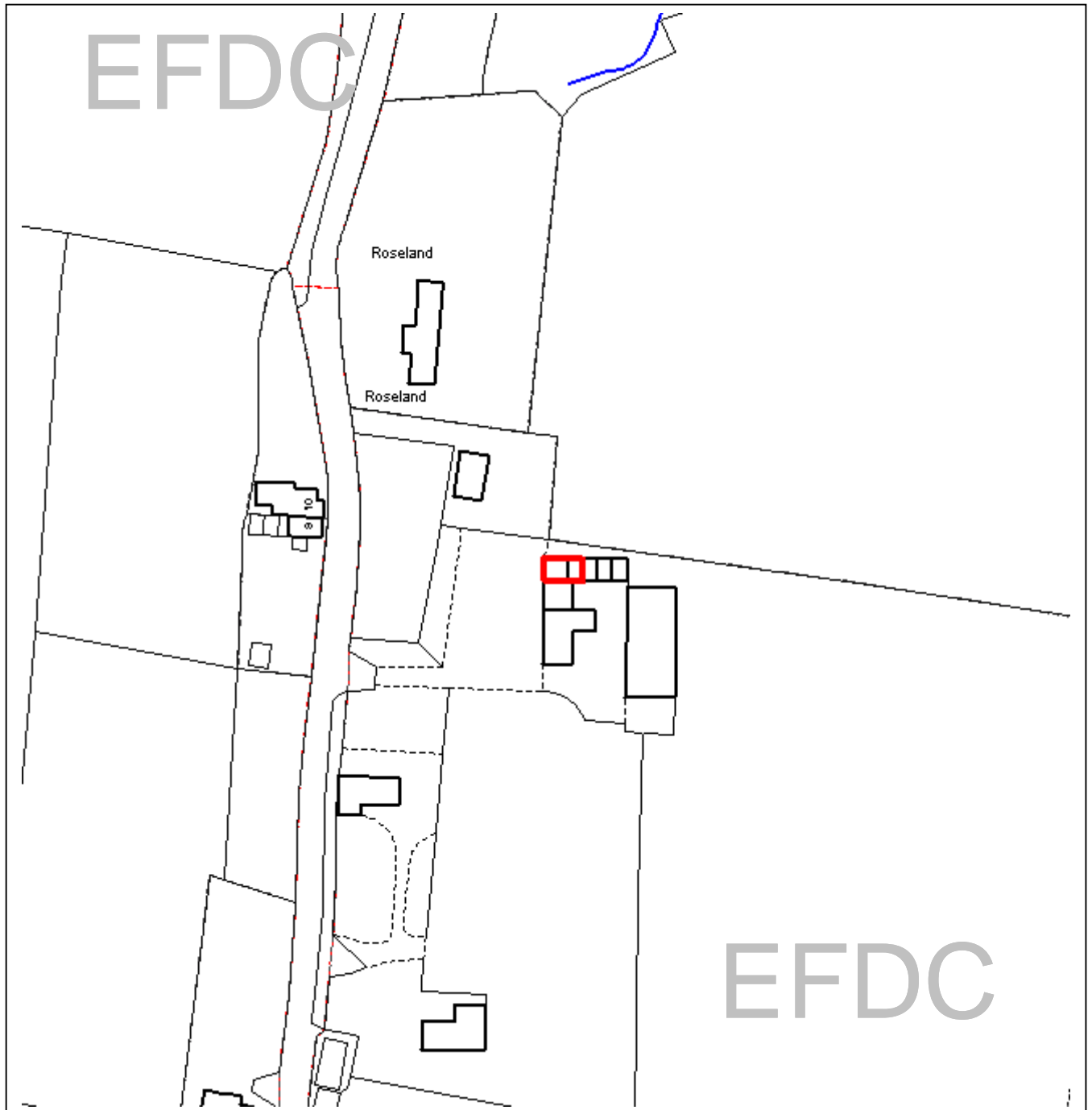
PARISH COUNCIL – Any comments received will be orally reported at the meeting.

11 MOUNT END – Strongly object, made over a dozen applications for residency since 1987 and never been granted permanent permission to reside on the property since the alleged goat farming was never deemed to be of sufficient substance. A conversion from goat-sheds for overnight accommodation was refused in 2005 and this is identical except it is a different building. There are less goats now, less than 20, and most or all of the buildings used for goats or their produce have been altered to industrial units and office space.



# Epping Forest District Council

## Area Planning Sub-Committee East



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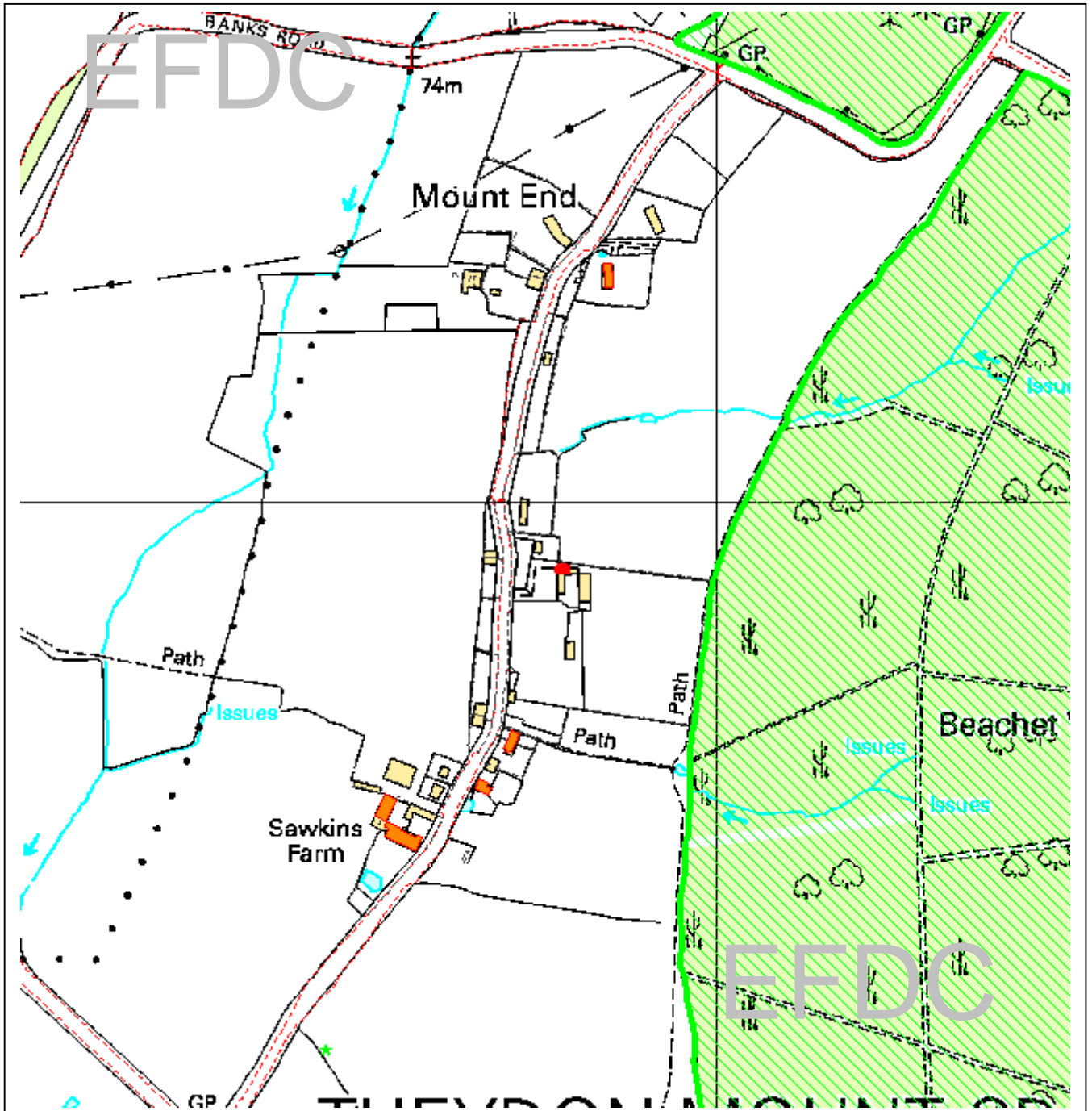
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<b>Agenda Item Number:</b>	<b>12</b>
Application Number:	EPF/2342/07 map 1
Site Name:	Barkers Farm, Mount End Road, Theydon Mount, CM16 7PS
Scale of Plot:	1/1250



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	12
Application Number:	EPF/2342/07 map 2
Site Name:	Barkers Farm, Mount End Road, Theydon Mount, CM16 7PS
Scale of Plot:	1/5000