

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

AREA PLANNING SUBCOMMITTEE SOUTH **Wednesday, 9th December, 2009**

Place: Roding Valley High School, Brook Road, Loughton, Essex

Room: Dining Hall

Time: 7.30 pm

Democratic Services Officer: Gary Woodhall - Office of the Chief Executive
Email: gwoodhall@eppingforestdc.gov.uk Tel: 01992 564470

Members:

Councillors J Hart (Chairman), Mrs L Wagland (Vice-Chairman), K Angold-Stephens, R Barrett, K Chana, Mrs S Clapp, Miss R Cohen, M Cohen, D Dodeja, Mrs A Haigh, J Knapman, R Law, A Lion, J Markham, G Mohindra, Mrs C Pond, Mrs P Richardson, B Sandler, P Spencer, Mrs J Sutcliffe, P Turpin, H Ulkun and D Wixley

A PLAN SHOWING THE LOCATION OF RODING VALLEY HIGH SCHOOL IS ATTACHED TO THIS AGENDA. A BRIEFING WILL BE HELD FOR THE CHAIRMAN, VICE-CHAIRMAN AND GROUP SPOKESPERSONS OF THE SUB-COMMITTEE, AT 6.30 P.M. PRIOR TO THE MEETING

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;
2. Members are reminded of the need to activate their microphones before speaking; and
3. the Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be filmed live for subsequent uploading to the Internet and will be capable of repeated viewing.

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

This may infringe your human and data protection rights and if you have any concerns about this you should speak to the Webcasting Officer.”

2. ADVICE TO PUBLIC AND SPEAKERS AT COUNCIL PLANNING SUBCOMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached together with a plan showing the location of the meeting.

3. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee.

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 25 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. PROBITY IN PLANNING - APPEAL DECISIONS, APRIL 2009 TO SEPTEMBER 2009 (Pages 17 - 24)

(Director of Planning & Economic Development) To consider the attached report.

8. DEVELOPMENT CONTROL (Pages 25 - 64)

(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.

9. 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.

10. EXCLUSION OF PUBLIC AND PRESSExclusion:

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.

Sometimes members of the Council who have a prejudicial interest and would normally withdraw from the meeting might opt to exercise their right to address the meeting on an item and then withdraw.

Such members are required to speak from the public seating area and address the Sub-Committee before leaving.

What can I say?

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

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. 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.

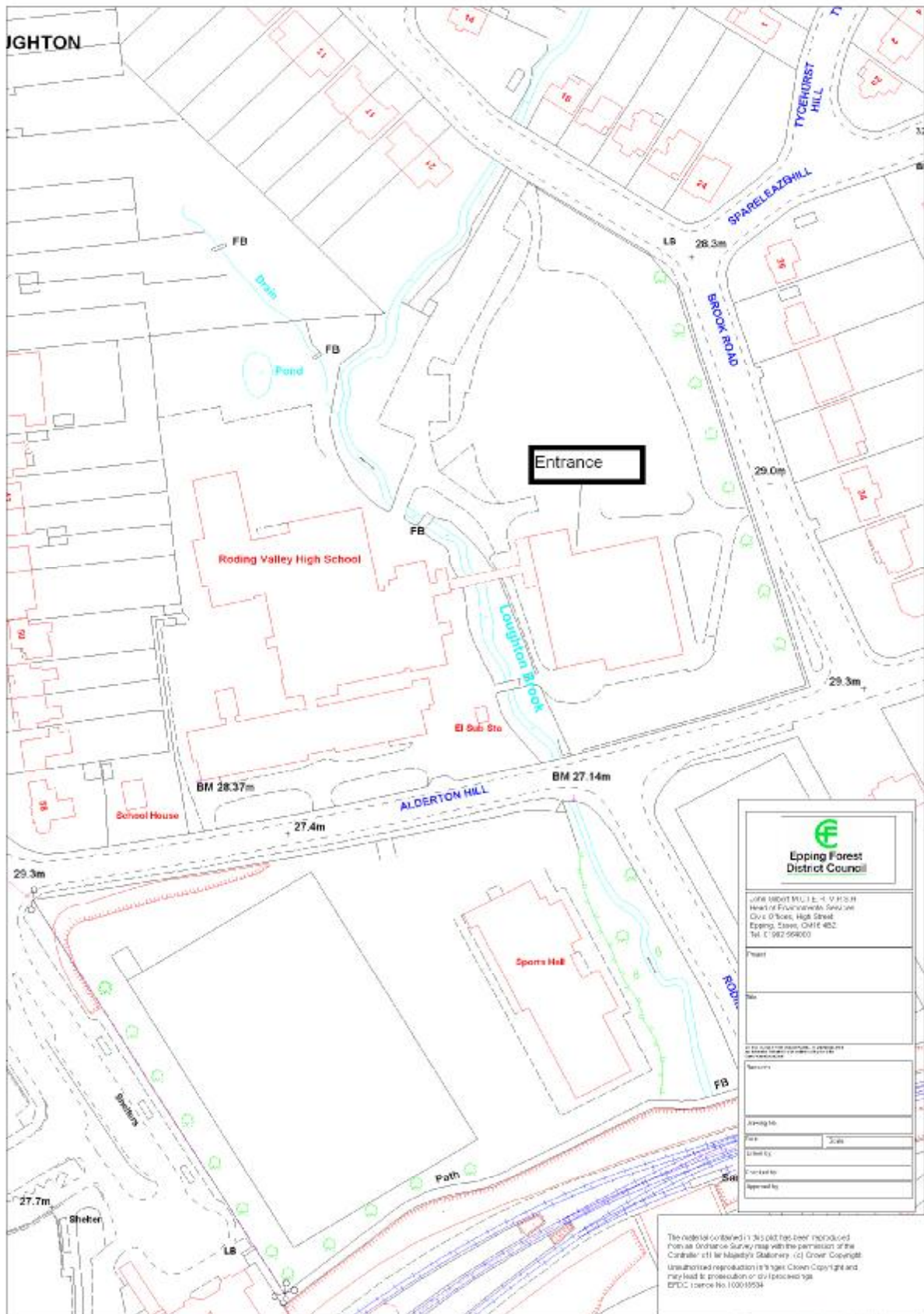
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow 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'

Area Plans Subcommittee South – Location Plan



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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee **Date:** 18 November 2009
South

Place: Roding Valley High School, Brook Road, Loughton, Essex **Time:** 7.30 pm - 8.45 am

Members Present: J Hart (Chairman), K Chana (Vice-Chairman), K Angold-Stephens, D Dodeja, A Lion, J Markham, G Mohindra, P Spencer, Mrs J Sutcliffe, H Ulkun and D Wixley

Other

Councillors: Mrs R Brookes

Apologies: Mrs L Wagland, R Barrett, Mrs S Clapp, Miss R Cohen, M Cohen, Mrs A Haigh, J Knapman, R Law, Mrs C Pond, Mrs P Richardson and B Sandler

Officers Present: N Richardson (Assistant Director (Development Control)), S G Hill (Senior Democratic Services Officer), A Hendry (Democratic Services Officer) and R Perrin (Democratic Services Assistant)

62. 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.

63. 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.

64. MINUTES

RESOLVED:

That the minutes of the meeting held on 28 October 2009 be taken as read and signed by the Chairman as a correct record subject to the removal of conditions 1 -5 on the application for Beechlands, 42 Alderton Hill, Loughton (EPF/1716/09) due to deferral of the application.

65. ELECTION OF VICE- CHAIRMAN

In the absence of the Vice-chairman, the Chairman requested nominations for the role of Vice-chairman.

RESOLVED:

That Councillor K Chana be elected Vice-chairman for the duration of the meeting.

66. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors P Spencer, Mrs J Sutcliffe and D Dodeja declared a personal interest in the following item of the agenda by virtue of being members of Buckhurst Hill Parish Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1907/09 72 Queen's Road, Buckhurst Hill

(b) Pursuant to the Council's Code of Member Conduct, Councillors G Mohindra, A Lion and K Chana declared a personal interest in the following item of the agenda by virtue of being members of Chigwell Parish Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1812/09 7 Chigwell Park, Chigwell

(c) Pursuant to the Council's Code of Member Conduct, Councillors K Angold-Stephens, J Markham and D Wixley declared a personal interest in the following item of the agenda by virtue of being members of Loughton Resident Association. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1952/09 39 The Lindens, Loughton

(d) Pursuant to the Council's Code of Member Conduct, Councillors K Angold-Stephens and D Wixley declared a personal interest in the following item of the agenda by virtue of being members of Loughton Town Council. The Councillors had determined that their interest was not prejudicial and they would stay in the meeting for the consideration of the application and voting thereon:

- EPF/1952/09 39 The Lindens, Loughton.

67. ANY OTHER BUSINESS

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

68. DEVELOPMENT CONTROL

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

RESOLVED:

That the planning applications numbered 1 – 3 be determined as set out in the attached schedule to these minutes.

69. DELEGATED DECISIONS

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

CHAIRMAN

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Report Item No: 1

APPLICATION No:	EPF/1907/09
SITE ADDRESS:	72 Queen's Road Buckhurst Hill Essex IG9 5BS
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
DESCRIPTION OF PROPOSAL:	Retrospective application for retention of new fascia and projecting signs externally illuminated. (Revised application)
DECISION:	Grant Permission (with conditions)

CONDITIONS

- 1 The illumination shall be switched off daily between the hours of 12 midnight (24.00 hours) and 8 am (08.00 hours).
- 2 The semi-opaque MACtact 40% diffuser fitted to the signage to reduce luminosity, shall not be removed at any time, unless for repair or replacement and then only if agreed in writing by the Local Planning Authority.

Report Item No: 2

APPLICATION No:	EPF/1812/09
SITE ADDRESS:	7 Chigwell Park Chigwell Essex IG7 5BE
PARISH:	Chigwell
WARD:	Chigwell Village
DESCRIPTION OF PROPOSAL:	Retention of garage with a reduced height of 2.5m.
DECISION:	Grant Permission (With Conditions)

The Committee's attention was drawn to a representation from Chigwell Parish Council.

CONDITIONS

- 1 The reduction in height of this garage, to 2.5m, as shown on the plans hereby approved, shall be completed within 4 months of the date of this decision notice.
- 2 The garage outbuilding hereby approved shall not be used as primary living accommodation, e.g. as a living room, bedroom, kitchen.
- 3 No openings or windows, other than those shown on the plans hereby approved, shall not be installed in this garage outbuilding without a further planning application being submitted and approved.

Report Item No: 3

APPLICATION No:	EPF/1952/09
SITE ADDRESS:	39 The Lindens Loughton Essex IG10 3HS
PARISH:	Loughton
WARD:	Loughton Alderton
DESCRIPTION OF PROPOSAL:	Two storey rear extension, loft conversion and conversion of garage into habitable room.
DECISION:	Refuse Permission (Householder)

The Committee's attention was drawn to letters of representation from Loughton Residents Association Plans Group, 36 and 43 The Lindens.

REASON FOR REFUSAL

- 1 The proposal, by reason of the inappropriate design of the balcony screen, would form too stark a solid appearance coupled with the proposed extension in a prominent visual position, to the detriment of the street scene and visual amenity, contrary to policy DBE10 of the adopted Local Plan and Alterations.

The Members objected to the design of the balcony screen, considering it to be harmful to the street scene in this prominent location.

Policy DBE10 of the Adopted Local Plan and Alterations requires a residential extension to complement and, where appropriate, enhance the appearance of i) the street scene and ii) the existing building, among 3 criteria (the third, Green Belt, is not applicable in this case). It goes on to state that this will be achieved by close attention to, among other matters, scale, form, detail and elevations. Whereas previous planning permissions exist and are still valid for this site, this proposal alters the material proposed for the balcony screen to the rear elevation. The screen approved was to be wooden, considered acceptable at the time of planning permission EPF/0284/07, which would have had a softer, more pleasing finish on the street scene, given its open appearance, adjacent to the road. The proposed changed to a rendered blockwork, would be far more intrusive. Whilst matching the main house, it creates a too stark appearance, making the extension look too out of scale with the main house and a hard, inferior design finish. The side elevation will be too long and excessive in scale to the detriment of the street scene. It will therefore be contrary to Policy DBE10.

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Report to Area Planning Sub-Committee South



**Epping Forest
District Council**

Date of meeting: 9 December 2009.

Subject: Probity in Planning – Appeal Decisions, April 2009 to September 2009

Responsible Officer: Nigel Richardson (01992 564110).

Democratic Services Officer: Gary Woodhall (01992 564470).

Recommendation:

That the Planning Appeal Decisions be noted.

Report:

Background

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

2. To set the context, a Best Value Performance Indicator (BVPI) for district councils was to aim to have less than 40% of their decisions overturned on appeal. The latest figure for the national average for District Councils is 30.9%. That BVPI was scrapped but replaced by one which records planning appeals only (not advertisement, listed buildings, enforcements, telecommunications or tree related appeals). That too has been dropped as a National Indicator but the Council has created a Local Performance Indicator with a target of 25% of allowed decisions. In recent years the Council had been more successful than the national average with only 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07 and 29% in 2007/08. However, for 2008/09, a total of 40.3% of the Council's decisions were overturned, making this our worst performance since the BVPI was introduced.

Performance

3. Over the six-month period between April 2009 and September 2009, the Council received 49 decisions on appeals, 46 of which were planning and related appeals and 3 were enforcement related. Of these, 14 were allowed (28.6%).

4. For LPI 45, which only considers appeals against the refusal of planning permission (so does not include advertisement, listed building, enforcement, CLD's, telecommunications or tree-related appeals, nor appeals against conditions), the 6-month performance figure is 27.3% allowed (44 appeals). LPI45 target for this year is 25%.

Planning Appeals

5. The proportion of the 46 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period was 13% and of the 6 decisions that this percentage represents, the Council was not successful in sustaining the committee's objection in any of them. The 6 (100%) lost were:

(a) Area Plans South:

(i) EPF/1719/08 – Erection of a two storey end of terrace dwelling at 20 Cascade Close, Loughton;

(ii) EPF/0296/08 - Demolition of existing house and erection of 2 x 3 bedroom houses and 2 parking spaces at (Revised application) 66 England's Lane, Loughton;

(iii) EPF/0900/08 - Demolition of existing buildings and erection of three linked blocks of three storeys with accommodation at roof level. The development comprises 24 apartments, 3 retail units and 27 car parking spaces, cycles parking and amenity area. (Revised application) at 12-30, Church Hill, Loughton; and

(iv) EPF/1411/08 – Replace existing garage and rear extension with two storey side extension and loft conversion with rear dormer to provide 1 no. one bedroom flat and 1 no. two bedroom flat at 2C Goldings Road, Loughton;

(b) Area Plans East:

(v) EPF/2086/08 - Change of use of a former gas works building to short term holiday lets accommodation at Brick Works Building, Downhall Road, Matching Green; and

(vi) EPF/2435/08 – Removal of planning condition 2 'obscure glass fixed frames to front windows' on EPF/1972/08 for loft conversion with dormer windows to front and rear at 1 Aukingford Green, Ongar.

6. Therefore, the Sub-Committees are urged to continue to heed the advice that if they are considering setting aside the officer's recommendation it should only be in cases where members are certain they are acting in the wider public interest and where the committee officer can give a good indication of some success at defending the decision.

7. It will be noted that 4 of the 6 cases allowed directly involved the erection of new dwellings and it is understood that the Inspectorate have been charged to allow appeals for new dwellings whenever possible in order to assist in meeting housing need. Refusals based upon density factors or overdevelopment are therefore unlikely to succeed unless real harm to the surroundings or adjacent properties can be shown, or poor design can be identified. As reported previously, it would seem that only the very worst are being dismissed at appeal. The appeal decision at 1 Aukingford Green, Ongar is also to note that planning conditions should only be attached to planning permissions if considered relevant, reasonable and necessary, i.e. that planning permission would be refused otherwise. The Planning Inspector clearly considered that the condition did not meet these tests in this particular case.

8. Of the 40 planning application decisions made by the Director of Planning & Economic Development under delegated powers, 7 were allowed (17.5%). Whilst 2 of these involved the creation of new dwellings, 2 were related to enlarging existing bungalows to make larger houses, implying that Government advice in making the best use of urban land is still of paramount importance.

9. However, it would not be wise to draw too many firm conclusions from one 6-month set of results.

Costs

10. During this period, there were no awards of costs made for or against the Council.

Conclusions

11. The Council's performance for this 6-month period has improved on last year, but is still marginally over the threshold target. Because of the economic downturn, there have

been fewer appeals submitted this year compared with last (80 by this stage last year) and with PINS now dictating how appeals are dealt with, a greater percentage are by the written representation method rather than hearings and inquiries. This has not necessarily resulted in an improved performance, but it does mean that the Council has not needed to use external consultants as much as in previous years, which has budget implications.

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

Appeal Decisions April to September 2009

Planning Appeals Allowed:

Buckhurst Hill

1. EPF/1719/08 – Erection of a two storey end of terrace dwelling at 20 Cascade Close.

Chigwell

2. EPF/2371/08 – Erection of new chalet bungalow. (Revised application) at land to rear of 4 Doves Cottages.

Epping

3. EPF/1588/08 - Conversion of existing bungalow to house by addition of new first floor, and new single storey rear extension (revised application) at 63 Tower Road.

Fyfield

4. EPF/1434/08 - Conversion of existing bungalow to two storey house with rooms in loft space with front and rear dormer windows and two storey rear extension at Nottage Croft, Ongar Road.

Loughton

5. EPF/0296/08 - Demolition of existing house and erection of 2 x 3 bedroom houses and 2 parking spaces at (Revised application) 66 England's Lane.

6. EPF/0900/08 - Demolition of existing buildings and erection of three linked blocks of three storeys with accommodation at roof level. The development comprises 24 apartments, 3 retail units and 27 car parking spaces, cycles parking and amenity area. (Revised application) at 12-30, Church Hill.

7. EPF/1392/08 – First floor side extension at 31 Forest View Road.

8. EPF/1411/08 – Replace existing garage and rear extension with two storey side extension and loft conversion with rear dormer to provide 1 no. one bedroom flat and 1 no. two bedroom flat. at 2C Goldings Road.

Matching

9. EPF/2086/08 - Change of use of a former gas works building to short term holiday lets accommodation at Brick Works Building, Downhall Road.

North Weald

10. EPF/0701/08 – Proposed division of property to provide additional 1 bed cottage at 11 Woodfield Terrace.

Ongar

11. EPF/2435/08 – Removal of planning condition 2 'obscure glass fixed frames to front windows' on EPF/1972/08 for loft conversion with dormer windows to front and rear at 1 Aukingford Green.

Waltham Abbey

12. EPF/1863/08 - Two storey side extension, with garage at ground floor, infill rear

extension and removal of flat roof to existing rear extension and replacement with a mono-pitched roof with parapet walls to the flanks at 118 Honey Lane.

Enforcement Appeals Part Allowed:

Loughton

13. ENF/0494/08 - Unauthorised fence erected over 1m high adj to a highway at Brook House, Debden Lane, Loughton.

Planning Appeals Dismissed:

Buckhurst Hill

14. EPF/2079/08 - Part two part single storey side extension and ground floor rear extension. (Amended application) at 12 Loughton Way.

Chigwell

15. EPF/0679/08 - Demolition of an existing dwelling and erection of 10 x 2 bedroom flats and 2 x 3 bedroom penthouses including associated car parking, access and landscaping at 118 High Road.

16. EPF/0870/09 – Two storey side extension and pitched roof canopy to front elevation at 61 Tomswood Road.

17. EPF/1279/08 – Demolition of two houses and erection of a three storey building comprising of 20 no. 2 bedroom flats and 3 no. 1 bedroom flats. (Revised application) at 113 & 115 Grange Crescent.

18. EPF/1895/08 - Amendment to planning approval EPF/0320/08 for a new dwelling, in respect of increased depth of rear ground floor and formation of room in loft with rear facing dormer window at Land adj. 48 Love Lane.

19. EPF/2697/07 – Two storey side and rear extensions, part single storey side extension, roof extension with side dormer window and alterations. (Amended application) at 7 Murtwell Drive.

Epping

20. EPF/1416/08 – Change of use from office to residential comprising a one bedroom flat at first floor level at 53 High Street.

Epping Upland

21. EPF/1439/08 - Conversion of dairy into single one bedroom dwelling with car port. (Revised application) at Annexe to The Dairy, Home Farm, Copped Hall Estate.

Lambourne

22. EPF/1239/08 - Two storey side extension at Tudor Oak, 9A London Road.

23. EPF/1325/08 - Demolition of existing dwelling and erection of replacement dwelling at 40 Hoe Lane.

24. EPF/1926/08 – Two storey side extension. (Revised application) at Tudor Oak, 9A London Road.

25. EPF/2341/08 – Conversion of ground floor A1 use to A5 take away - home deliveries

(Revised application) at The White House.

Loughton

26. EPF/0409/08 – Erection of new house to rear gardens at 92/94 Roding Road.
27. EPF/1390/08 - Single storey rear extension and new boundary fence (side) 2100 high at 7 Longfield.
28. EPF/1546/08 – Change of use to A5 food take-away and erection of new shopfront and extract ducting at 244 High Road.
29. EPF/1717/08 – New pitched roof to front to accommodate rooms in roof space at 5 High Beech Road.
30. EPF/2040/08 – Extension and conversion of detached garage to one bedroom residential unit at 10 Valley Hill.
31. EPF/2416/08 – Two storey side and front extensions, two storey infill extension at rear and minor alterations to dwelling at 62 Lower Park Road.

North Weald

32. EPF/0095/09 - Erection of single attached dwelling and ancillary works at 75 Beamish Close.
33. EPF/1241/08 – Demolish the existing bungalows (no's 1 & 2) and replace with nine new houses stretching along the site at 1 Marconi Bungalows.
34. EPF/1709/08 – Retention of new entrance gates and walls fronting Hastingwood Road to replace existing at Orchard House.

Ongar

35. EPF/1568/08 – Erection of 4 bedroom detached house at land adjacent Threeways House.

Roydon

36. EPF/1477/08 - Proposed erection of a swimming pool and enclosure, demolition of two detached outbuildings and a lean-to to stable block at Knight Landings, Epping Road.
37. EPF/1817/08 – Wet weather exercise and training area for trotting or harness racing horses at Rose Farm, Hamlet Hill.
38. EPF/2073/08 – Loft conversion with side dormer windows at Roadside , Avenue Road.
39. EPF/2106/08 – Certificate of lawfulness for existing use of siting of one mobile home and one touring caravan at Rose Farm, Hamlet Hill.

Sheering

40. EPF/1074/08 - Two storey side and single storey rear extensions at 95 Sheering Lower Road.

Stanford Rivers

41. EPF/0577/08 - Replacement house and outhouse annexe at Wayletts, 28 London

Road.

Stapleford Tawney

42. EPF/1860/08 - Proposed erection of new dwelling to side of existing premises at Suttons Manor, London Road

Waltham Abbey

43. EPF/2128/08 - Erection of new 3 storey building to provide for shop (A1) at the ground floor and 2 no. 2 bed flats at the first and second floors (Revised Application) at 12 Highbridge Street.

44. EPF/2142/08 – Conservation area consent for retrospective demolition of the building at 12 Highbridge Street.

Willingale

45. EPF/0036/09 – Change of use of land and erection of stable block and hay barn for private use at The Steers, Pigstye Green Road.

46. EPF/0768/08 – Single storey side extension to form garden room at McKerros, Dukes Lane.

47. EPF/1175/08 – Removal of mobile home with extension and replacement with single storey dwelling at Greenacres, Walls Green.

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AREA PLANS SUB-COMMITTEE SOUTH

9 December 2009

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
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2.	EPF/1554/09	144 Manor Road, Chigwell	GRANT	30
3.	EPF/1712/09	Brownings Farmhouse, Gravel Lane, Chigwell	GRANT	36
4.	EPF/1716/09	Beechlands, 42 Alderton Hill, Loughton	NO RECOMMENDATION	41
5.	EPF/1949/09	276 High Road, Loughton	GRANT	55
6.	EPF/2115/09	30 Chigwell Park Drive, Chigwell	GRANT	61

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Report Item No: 1

APPLICATION No:	EPF/2063/09
SITE ADDRESS:	2 Forest Lane Chigwell Essex IG7 5AE
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Maurice Osen
DESCRIPTION OF PROPOSAL:	TPO/EPF/16/97 Cypress - Fell and replace
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The 5 semi-mature Hornbeam trees, of a minimum size to be submitted in writing and agreed by the Local Planning Authority prior to the implementation of the felling, shall be planted in the positions shown on the submitted plan OSEN/09/Rev2 within one month of the implementation of the felling hereby agreed, unless the requirement be varied with the prior 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.

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

Description of Proposal

Felling of one mature Cypress: replacement with a comprehensive landscape scheme including 5 semi-mature Hornbeam.

Description of Site

Front garden of detached property. The tree is a landmark at the north end of Forest Lane.

Relevant History

TPO/EPF/16/97 was made as a strategic order to protect trees along Forest Lane, mostly Oak and Hornbeam in the front gardens, as a result of the loss of a number of important individuals. There is no specific history on this tree. It was included in the TPO because of its size and visual prominence.

Policies Applied

LL9 – Felling of Preserved Trees

Summary of Representations

CHIGWELL PARISH COUNCIL – No comments received

2 neighbours were notified and no response has been received.

Issue & Considerations

The reasons given for the application are as follows: that it shows early signs of deterioration; that it has outgrown the planting position and causes excessive shading; that it interrupts sight lines when entering/exiting and that it is a danger to high sided vehicles using Forest Lane. The report balances these issues against what other remedies may be available, the importance of the tree in the street scene and its likely life expectancy.

In relation to the reasons given it is accepted that the tree is showing the early signs of a disease of the foliage which is progressive, likely to make it increasingly unsightly and which has no effective remedy. It is also accepted that it is not the ideal specimen for the front of the property and to some extent and inevitably causes a degree of shading to the front rooms which could be controlled but not eliminated by regular trimming. It will also cause some problems for traffic entering & exiting the property. This could also be dealt with by pruning, albeit with some risk of spoiling its shape.

The replanting proposal supplied with the application includes an evergreen hedge and renovation of the existing borders (although members should note that neither of these can be secured by condition). However it also includes a proposal to replace with 5 semi-mature Hornbeams along the Forest Lane frontage. These have the advantage of being long-lived native trees, and are more appropriate functionally and visually for the location.

It is therefore considered that in particular because of the likely continued deterioration of the present tree and the proposed replacement proposal with 5 more appropriate specimens that the application is suitable to the approved.

Conclusion

It is recommended to grant permission to this application on the grounds that the reason given justifies the need to remove the trees. The proposal therefore accords with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling it is recommended that a condition requiring the replacement of these trees with the 5 semi-mature Hornbeams as proposed, and a condition requiring prior notice of the works to remove the Cyprus, be attached to the decision notice.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/2063/09
Site Name:	2 Forest Lane, Chigwell, IG7 5AE
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1554/09
SITE ADDRESS:	144 Manor Road Chigwell Essex IG7 5PX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Steve Mucklow
DESCRIPTION OF PROPOSAL:	Installation of roof windows, change of roof space to habitable rooms in roof space above units 8 and 10 in block B, change of previously approved materials.(Amendment to EPF/1530/07)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 2 Prior to first occupation of the buildings hereby approved all the proposed high level window openings in the first floor units as identified on the approved plans shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed, and shall be permanently retained in that condition.
- 3 The access shall be laid to a gradient not exceeding 4% for the first 6m from the highway boundary and not exceeding 8% thereafter.
- 4 Prior to the first occupation of the development on site, details of a screening to be erected and built into the balcony to Unit 2 (access stairs which face north and east) on the first floor of Block A (adjacent to 146 Manor Road) as identified on drawing no. 07.125.03 Rev.E, shall be submitted and agreed in writing by the Local Planning Authority. The work shall be completed prior to the first occupation of this unit.
- 5 Prior to first occupation of the development on site, details of a screening to be erected and built into the balcony to Unit 10 on the first floor of Block B as identified on drawing no. 07.125.06 Rev.B, shall be submitted and agreed in writing by the Local Planning Authority. The work shall be completed prior to the first occupation of this unit.

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:

Installation of roof windows, change of roof space to habitable rooms in roof space above units 8 and 10 in block B, change of previously approved materials (Amendment to EPF/1530/07).

The scheme will see Unit 8 and Unit 10, which are the first floor units in Block B, change from 2 bed units to 3 bed units, with an extra bedroom and ensuite to both units, and a study and dressing room to Unit 8.

To provide light to these units, which are in the existing roof voids of the approved plans, a total of 21 velux windows have been installed in the roof slopes of Block B. 3 are in Unit 8 facing south towards Block A, 9 are in Unit 8 facing east towards the northern roof of Block B, 7 are in Unit 10 facing west to the 9 windows in Unit 8, and the last 2 are in Unit 10 facing west over Block B. A pitched roof has been erected at the junction with the two roof pitches in Block B infilling the previous gap.

The two gable end projections on Block A will change materials above the windows from wood to glazing. The gable end apex of the rear roof of Block A facing north would now be glazed, as would the Gable end of Unit 10 facing to the south. The three flat roof dormers approved under EPF/0139/08 would be enlarged to accommodate a 3rd pain of glass.

Description of Site:

A large part two storey, part one storey building consisting of various function rooms on the site has now been demolished, and two residential blocks have been erected, Block A (being L shaped) facing Manor Road with a return along Stanwyck Drive, and Block B being roughly rectangular and facing Fontayne Avenue. There are 13 parking spaces and 4 garage spaces on the site, and access is from Manor Road and Stanwyck Drive. Stanwyck Drive has a central reservation along its length. The site slopes up to the east by about 1m across the site. The southern side of Manor Road is open at this location and commands views over the east of London.

Relevant History:

Various relating to the current function use, and:

EPF/1540/03	Outline application for 14 residential flats	refused
EPF/2211/05	Outline application for 10 residential flats	approved
EPF/1530/07	Reserved matters application in respect of siting, design, external appearance and landscaping for the development approved under outline planning permission	approved
	EPF/2211/05.	approved
EPF/0139/08	Further reserved matters application in respect of the erection of 8 two bedroom flats, 1 three bedroom and one four bedroom flat pursuant to outline planning permission EPF/2211/05.	approved

Policies Applied:

- DBE 1 New buildings
- DBE 2 New buildings amenity
- DBE 3 Public and Private space
- DBE 6 Car Parking
- DBE 8 Residential Amenity space

DBE 9 Neighbour Amenity
LL 10 Landscaping
ST 4 Parking
ST 6 Highway safety

Summary of Representations Received

Site notice posted, 12 neighbour letters sent

PARISH COUNCIL – No objection to the installation of roof windows but asks that the Planning Officer looks seriously at the application to determine the possibility of any overlooking and, if there is any possibility, the windows must be fitted with obscured glass. The Council is also very concerned that an additional side window is shown on one of the plans but this is not annotated on the North Elevation Block B Plan. The impact of additional habitable rooms on the amenity space within the site is also a matter of concern for the Council. There appears to be the possibility of a balcony being erected at the far end of North Elevation Block B and asks this is investigated.

1 FONTAYNE AVENUE – Object, changes to building shouldn't be carried out before approval granted, windows will infringe my privacy

3 FONTAYNE AVENUE - Object, possible views from the windows into bedrooms, concerned a balcony will be installed at the end of Block B the cladding is out of keeping and this will add another floor. The actions of the developer in doing the works before permission should be a reason to refuse the application.

146 MANOR ROAD – Object, I object to east facing velux windows on the grounds of loss of privacy to my house and garden also noise and light pollution. I object to increased habitable space on grounds of light pollution, I note that: the roof plan does not accurately reflect what has been built either in terms of the roof design or location and number of velux windows, the access and design statement refers to three additional pairs of garages - where? the supporting documentation says the development has only 12 parking spaces - surely this is incorrect? The elevations showing surrounding areas are using part of my property to give an inaccurate impression of space around the development which is actually inappropriately shoe-horned onto the site, the supporting documenting says no changes have been made to materials which conflicts with the statement in the design and access statement.

148 MANOR ROAD – Object, Site is very overbearing and overdeveloped this build is continuously being added to with amendments to the size and now extra rooms thus more and more additions to the original planning application.

150 MANOR ROAD – Object, on the grounds of being overlooked and loss of privacy to my home and garden. The flats dominate all the surrounding neighbour's property's and already extremely intrusive and overbearing.

Issues and Considerations:

The main issues in this application are:

1. Effects on the Street Scene
2. Design
3. Effects on amenity of neighbours.
4. Highways

Officers are aware that this site has been subject to a number of retrospective applications over the last 2 years, and the site has also been subject to a number of enforcement investigations

culminating in a temporary stop notice for the works being considered here. That the developer has carried out these changes and then applied for permission is regrettable, and officers are aware of the disquiet this has understandably caused for the neighbouring residents.

However, the scheme as submitted must be appraised on its own merits, and it is acknowledged that developments can change during the course construction and the planning system has the flexibility to consider changes on their own merits.

Street Scene

- The amendments will not increase the size and bulk of the approved blocks, with the exception of the new roof infilling the valley at Block B.
- This infill removes a flat roof from view from the street, and results in a more attractive roofscape without being excessive in height or mass.
- The scheme will change 2 two bed units to 2 three bed units, but the built form currently on the site can easily absorb this change without any harm being caused to its appearance and character. This will result in the scheme as approved under reserved matters permission EPF/0139/08 changing from the 8 two bed, 1 three bed and 1 four bed units to 6 two bed units, 3 three bed units and 1 4 bed unit.
- This is at the limit of what the site can accommodate acceptably in terms of the increase in bedrooms and residents, as any further increase would change the character of the development and have a harmful impact on the development and the surrounding area. However, at this level, the scheme is more mixed than originally approved, and it is considered that this does not have an adverse impact on the scheme or the area. In addition the amount of new floor space created is limited and not excessive on a development of this size.
- It is the case that there is now a considerable number of roof lights, but these do not cause any undue harm to the character and appearance of the scheme or the area due to their siting and appearance.
- The revised dormers are still small scale and not out of place on the front roof slope of Block A. They look out onto an area of public open ground.
- The scheme is in an area characterised with large detached buildings with a variety of roof shapes and styles.
- The revised plans for the two blocks would not look out of place in this area, and adopt a mass, bulk and height which is acceptable and suitable for this prominent corner plot.
- The site is a large one and can absorb the proposed increases in the floor space of two of the approved units without becoming cramped or overdeveloped, particularly as the proposal results in no material change in the scale of built form on site.
- It is the case that this development causes no harm to the character and appearance of the street scene.

Design

- *It is considered that design changes are relatively minor and will continue the original design aim of the appearance of houses and will not be out of place in this area.*
- *The change of materials to increase the area of glazing on the scheme does not have any adverse design impact.*

Residential Amenity

- The main concern of the residents is the potential for overlooking of their properties by the new roof windows.
- Officers have visited the site and looked out of all of the various windows that have been installed in the roof slopes. The bottoms of the velux are all a minimum of 2m above the floor level and it is not possible to look out of them unless standing on a ladder or similar object.
- Therefore, it is the case that there is no realistic prospect of any adverse overlooking occurring of any neighbouring property as a result of the installation of these roof lights.

- It is accepted that there is the potential for a perceived feeling of overlooking to occur, particularly to properties in Fontayne Avenue. However, these are high level windows which are at right angles to No 1 and 3, and these are the front elevations of these properties which are the more public face of a property, which have less sensitivity to overlooking than rear elevation. A refusal on these grounds would be very difficult to successfully defend at appeal.
- The change of gable end apexes to a glazed material will not result in any adverse overlooking of any property due to their height and siting.
- The two blocks are still of a scale and design suitable for this area and do not present an overbearing appearance for any neighbour.
- There would be no loss of light or adverse overshadowing caused by the scheme.
- It is noted that there are concerns over the installation of new balconies, but there is no proposal for new balconies in this scheme.
- It is also noted that there are some minor inaccuracies in the design and access statement, but these do not materially affect the assessment of this scheme and officers are satisfied that the plans are an accurate reflection of the scheme as existing and proposed.
- Therefore the scheme causes no adverse impact on any of the immediate neighbours.

Highways

- The amount of parking provided on the scheme remains at 17 spaces. The provision of an additional bedroom within 2 of the approved flats does not generate any additional requirement for off-street parking provision under the revised parking standards that came into force earlier this year.

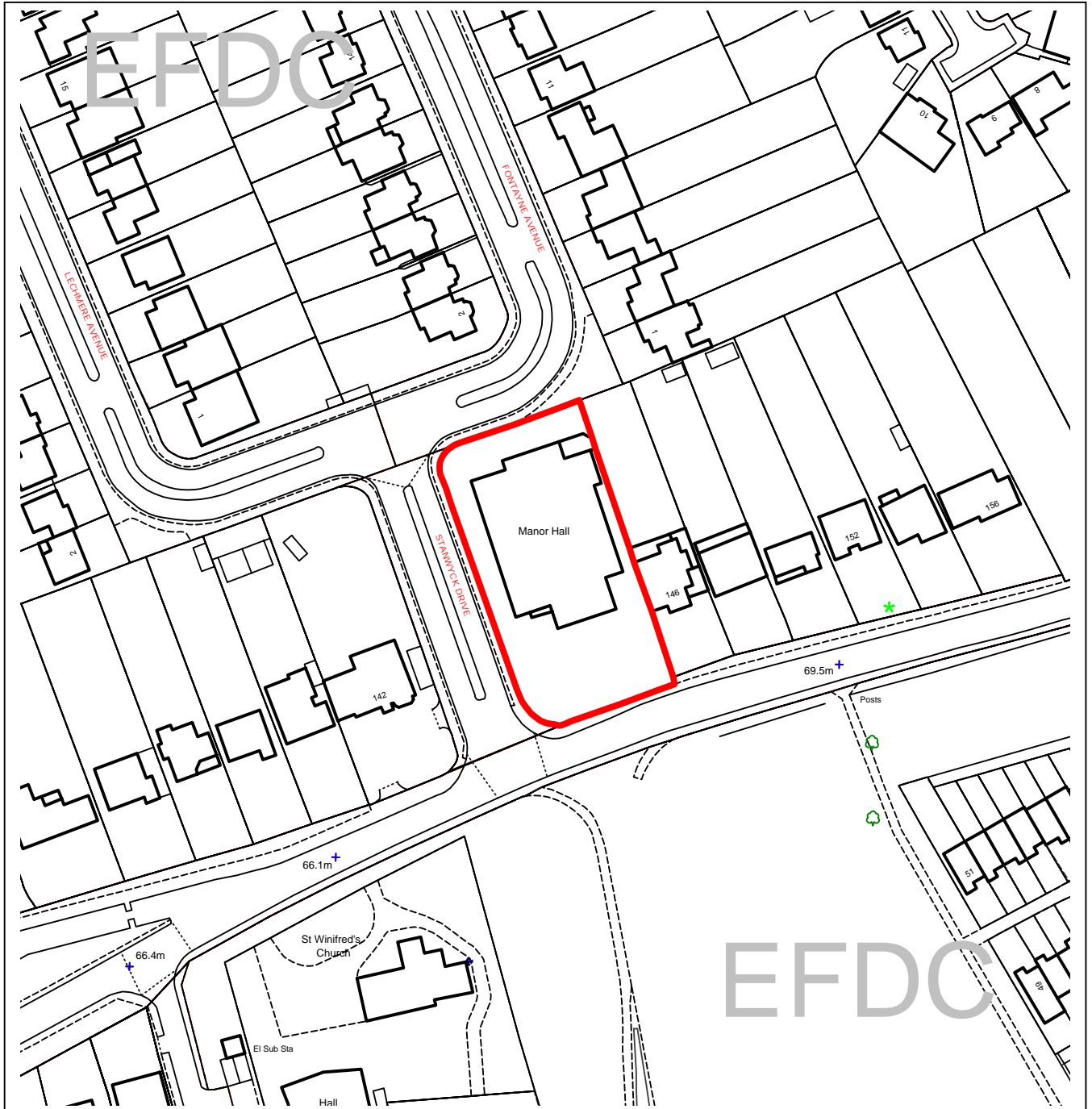
Conclusion

The principle and details of using this site for 10 flats has previously been accepted. The application provides a further revised scheme which is not out of character in this urban area and causes no undue harm to neighbouring properties. There will be no adverse overlooking caused to any neighbour due to careful design and the distances involved. The scheme causes no harm to the interests of highway safety or the sustainable provision of off-street parking facilities for the development. Therefore the recommendation is for approval.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1554/09
Site Name:	144 Manor Road, Chigwell IG7 5PX
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1712/09
SITE ADDRESS:	Brownings Farmhouse Gravel Lane Chigwell Essex IG7 6DQ
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mr & Mrs Roy Hughes
DESCRIPTION OF PROPOSAL:	Removal of barn and construction of replacement and change of use to ancillary residential accommodation.
RECOMMENDED DECISION:	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 The proposed barn conversion shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Brownings Farmhouse.

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 seeks planning permission for the demolition and reconstruction of the barn and for its change of use to residential to provide a two bedroom dwelling. It is proposed that the dwelling would be occupied by the applicant's daughter and her family. The roof of the replacement barn would be extended to a full gable from the existing partial hip. The proposed development is very similar to that approved in 2002, although the layout of the first floor accommodation has altered.

The 2002 planning permission was technically commenced within the required period and accordingly is implementable. This application is necessary because the applicant now proposes to demolish and rebuild to facilitate the works required by Building Control and identified by their

structural engineer, for example the provision of reinforced concrete pile and beam foundations which would necessitate the removal of the roof, the provision of a suspended floor, insulation and also the dilapidated condition of the timber wall posts, beams and sills.

Description of Site:

The application site comprises Browning Farmhouse (a grade II listed building dating from the Medieval period, although extended in the Nineteenth Century) and its residential curtilage. Also included within the application site is an area of land to the east (indicated on the site plan by a north/south line dividing the site) which was the subject of an unsuccessful application for a certificate of lawful use as residential curtilage last year. On the western boundary of the site is an open cart lodge and to the north of this is the barn which is the subject of this application. Part of the barn is located within the adjacent Brownings Farm site. An outbuilding located adjacent to the eastern boundary of the site was the subject of a planning application and appeal in 1999.

Relevant History:

EPF/1347/99. Conversion and extension of existing outbuilding to family dwelling. Refused 06/12/1999 and subsequently dismissed at appeal.

EPF/1426/02. Renovation, extension and conversion of barn to form a granny annexe. Approved 02/12/02.

LB/EPF/1560/02. Grade II Listed building application for the renovation, extension and conversion of barn to form a granny annexe. Approved 02/12/02.

EPF/0907/06. Detached garage/garden store. Approved 21/06/06.

EPF/0532/08. Certificate of lawfulness for existing use of curtilage as domestic garden use. Not lawful 09/05/08.

LB/EPF/2258/09. Grade II listed building application for the removal of barn and construction of replacement and change of use to single dwelling. Pending consideration...

Policies Applied:

East of England Plan

ENV6 – Historic Environment
ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
DBE1 – New Development
DBE2/9 – Neighbouring Amenity
GB2A – Development in the Green Belt
GB8A – Change of Use or Adaptation of Buildings
HC12 – Development Affecting the Setting of a Listed Building
ST4 – Road Safety

Summary of Representations:

A site notice was erected, no comments were received.

CHIGWELL PARISH COUNCIL. Objection. The Council objected to this application on the grounds that it is in Green Belt and there are no special circumstances.

COUNTY HIGHWAYS. Objection. The Highway Authority wishes to raise an objection to the above application because;

1. As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide the required traffic visibility splay of 2.4 m x 215 m. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.
2. The proposed development would lead to an increase in unnecessary traffic movements to and from the site in direct conflict with the aims and objectives of Policy 4 of the County Council's Highways and Transportation Development Control Policies as originally contained in the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

The location, lack of footways and limited access to public transport would mean that virtually all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on the use of the private car, which is contrary to the aims and objectives of PPG13, PPS3 and the Essex Walking and Cycling Strategy

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on

1. The amenities of neighbouring occupiers;
2. The potential amenity for future occupiers;
3. The character and appearance of the area;
4. The setting of the listed building;
5. The Green Belt; and
6. Highways and Parking matters.

The Impact on Neighbouring Occupiers

Due to the location of the site in relation to neighbouring properties, there would be no harm to neighbouring amenity. The proposed roof lights in the rear roof slope would overlook the neighbouring site, across a stable/equine area. As this is not in domestic use any loss of privacy would not be material.

The side windows would be less than 10 metres from the principal elevation of Brownings Farmhouse and the domestic curtilage of the site would be shared between the Farmhouse and the converted barn. This arrangement would be acceptable where the barn is to remain as ancillary accommodation as there would be some relationship between the occupiers of the two properties. However, this would not be an acceptable arrangement for an entirely separate dwelling.

Level of Amenity for Future Occupiers.

All rooms within the dwelling would receive adequate natural light and would have an acceptable level of outlook. The relationship between the converted barn and the Farmhouse would be acceptable, subject to the accommodation remaining as ancillary.

Impact on the Character and Appearance of the Area

The impact on the character and appearance of the area would not change from the 2002 consent. The barn is visible from Gravel Lane and its prominence would be increased by the proposed extension to its roof. However, the hip to gable addition to the roof of the barn would improve its appearance and would result in a more traditional design.

Impact on the Setting of the Listed Building

There would be no change from the 2002 consent. The proposed development would not be detrimental to the setting of the Farmhouse.

It should be noted that a separate application for listed building consent for the partial demolition and reconstruction of the barn (a curtilage listed building) is under consideration. It is suggested that an informative should be attached if planning permission is granted to remind the applicants of the outstanding need for listed building consent.

Impact on the Green Belt

The proposed development would not have a greater impact on the open character of the Green Belt than that approved in 2002.

Policy GB8A of the local plan requires that buildings are capable of conversion without major or complete reconstruction. As has been discussed previously, this application does propose the demolition of this part of the barn. However, bearing in mind the existing planning permission and also having regard to the part of the barn which is outside the application site and would remain, it is the Officer's balanced opinion that there would be no material harm to the open character of the Green Belt.

Highways and Parking

An objection has been received from County Highways due to inadequate visibility splays, increased vehicle movements and the unsustainable location. However, having regard to the existing planning permission, it would not be reasonable to withhold planning permission on this basis. In addition to the cart lodge, there is sufficient space for the parking of several vehicles. Due to the ancillary nature of the proposed occupation, there would be adequate access to this parking area.

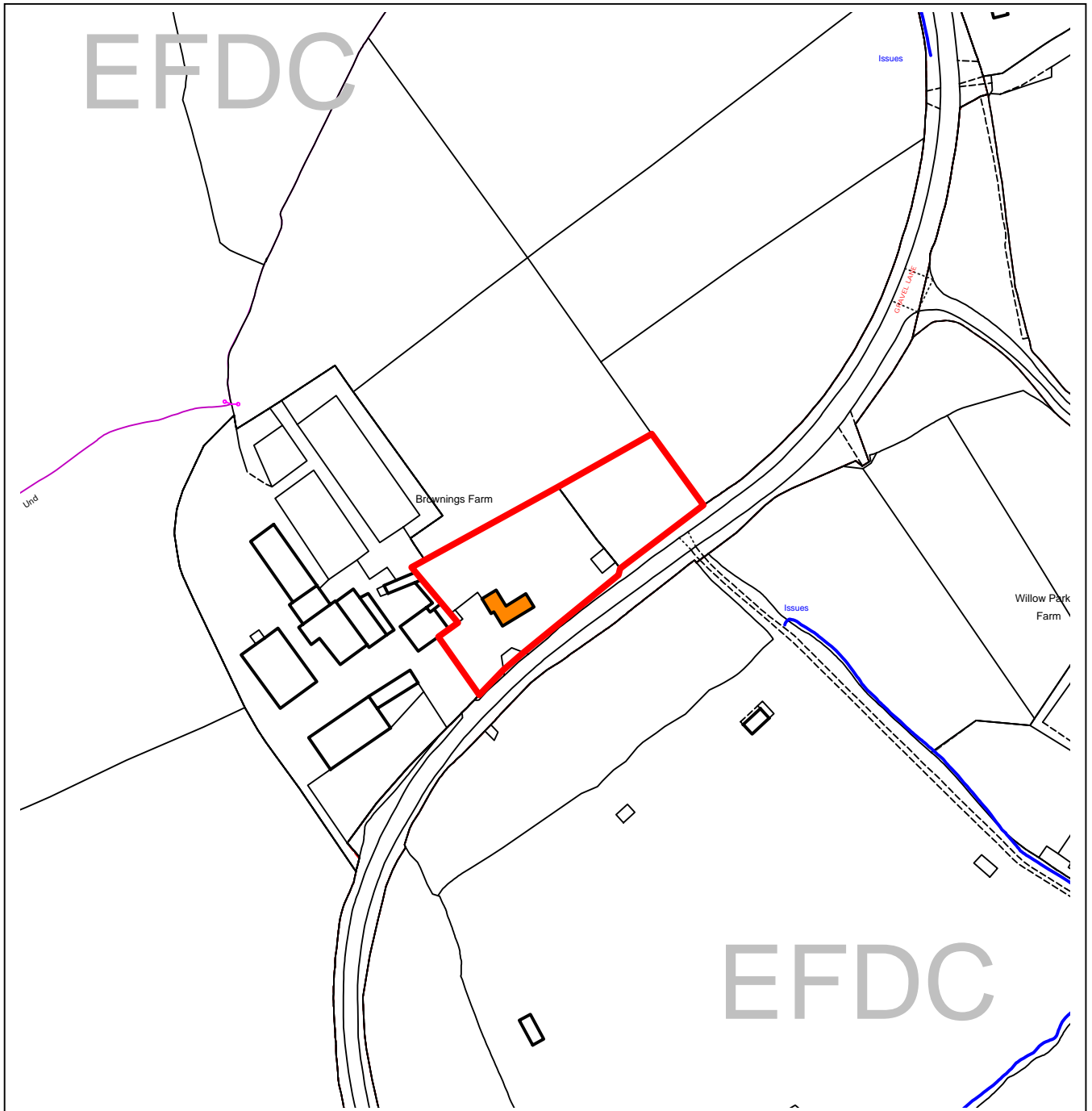
Conclusion:

In light of the above appraisal, it is concluded that the proposed development would not result in materially greater harm than the development approved in 2002. However, if the converted barn were to be occupied by persons unrelated to the occupiers of the main dwelling, there would be harm to the amenities of both parties. Accordingly, it is recommended that planning permission should be granted, subject to a condition restricting the occupancy of the barn.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/1712/09
Site Name:	Browns Farmhouse, Gravel Lane Chigwell, IG7 6DQ
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1716/09
SITE ADDRESS:	Beechlands 42 Alderton Hill Loughton Essex IG10 3JB
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Southend Care Limited
DESCRIPTION OF PROPOSAL:	Renewal of outline planning permission for the erection of a private dwelling house for the proprietor of 'Beechlands'.
RECOMMENDED DECISION:	No Recommendation

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

Background:

This application was deferred at the 28/10/09 meeting of this Committee because members requested more information be provided with regard to previous planning decisions on the site, particularly an Inspector's dismissal of a reserved matters appeal earlier this year ref: EPF/0470/08.

However, on the 20/11/09 an appeal against non-determination of this application within 8 weeks was lodged, and consequently a formal planning decision cannot now be made. Nevertheless it is appropriate that the Committee decide what decision it would have arrived at had an appeal not been lodged, since this decision will inform the Council's response to the appeal now lodged.

Description of proposal:

Renewal of outline planning permission for the erection of a private dwelling house to the rear of an existing nursing home fronting Alderton Hill. The proposed house is described as two-storey with a steeply pitched roof and as being for the proprietor of Beechlands nursing home. Vehicle access would be via the existing north flank access of the existing building, adjacent to the house at no.44.

As with the earlier 2006 outline application (see below), the reserved matters that are being sought for approval at this stage are access, landscaping and layout. In response to officer's request at the validation stage the applicants have stated that the height of the dwelling would be 7 metres above ground level. The appearance and scale of the development are matters that are reserved for subsequent consideration in the event of Outline planning permission being granted.

Description of Site:

A rectangular area, some 47m in length by 35m in width, at the rear of the large rear garden of No 42, a nursing home. This area would become the new plot, with a hedge and fence separating the old and new plot. The proposed dwelling would be some 17.6m in length by 10.2m in width, with its main elevations facing north east and south west i.e. over adjoining rear gardens.

The nursing home is located on the north side of Alderton Hill, a road lined either side by large detached houses in deep plots, set back from the road by about 15m. To the rear, there are large detached houses in Sparelease Hill in large, but not so deep or ample plots.

Relevant History:

EPF/1335/06 - Outline planning permission refused for a private dwelling house
30/1/07 – Outline planning permission granted on appeal to EPF/1335/06. This appeal decision is attached at Appendix A.

EPF/0470/08 - Reserved matters application, for design and external appearance, refused.

12/1/09 - Appeal against refusal of reserved matters (EPF/0470/08) dismissed. A copy of this appeal decision is attached at Appendix B.

EPF/0386/09 - Refusal of reserved matters for new dwelling

EPF/1362/09 – Refusal of reserved matters for new dwelling. Appeal lodged and decision awaited.

Policies Applied:

CP2 Protecting the quality of the rural and built environment.

DBE1 New buildings

DBE2 new buildings amenity

DBE6 Car Parking

DBE8 Amenity space

DBE9 Neighbour Amenity

CP1, 3, 6 & 7 Core Policies re sustainable development

H1A, H2A, H3A, H4A Housing Provision

ST4 & 6 Traffic Criteria

LL10 Landscape and Trees

Summary of Representations Received

LOUGHTON TOWN COUNCIL – No objection, but would draw the Council's attention to apparent discrepancy in wording within the application between the erection of the development for the "proprietor of Beechlands" and "the house is intended to be occupied and used 'in association' with Beechlands"

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Object, Inspector dismissed previous appeal as it would be detrimental to character and appearance of the area, and to the outlook of occupiers of nearby properties – and be contrary to policies DBE1 and DBE2. (Note that previous applications were for use by the proprietor of Beechlands but documents supplied by applicant this time refer to use 'in connection with' running of Beechlands - which does not accord with wording of original grant of outline planning permission, and the dwelling could therefore be occupied by an employee instead).

14 nearby properties were consulted and the following responses were received:

23 SPARELEASE HILL – object, my view has not changed from previously. I do not want my neighbour overlooking into our garden.

29 SPARELEASE HILL – Object, for same reasons as given previously

31 SPARELEASE HILL –Object, There is a covenant on the site with ECC, why is this being ignored, we are being harassed by the barrage of applications over the years, this will change the character of the area and create a precedent for this type of development. I question the validity of the appeal process under which this was allowed and note the surprise of the other Inspector in the 2008/09 appeal that the original appeal had been granted. This is a backland development which will be harmful to the area and the amenities of the neighbours.

33 SPARELEASE HILL – Object, for same reasons as given previously (back garden development, insufficient access for emergency services), and do not believe this is intended to be a house for the applicant (proprietor of Beechlands), as he has made similar applications in other districts all with varying 'home addresses' and will be unenforceable if granted with that condition. Increased noise, light pollution, damaged views/aesthetics both during and after development. Inharmonious with surroundings. A 4 storey building situated on peak of a hill will dominate the area's skyline and our privacy. Restrictive covenant remains in place. Security concerns. Disruption to elderly residents of care home (who may not even be aware of the proposals). Annual potential for flooding in area could be worsened by this proposal.

37 SPARELEASE HILL – Object, for same reasons as given by 31 Sparelease Hill.

49 SPARELEASE HILL – Object, invasion of neighbours' and nursing home residents' privacy. Increased light pollution. Will compromise security. Contrary to covenant on land.

51 SPARELEASE HILL – Object, will set a precedent for back garden development.

Issues and Considerations:

The main issues in this application are whether a new building in this backland position would be harmful to the character of the area and whether it would result in unacceptable harm to the amenities of those people living adjacent to the site. The scale and appearance of the property are left as reserved matters for future approval, should outline permission be granted again.

It will be noted that the original outline application in 2006 was refused under delegated powers by Officers. The subsequent appeal was allowed by the Inspector in 2007, and his decision is at appendix A. This appeal decision is a material planning consideration in this case. It should also be noted that the relevant Local Plan Policies have not been altered in the last 2 years since the appeal decision was made. However, the approval granted on appeal is an outline one related only to siting of the dwelling, (and means of access and landscaping), with external appearance and design being reserved matters to be approved at a later stage.

Since then 3 applications for approval of these reserved matters have been refused. The first refusal EPF/0470/08, was subject to an appeal, and subsequently dismissed. In dismissing the appeal, the Planning Inspector did however comment in para 2: *"Despite local residents' continued objection to the development of the site, the principle of the erection of a dwelling was established with the granting of the outline planning permission"*.

Nevertheless, the Inspector also made comments illustrating her concern about the scale and height of the proposed dwelling. In para 5 she states *'the (previous inspector's) decision makes no reference to the type of dwelling envisaged on the site, and there are no conditions, for instance, to restrict the height of the proposed dwelling'*. The reserved matters application before her was for a 2 storey house with rooms in the roof (with a height of 9 metres to ridge height). In para 7 she

continued *'However, as the Council argues, the house, by virtue of being in a backland position, would not be typical of the large dwellings which are found in frontage positions. In my opinion the bulk and mass of the dwelling as proposed would be dominant and obtrusive within the garden setting. While there are trees around the edges of the site, apart from some conifers along the rear boundary, the boundary vegetation would not offer significant screening above ground floor level, particularly when not in leaf. Thus, although the main views of the proposal would be from private land, I consider that the design and external appearance of the dwelling would be an uncompromising visual intrusion in the garden scene, emphasising the fact that it is backland development in the area'*.

At the end of para 8 the inspector states *'Design which is inappropriate in its context should not be accepted. In this case I consider that the bulk and mass of building proposed would not be appropriate. In para 9 she did not feel the proposal would cause a loss of privacy for adjoining residents but adds 'However, this does not outweigh the harmful visual intrusion which I have identified above that, as well as being detrimental to the character of the area would, in my opinion, be harmful in the outlook from surrounding properties. I appreciate that there is generally no 'right to a view', but I consider that the proposal takes insufficient account of the visual quality of the local environment enjoyed by existing occupiers'*.

In para 10 the inspector concludes *'that the dwelling as proposed would be detrimental to the character and appearance of the area and the outlook of the occupiers of nearby properties. As such it would not accord with Local Plan policy DBE1 which, among other things, requires new buildings to respect their setting in terms of scale, massing, and height, and DBE2, which seeks to protect existing residential amenity'*.

Since the above appeal was dismissed 2 further reserved matters applications have been submitted. These have both been refused on grounds of poor design, and visual intrusion in a backland context. The latter one, EPF/1362/09, which is also subject of an appeal yet to be decided, has omitted dormer windows and reduced the height of the house to 7m. to ridge, which is the same as specified in this current outline application.

Conclusions and Options for Decision:

A dwelling has been approved in outline but its height has not been specified. Clearly the inspector deciding the subsequent reserved matters application EPF/470/08 felt that a 2 storey house, plus rooms in the roof, (resulting in a height to eaves of 9m.) was excessive. This current outline application specifies a height of 7m to the ridge. However 7m still accommodates 2 full stories plus roof on a large footprint of 17.6m by 10.2m. The size of such a dwelling would still be a dominant and obtrusive building in this rear garden setting.

Option no.1 is therefore to refuse this outline application on the basis that a 7m high building would be likely to be detrimental to the character of the rear garden setting, and would detract from the visual amenity and outlook of adjoining residents.

The applicants have and will point to the fact that an outline approval has been granted for a dwelling on this site. This outline consent is an important material consideration, and it can be argued that there has been no significant change in planning policies or site circumstances since the date of this consent in January 2007. However, although a height of 7m. has been specified this height could be reached without having a first floor spread over the whole of the ground floor footprint e.g. a smaller centralised first floor could be capped by a roof up to 7m. in height.

Option no. 2 is therefore to grant outline consent to this current application but with a condition that controls the mass of the building above ground floor level by suitably worded conditions.

While the grant of outline consent on 30/1/07 is a material consideration this decision does not have to be followed again. Clearly the inspector who refused the subsequent reserved matters application EPF/470/08 had concerns over the mass of the building. However she was dealing with reserved matters and therefore had no remit over the fact that an outline consent had already been granted. It is true to say that this original grant of outline consent to this dwelling in this rear garden setting disappointed residents, members and officers, and it could be described as a poor decision which should not be repeated.

Option no. 3 is therefore to refuse this current outline application on the grounds that it is inappropriate development in a back garden setting, it could set a precedent to encourage other similar developments, it would be out of character with the locality, and would be likely to detract from the amenity and outlook of adjoining residents.

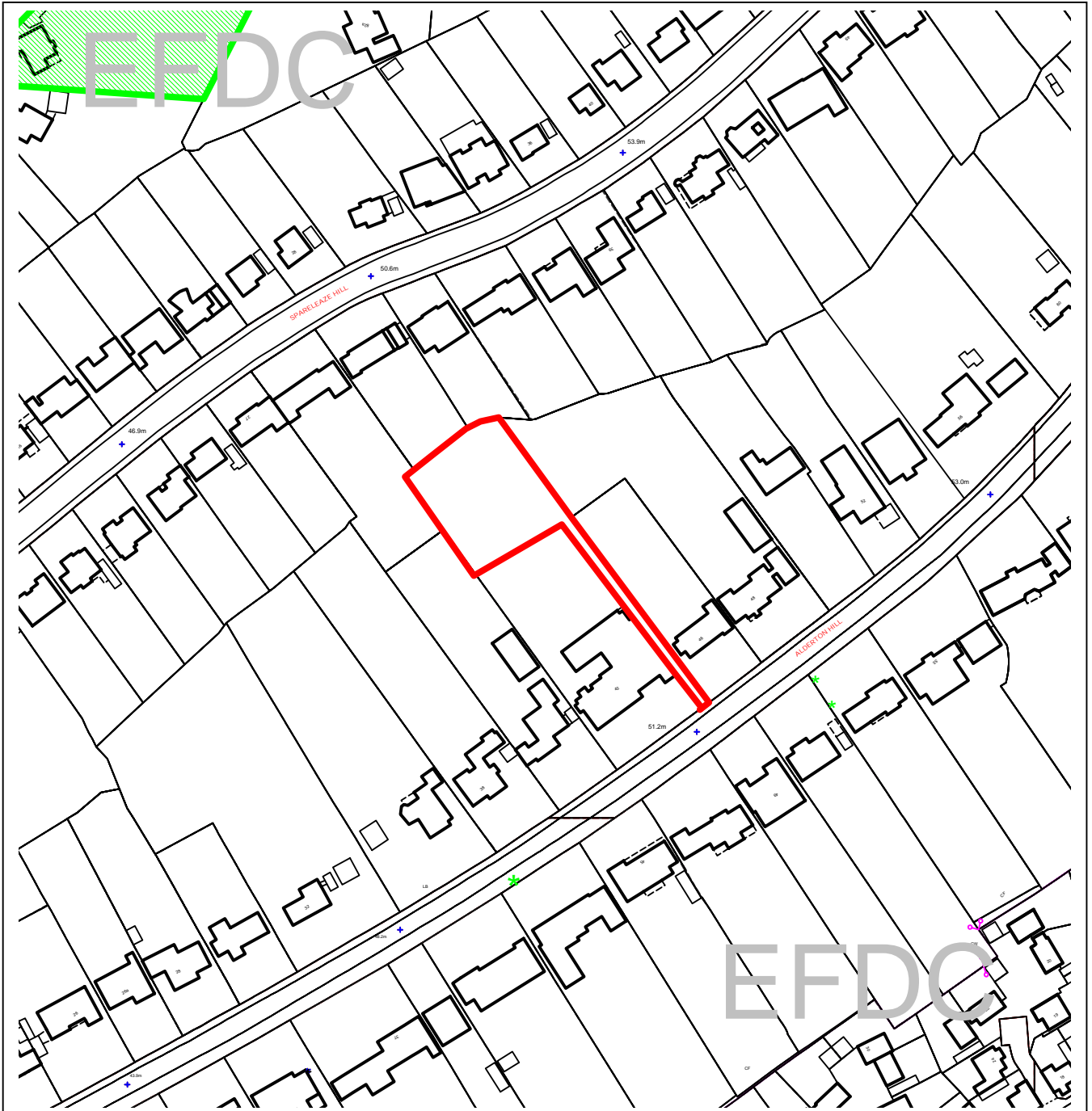
Recommendation:

There are special circumstances related to this application and this site. In addition a planning refusal or approval cannot now be issued because an appeal against non determination within 8 weeks has been lodged. However, the Council can issue a statement to the effect 'that had an appeal not been lodged the Council would have approved/refused the application for....' The Committee is therefore invited to direct the Council's response to this appeal having regard to the options outlined above.



Epping Forest District Council

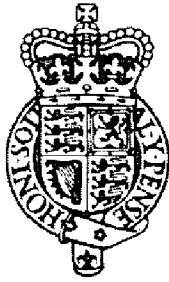
Area Planning Sub-Committee South



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Agenda Item Number:	4
Application Number:	EPF/1716/09
Site Name:	Beechlands, 42 Alderton Hill Loughton IG10 3JB
Scale of Plot:	1:1250



Appeal Decision

Site visit made on 3 January 2007

by **P R Burden BSc CEng MICE**

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

The Planning Inspectorate
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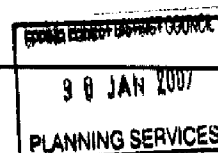
Date: 29 January 2007

Appeal Ref: APP/J1535/A/06/2027158/WF
Beechlands, 42 Alderton Hill, Loughton, Essex IG10 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Southend Care Ltd against the decision of the Epping Forest District Council.
- The application Ref EPF/1335/06, dated 1 July 2006, was refused by notice dated 18 August 2006.
- The development proposed is erection of private dwelling house for the proprietor of Beechlands.

Decision

1. I allow the appeal, and grant planning permission for erection of private dwelling house for the proprietor of Beechlands at Beechlands, 42 Alderton Hill, Loughton, Essex IG10 3JB in accordance with the terms of the application, Ref EPF/1335/06, dated 1 July 2006, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) Details of the design and external appearance of the buildings (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the flank walls of the dwelling hereby permitted.
 - 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 approved surface treatment shall be completed prior to the first occupation of the development.
 - 5) Before the commencement of the development or any works on site, details of the landscaping of the site, including the retention of trees and other natural features, shall be submitted in writing for the approval of the local planning authority. Landscaping shall be carried out in accordance with the approved details before the development is occupied or during the first planting season thereafter.



Reasons

2. Although the appeal application is in outline, siting, landscaping and means of access are for determination at this stage.
3. There are two main issues in this appeal: whether the character of the area would be unacceptably damaged by this backland proposal, and whether, with the proposed dwelling, the increased use of the access alongside the frontage property would generate noise and disturbance unacceptably detrimental to the amenities of those living alongside.
4. The statutory development plan for the area includes the Essex and Southend-on-Sea Replacement Structure Plan 1996-2011, which was adopted in April 2001, and the Epping Forest District Local Plan of 1998 as amended by the Alterations adopted in July 2006.
5. Structure plan policies BE1, H3 and H4, and local plan policies DBE1, CP3 and H2A are relevant to the first issue. In essence these seek to accommodate additional development by using urban land more efficiently with higher densities where that would not materially damage the character and identity of the surrounding area.
6. Alderton Hill is lined by large detached houses. Many of these enjoy wide and deep curtilages, but others occupy more constrained plots. Most of these dwellings are offset from the road by much the same amount, typically around 15 m. The dwellings on Sparelease Hill are also large and detached. In the main their frontages are less wide than those of the dwellings on Alderton Hill, and their rear gardens, although ample, are not, typically as deep.
7. Being set well behind the properties fronting Alderton Hill, and directly behind Beechlands, the appeal proposal would be the only one so disposed in this area. However, one of the properties fronting Alderton Hill, No.50, is also sited well behind the main run of dwellings flanking the road. In addition No.12A Alderton Close, which was drawn to my attention by the residents association, is another exception to the pattern of development otherwise prevailing. These examples show that the underlying pattern of frontage development is now not completely homogenous.
8. The rear garden area of Beechlands is one of the largest on Alderton Hill. The rear portion of the curtilage on which the proposed dwelling is to be sited is itself quite spacious, with an overall site size of some 43 m by 36 m. The proposed dwelling would be sited some 18 m off the rear boundary of the site, a minimum of 12 m from its side boundaries and some 5 m from the boundary of Beechlands' retained land. With this amount of space around the dwelling, I consider that the proposal and its setting would be compatible with the prevailing spacious character of the existing development in the area. Certainly, it constitutes backland development, but it would not be cramped and since it is unlikely to be readily visible from Alderton Hill itself, I do not consider that it would be seen as an obviously out of character feature. I do not therefore regard this proposal as being at odds with the thrust of the development plan policies described above.
9. I turn now to address the second issue. The policies relevant here are local plan policies DBE2 and DBE9. As they relate to this issue these policies, between them, expect new development to avoid having a detrimental effect on neighbouring property in amenity or functional terms and, of particular relevance to this proposal, to avoid harming amenity through noise and disturbance.

10. The access running along the eastern side of Beechlands is somewhat wider than a typical domestic access. The nearest wall of the adjoining property, No.46, is offset a short distance from the edge of the running surface of the access, and this increases the apparent width of the access. That wall is the wall of the garage rather than the house itself, which is separated from it by the width of the garage. There are two small windows in the flank wall of the garage. However, the windows in the dwelling itself are far enough away from the access for the traffic it is likely to carry, taking the proposed dwelling and the extant permission for parking to the rear together, not to impinge materially on the amenity of its residents.
11. As far as I could see most of the openings in the eastern elevation of Beechlands served rooms having functions to do with the running of the residential home rather than being occupied by residents. I noted one possible exception to this: the ground floor window located at the rear corner of Beechlands, which is draped in net curtains and may therefore serve a habitable room. However it is recessed back from the line of the bulk of Beechlands' flank wall, and I consider that it is a reasonable distance away from the likely line traffic would take along the access. I do not consider the appeal proposal would add so much to the amount of traffic the access could already take that the amenity of anyone living in that room would be unacceptably impaired. I therefore reach the view that the proposal would be unlikely to result in noise and disturbance unacceptable to those living in the frontage properties, and is not in conflict with the relevant policies identified above.
12. The site is of a size that affords an ample area of outdoor amenity space while allowing Beechlands itself to retain a sizeable garden area. In addition, the dwelling would be far enough away from the site's boundaries to ensure neighbours suffered no material loss of privacy whether in their houses or in their gardens. Furthermore, since the appeal proposal is reasonably close to an underground station, to schools and to shops, it scores well in sustainability terms, and I see it as being consistent with structure plan policies CS1 and CS4. Given the overarching direction of policy towards making more efficient use of urban land, I conclude that the balance in this case tilts in favour of a grant of permission, subject to conditions.
13. In coming to this conclusion I have noted the Council's concern that the appeal proposal would set a precedent. However that is only of concern where the proposal contended to form the precedent is itself harmful. My analysis makes clear that I have been unable to identify any serious harm arising from this proposal. Decisions on other applications, even if apparently similar, would be taken on their own individual planning merits in accordance with the relevant policy framework.

Conditions

14. I am basing the conditions I am imposing on those put forward by the Council. I am not, however, imposing their condition 5. The question of whether the existing vehicular access to the front of Beechlands should be gated or not is dependent more on the traffic associated with Beechlands itself than with that likely to be generated by the appeal proposal, which is likely to be relatively insignificant by comparison.
15. Of the conditions I am imposing, conditions 1 and 2 are to comply with statute. Condition 3 is to safeguard the privacy of residents to the north and south of the appeal dwelling. Condition 4 is to ensure that the access to the property has a surface treatment that is

satisfactory in safety and amenity terms. Condition 5 is needed in the interests of visual amenity because, notwithstanding the terms of the application, the details of landscaping shown on the application plan are sketchy, and in my view incomplete.

P R Burden

INSPECTOR



Appeal Decision

Hearing held on 16 December 2008
Site visit made on the same day

by **Isobel McCretton** BA(Hons) MRTPI

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

The Planning Inspectorate
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Decision date:
12 January 2009

Appeal Ref: APP/J1535/A/08/2077391

Beechlands, 42 Alderton Hill, Loughton IG10 3JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Dr D S Vive Kananda against the decision of Epping Forest District Council.
- The application, Ref. EPF/0470/08, dated 3 March 2008, sought approval of details pursuant to condition No.2 of outline planning permission Ref. EPF/1335/06, granted on appeal Ref. APP/J1535/A/06/2027158 dated 29 January 2007.
- The application was refused by notice dated 21 May 2008.
- The development proposed is erection of a private dwelling for the proprietor of Beechlands.
- The details for which approval is sought are: *design and external appearance.*

Procedural Matters

1. At the Hearing an application for Costs was made by the appellant against Epping Forest District Council. This application is the subject of a separate Decision.
2. Despite local residents' continued objection to the development of the site, the principle of the erection of a dwelling was established with the granting of the outline planning permission. As I explained at the outset of the Hearing, my remit is confined solely to consideration of the details submitted of the reserved matters, namely design and external appearance. Siting and access were not reserved matters in the original application and have been approved. At the Hearing the appellant clarified that discharge of condition 5 (relating to landscaping) was not being sought.

Decision

3. I dismiss the appeal and refuse to approve the reserved matters, namely design and external appearance details submitted in pursuance of condition no.2 attached to planning permission Ref. EPF/1335/06, granted on appeal Ref. APP/J1535/A/06/2027158 dated 29 January 2007.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring residential occupiers.

Reasons

5. The previous Inspector acknowledged the backland position of the proposed site but felt that the space around the dwelling would be compatible with the prevailing spacious character of the existing development in the area. The decision makes no reference to the type of dwelling envisaged on the site and there are no conditions, for instance, to restrict the height of the proposed dwelling. Nevertheless, the matters considered in that appeal were confined to siting and access, an additional landscaping condition being added to the permission. The decision was made in the knowledge that full consideration would be given to the remaining reserved matters of details of design and external appearance.
6. The siting of the proposed dwelling shown in the details now before me is not materially different from that approved in the outline permission, but the footprint is extended, particularly towards the west. The submitted details show a substantial double fronted house with 5 projecting gables, 2 rear dormers, an entrance portico with columns and a side balcony over an additional single storey element, with accommodation in both the roofspace and the basement. The houses in Alderton Hill and Sparelease Hill to the rear are generally large and of individual design so that, in broad terms, I agree that the design of the proposed house would not, of itself, be uncharacteristic of the area.
7. However, as the Council argues, the house, by virtue of being in a backland position, would not be typical of the large dwellings which are found in frontage positions. In my opinion the bulk and mass of the dwelling as proposed would be dominant and obtrusive within the garden setting. While there are trees around the edges of the site, apart from some conifers along the rear boundary, the boundary vegetation would not offer significant screening above ground floor level, particularly when not in leaf. Thus, although the main views of the proposal would be from private land, I consider that the design and external appearance of the dwelling would be an uncompromising visual intrusion in the garden scene, emphasising the fact that it is backland development, atypical of the predominant frontage pattern of development in the area.
8. The principle of the development of the site, making good use of urban land, has been accepted. While Government advice in PPS3¹ advocates the effective and efficient use of land and the use of previously developed sites, both this Policy Statement and PPS1² place great emphasis on good design and respect for the character of the area, reinforcing local distinctiveness. Design which is inappropriate in its context should not be accepted. In this case I consider that the bulk and mass of building proposed would not be appropriate.
9. I do not consider that the proposed design and siting would result in an unacceptable loss of privacy for adjoining occupiers: the distances to the boundaries and surrounding houses would more than comply with generally accepted standards between facing windows etc. However this does not outweigh the harmful visual intrusion which I have identified above that, as

¹ Planning Policy Statement 3: Housing (2006) (PPS3)

² Planning Policy Statement 1: Delivering Sustainable Development (2005) (PPS1)

well as being detrimental to the character of the area would, in my opinion, be harmful in the outlook from surrounding properties. I appreciate that there is generally no 'right to a view', but I consider that the proposal takes insufficient account of the visual quality of the local environment enjoyed by existing occupiers.

10. I conclude that the dwelling as proposed would be detrimental to the character and appearance of the area and the outlook of the occupiers of nearby properties. As such it would not accord with Local Plan³ policy DBE1 which, among other things, requires new buildings to respect their setting in terms of scale, massing and height and DBE2 which seeks to protect existing residential amenity.

Other Matters

11. Reference has been made to a restrictive covenant on the land. However this is a private matter and does not affect my consideration of the planning merits of the proposals.
12. Concern has been expressed about the potential effect of external lighting on neighbouring properties but I am satisfied that this matter could be controlled by suitable conditions were planning permission to be granted. I also consider that appropriate conditions could be imposed to ensure the protection of boundary trees during construction works. However these matters do not outweigh my conclusions on the main issues.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR

³ Epping Forest District Adopted Local Plan 1998. The policies cited are saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.

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Report Item No: 5

APPLICATION No:	EPF/1949/09
SITE ADDRESS:	276 High Road Loughton Essex IG10 1RB
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Domino's Pizza Group Ltd
DESCRIPTION OF PROPOSAL:	Change of use to A5 (Hot food takeaways) and single storey rear extension.
RECOMMENDED DECISION:	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 of the extension hereby approved 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 The use hereby permitted shall not be open to customers outside the hours of 0900 to 2300 Monday to Friday and 1000 to 2300 on Saturdays and Sundays.
- 4 No occupation of the premises by the first or any subsequent A5 occupier shall take place prior to the submission and approval in writing by the Local Planning Authority of an appropriate mechanical extraction system designed to suppress and disperse cooking and food preparation fumes.

Prior to the commencement of the use, the system shall be installed strictly in accordance with the approved details and shall thereafter be operated and maintained in full working order at all times in accordance with the manufacturers instructions. The system shall be used at all times that the premises are open for business.
- 5 No development (comprising both the extension and the change of use hereby approved) shall take place until detailed drawings that show adequate provision for foul drainage from the building have been submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the approved drainage system has been installed.

Drains serving the kitchen within the building shall be fitted with a grease separator or other means of removal to a specification that is previously approved in writing by the Local Planning Authority. The approved means of grease removal shall be installed prior to the commencement of the use hereby approved. It shall thereafter be permanently retained and maintained at all times when the premises are in use.

- 6 No development (comprising both the extension and the change of use hereby approved) shall take place until a scheme for the adequate storage of refuse from this use has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby approved and thereafter retained at all times.
- 7 All demolition, construction and refitting works associated with this permission shall be undertaken within the hours of 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. No work of this kind shall take place on Sundays or Bank Holidays 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 seeks planning permission for the change of use of the premises to A5 (takeaway) and for the addition of a ground floor extension to the rear of the unit. The proposed extension would fill the area of the application site located to the rear of the unit. It would be 3.1 metres in depth and would sit between the similar extensions to the units on either side. Following an amendment to the originally submitted scheme, air conditioning plant is proposed to be located on the roof of the proposed extension.

Description of Site:

The subject site is within a three storey block with ground floor access into a single commercial unit located to the western side of a small parade situated off the High Road. Neighbouring commercial units are predominantly A3 and A5 use with the only open shop unit trading as an optician. The local plans map identifies the entire parade within the town centre location; however, the parade does not fall within the key shopping frontage. The application site includes an en-bloc garage located to the rear of the main application site and within the applicant's control.

The two storeys above the commercial units accommodate residential maisonettes/flats. Neighbouring units have been extended to the rear. The garden area was heavily parked at the time of the site visit. The land around the garage is a private parking area with a clamping system in place. To the front of the application site there is a lay-by which provides for short stay parking. This is generally heavily used.

Relevant History:

EPF/0564/09. Change of use from Class A2 (Financial and Professional Services) to Class A5 (Hot Food Takeaway) and the installation of 1 no. extract duct to the rear ground floor elevation. Refused 22/05/09. Allowed at appeal 11/11/09.

Policies Applied:

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

TC1 – Town centre hierarchy

TC3 – Town centre

ST4 – Road safety

ST6 – Vehicle Parking

RP5A – Adverse Environmental Impacts

DBE1 – Design of new buildings

DBE2 – Effect on neighbouring properties

DBE9 – Loss of amenity

I1A – Planning Obligations

Summary of Representations:

This report has been prepared in advance of the closure of the public consultation on 1st December 2009. Any responses received in the interim will be verbally reported at the Committee Meeting.

Notification of this planning application has been sent to 3 neighbouring properties and to Loughton Town Council. A site notice has also been displayed at the property.

LOUGHTON TOWN COUNCIL: Conditional no objection. In light of the Inspector's decision to allow the appeal and grant planning permission for the change of use from Class A2 to A5, the Committee saw no point in objecting on principle. However, it would wish to object unless the District Council was minded to impose the following planning conditions which included: the containment and control of refuse; facilities for the disposal of litter outside the shop; cleaning of the premises and its curtilage; installation of proper fume control equipment. Since the shop would be an operating base for delivery vehicles, the Committee asked the LPA to impose a Section 106 Agreement of around £50,000 for town centre enhancement towards improving vehicle parking near the premises.

PAPA JOHN'S PIZZA, 258 HIGH ROAD: Objection. There is already a sufficient choice of takeaways. If this proposal goes ahead it will have significant detrimental effects on my survival.

Issues and Considerations:

The acceptability of the A5 use of the premises has been agreed by the Planning Inspectorate. The planning permission granted was subject to planning conditions relating to hours of operation, extraction and ventilation equipment, foul drainage, refuse storage and hours for the refitting of the unit. Subject to these conditions being imposed, it is considered that the use would continue to be acceptable.

Accordingly, the main issues to be considered are the impacts of the proposed extension on the amenities of neighbouring residents and on the character and appearance of the area.

Neighbouring Amenity

The proposed extension would be located adjacent to extensions to neighbouring commercial premises. Accordingly it is not considered that there would be any material loss of amenity to the occupiers of the residential properties above arising from the building itself.

The application also proposes the addition of air conditioning condenser units to the roof of the proposed extension. The proposed units would generate some noise. However, this has been considered by Environmental Health Officers, who have confirmed that neighbouring premises have similar equipment in similar locations and that no noise nuisance complaints have arisen as a result.

Design and Appearance

The proposed extension and air conditioning plant would have a functional, utilitarian appearance. However, it would only be visible from within the service yard/garage court and bearing in mind the quality and appearance of surrounding buildings and plant equipment, it is not considered that the proposed development would be harmful to the character and appearance of the area.

Other Matters

The area of land on which the extension would be situated is where it was previously assumed the refuse storage area would be provided. However, the applicant suggests that the garage could be used for this purpose and has included it within the application site to ensure that this may be controlled by planning condition. This is considered to be acceptable.

Loughton Town Council considers that further planning conditions/planning obligations should be used, beyond those imposed by the Planning Inspector. When considering the acceptability of the suggested conditions, in accordance with Government advice set out in Circular 11/95, substantial weighting should be applied to the recent appeal decision when considering whether the planning conditions would meet the tests of that Circular, in that they would be necessary; relevant to planning; relevant to the development permitted; enforceable; precise; and reasonable in all other respects. The additional conditions suggested by the Town Council will be considered in turn.

Facilities for the disposal of litter outside the shop – the application site would be entirely occupied by the building, accordingly there would be no space for the provision of additional litter bins controllable by planning condition. Furthermore, it is not considered that the extension to the rear of the premises would significantly increase the litter generated from the use, accordingly it is not considered that the use of the condition would be reasonable, as no such condition is applied to the recent approval. It is noted that the nearest litter bin to the site is outside Loughton Methodist Church.

Cleaning of the premises and its curtilage – It should be noted that the entire curtilage would be occupied by the building. It is not considered that such a planning condition would be necessary, relevant to planning, relevant to the development permitted or reasonable in all other respects. For these reasons and also due to the subjective nature of such a condition, it is not considered that it would be enforceable.

Section 106 Agreement of around £50,000 for town centre enhancement towards improving vehicle parking near the premises – Legal agreements must be considered in accordance with policy I1A of the local plan, which sets out circumstances in which a planning obligation may be sought. The policy also refers to relevant Government guidance. Government advice is provided in Circular 05/05. The Circular advises that a planning obligation must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

The Circular states “the use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development, i.e. as a means of securing a "betterment levy".”

It is considered by Officers that the suggested planning obligation would fail to meet tests *ii-v*, as it cannot be considered necessary to make the proposed development acceptable as there is an extant planning permission for a very similar development with no such planning obligation secured. Furthermore it is considered that the sum suggested would be excessive in comparison with the potential harm arising from vehicle movements associated with the takeaway use of a unit of this size.

Conclusion

In light of the above appraisal, it is considered that the proposed use would be acceptable, bearing in mind the recent decision by the Planning Inspectorate. Furthermore, it is not considered that the proposed extension to the building would cause any material harm that would justify the withholding of planning permission. Accordingly, it is recommended that planning permission be granted.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/1949/09
Site Name:	276 High Road, Loughton IG10 1RB
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2115/09
SITE ADDRESS:	30 Chigwell Park Drive Chigwell Essex IG7 5BD
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Peter Spratt
DESCRIPTION OF PROPOSAL:	Proposed double storey side extension, single storey rear extension and loft conversion with two rear dormer windows. (Revised application to EPF/1319/09, which was withdrawn.)
RECOMMENDED DECISION:	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 first floor flank wall of the side extension hereby approved shall be set a minimum distance of 1 metre from the site boundary with 32 Chigwell park Drive.
- 4 Notwithstanding the details shown on the approved plans, the dormer windows hereby approved shall be constructed in accordance with the following limitations on their dimensions and siting and thereafter be retained as such:
 - i) The dormer windows shall be separated by a minimum distance of 1 metre as measured between their cheeks.
 - ii) No part of the dormer windows shall exceed the height of the highest part of the main roof of the house.
 - iii) The eastern dormer (that nearest 28 Chigwell Park Drive) shall be set a minimum distance of 1 metre from the site boundary with 28 Chigwell Park Drive.
 - iv) The western dormer (that nearest 32 Chigwell Park Drive) shall be set a minimum distance of 200 millimetres from the adjacent hip of the main roof of the house.

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 Councils delegated functions).

Description of Proposal:

Double storey side extension, single storey rear extension, and loft conversion with two dormer windows. The two storey side addition would incorporate an integral garage.

Description of Site:

A two storey semi detached house in a road of similar dwellings. Many properties in this road and nearby roads have been extended by two stories at the side.

Relevant History:

EPF/1319/09 – Application withdrawn for the same description of development as now applied for – see below.

Policies Applied:

DBE9 – Loss of amenity
DBE10 - Residential extensions

Summary of Representations:

CHIGWELL PARISH COUNCIL – object because the rear extension will have an adverse impact on neighbouring properties.

NEIGHBOURS: 8 neighbours consulted.

This report was prepared in advance of the expiry of the 21 day consultation period which continues until 3 December 2009. No responses received within the first 2 weeks of the consultation period. Any subsequent replies received up to the day of the Sub-Committee meeting will be reported orally.

Issues and Considerations:

The application submitted earlier this year (EPF/1319/09) was withdrawn because officers advised the agent that without certain changes the scheme was likely to be refused planning permission. This revised application now incorporates these improvements.

Firstly, the first floor (along with the ground floor) is now set in by 1m. from the side boundary with no. 32 as opposed to the previous 0.75m. Consequently an appropriate visual break, required by policy DBE10, will be retained between the two properties, and this is particularly relevant because no. 32 has already been extended by two stories at the side. An appropriate planning condition on any consent granted will provide an additional mechanism for enforcing the 1m set in.

Secondly, the new first floor front bedroom window has been changed in terms of its design and size so that it does not dominate the first floor front appearance of the house.

Lastly, the width of pitched roof over the ground floor rear extension has been reduced by 1m. at either side – i.e. this extension will have a flat roof section at either end. This will reduce the impact of this extension on the light and outlook of residents in the physically adjoining semi at no.28. As viewed from no.28 the extension will now be some 2.8m high. Furthermore this extension will project outwards by 3m. – an amount considered acceptable in policy DBE10 . Consequently, whilst this extension will have some impact this impact will not be significant, and the Parish Council's objection in this regard is not supported.

Two rear dormer windows with ridge roofs over, are proposed. In design terms these are acceptable, and do not over dominate the roof slope. Unfortunately the submitted drawings are not consistent in the way the rear dormers are shown. The rear elevation drawing shows the western dormer (that nearest 32 Chigwell Park Drive) set 3.6m from the edge of the roof at the western elevation of the side extension and a distance of 600mm separating the cheeks of the two dormer windows while the proposed second floor plan shows those dimensions as 3.4m and 1.25m respectively. The drawings are consistent about the width of the dormers (2.1m) and the distance of the eastern dormer from the party wall with 28 Chigwell Park Drive. At the time of writing there was insufficient time to secure revised plans before the deadline for the completion of this report but the inconsistencies can be resolved by the imposition of a planning condition controlling key dimensions relating to the siting of the dormer windows. Compliance with such a condition is likely to result in the dormers having slightly less width. Amended plans dealing with the inconsistencies will be sought during the lead in period to the Sub-Committee meeting.

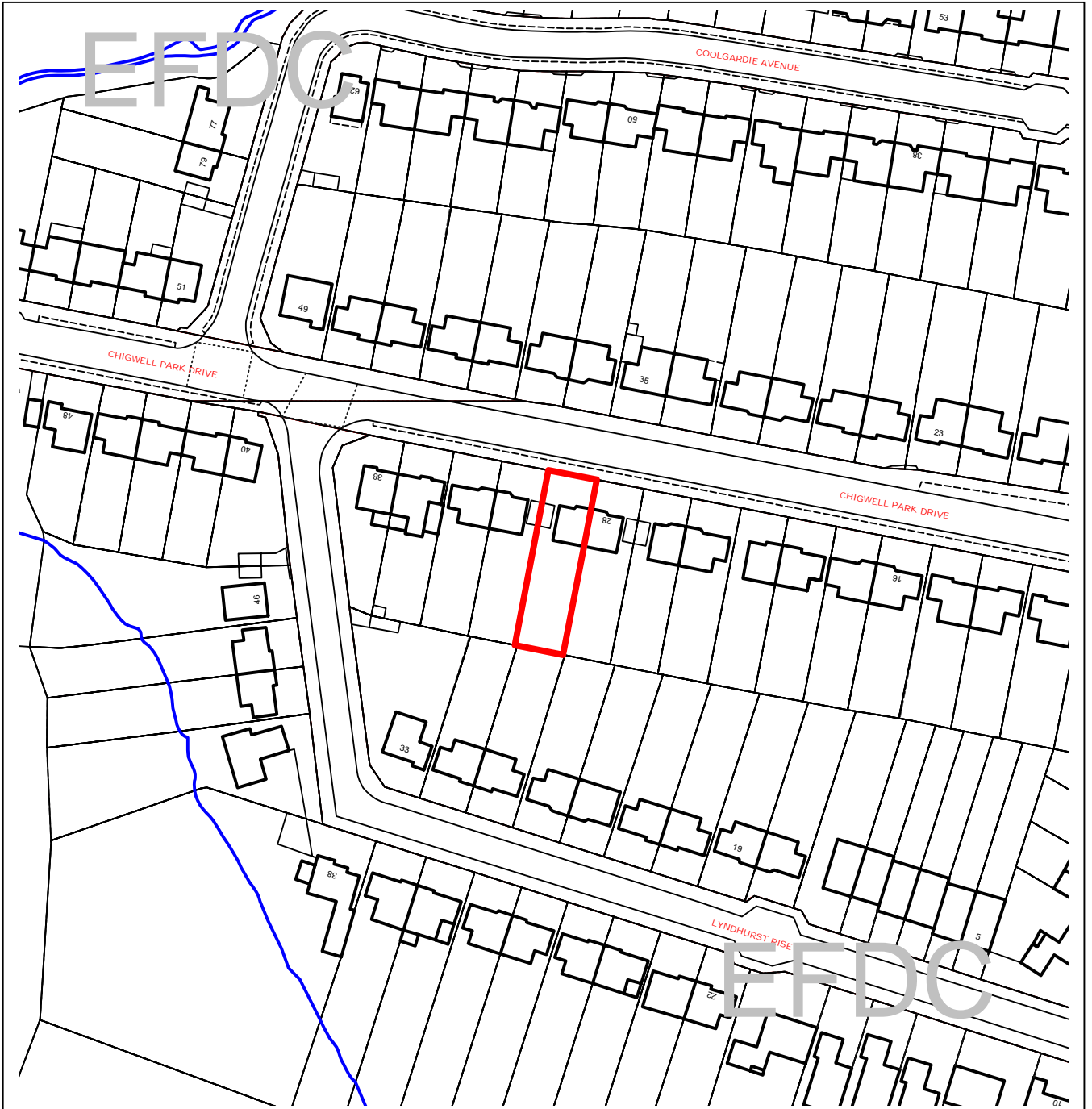
Conclusion:

It is acknowledged that the application, as a whole, proposes a sizeable addition to this property. However, as revised the proposal is now acceptable, and does comply with relevant local plan policies. A conditional approval is therefore recommended.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	6
Application Number:	EPF/2115/09
Site Name:	30 Chigwell Park Drive, Chigwell IG7 5BD
Scale of Plot:	1/1250