

Committee Agenda



**Webcast
Meeting**



**Epping Forest
District Council**

Area Planning Subcommittee East Wednesday, 22nd June, 2011

Place: Council Chamber
Civic Offices, High Street, Epping

Time: 7.30 pm

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

Members:

Councillors A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, W Breare-Hall, Mrs D Collins, P Gode, Mrs A Grigg, D Jacobs, P Keska, Mrs M McEwen, R Morgan, S Packford, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread, Mrs J H Whitehouse and J M Whitehouse

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

WEBCASTING NOTICE

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

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy and copies made available to those that request it.

Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area

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

1. WEBCASTING INTRODUCTION

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

2. The Chairman will read the following announcement:

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

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

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery”

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

General advice to people attending the meeting is attached.

3. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee, held on 25 May 2011 (attached).

4. APOLOGIES FOR ABSENCE

(Assistant to the Chief Executive) To declare any apologies given by Members who are absent from the meeting.

5. DECLARATIONS OF INTEREST

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

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, together with paragraphs (6) and (24) of the Council Procedure Rules contained in the Constitution requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

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

7. DEVELOPMENT CONTROL (Pages 17 - 44)

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

Background Papers

- (i) Applications for determination – applications listed on the schedule, letters of representation received regarding the applications which are summarised on the schedule.
- (ii) Enforcement of Planning Control – the reports of officers inspecting the properties listed on the schedule in respect of which consideration is to be given to the enforcement of planning control.

8. DELEGATED DECISIONS

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.

9. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

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

Confidential Items Commencement

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

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

Background Papers

Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

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

Advice to Public and Speakers at Council Planning Subcommittees

Are the meetings open to the public?

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

When and where is the meeting?

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

Can I speak?

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

Who can speak?

Three classes of speakers are allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the Applicant or his/her agent.

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 Subcommittee 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 Planning Subcommittee East 2011-12
Members of the Committee:



Cllr Boyce	Cllr Avey	Cllr Breare-Hall	Cllr Collins
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Cllr Gode	Cllr Grigg	Cllr Jacobs	Cllr Jones	Cllr Keska
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Cllr McEwen	Cllr Morgan	Cllr Packford	Cllr Philip	Cllr Rolfe
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Cllr Stellan	Cllr Waller	Cllr Whitbread	Cllr Janet Whitehouse	Cllr Jon Whitehouse
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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Subcommittee East **Date:** 25 May 2011

Place: Council Chamber, Civic Offices, High Street, Epping **Time:** 7.30 - 8.20 pm

Members Present: A Boyce (Chairman), Mrs S Jones (Vice-Chairman), K Avey, W Breare-Hall, P Gode, Mrs A Grigg, P Keska, R Morgan, J Philip, B Rolfe, D Stallan, G Waller, C Whitbread and J M Whitehouse

Other Councillors:

Apologies: Mrs D Collins, D Jacobs, Mrs M McEwen, S Packford and Mrs J H Whitehouse

Officers Present: J Shingler (Principal Planning Officer), J Cordell (Senior Planning Officer), A Hendry (Democratic Services Officer) and P Seager (Chairman's Secretary)

1. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that the meeting would be broadcast on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

2. 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.

3. MINUTES

RESOLVED:

That the minutes of the meeting held on 27 April 2011 be taken as read and signed by the Chairman as a correct record subject to noting that Councillor Philip was present at this meeting.

4. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillors W Breare-Hall declared a personal interest in the following item of the agenda by virtue of knowing the licensee. The Councillors had determined that his interest was not

prejudicial and he would remain in the meeting for the consideration of the application and voting thereon:

EPF/0454/11 – The Globe, 18 Lindsay Road, Epping.

(b) Pursuant to the Council's Code of Member Conduct, Councillors Jon Whitehouse and K Avey declared personal interests in the following items of the agenda by virtue of being members of Epping Town Council. The Councillors had determined that their interest were not prejudicial and they would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0792/11 – Highfield Green, Epping;
- EPF/0454/11 – The Globe, 18 Lindsay Road, Epping

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

- EPF/0454/11 – The Globe, 18 Lindsay Road, Epping.

(d) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of having known the applicant in the past. The Councillor had determined that his interest was not prejudicial and he would remain in the meeting for the consideration of the application and voting thereon:

- EPF/0454/11 – The Globe, 18 Lindsay Road, Epping.

(e) Pursuant to the Council's Code of Member Conduct, Councillor C Whitbread declared a personal interest in the following item of the agenda, by virtue of knowing the applicant. The Councillor had determined that his interest was prejudicial and he would leave the meeting for the consideration of the applications and voting thereon:

- EPF/0606/11 – Land Adj 14 Harrison Drive, North Weald

(f) Pursuant to the Council's Code of Member Conduct, Councillors D Stallan and A Grigg declared a personal interest in the following item on the agenda, by virtue of being members of North Weald Parish Council. The Councillors had determined that their interests were not prejudicial and that they would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/0606/11 – Land Adj 14 Harrison Drive, North Weald

5. ANY OTHER BUSINESS

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

6. DEVELOPMENT CONTROL

RESOLVED:

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

7. PROBITY IN PLANNING - PLANNING APPEAL DECISIONS FOR THE PERIOD OCTOBER 2010 TO MARCH 2011

The Sub-committee considered the report on probity in planning on appeal decisions from October 2010 to March 2011. They noted that the Best Value Performance Indicator (BVPI) for district Councils was to aim to have less than 40% of their decisions overturned on appeal. The latest available figure for the national average for District Councils was 30.9%. The BVPI had been scrapped and replaced by one that records planning appeals only as a Local Performance Indicator (LPI 45) with a target of 25% of allowed decisions. For 2010/11 a revised target had been set to not exceed 28%. However, this was exceeded at 36.6%. For 2011/12, LPI 45 has been split into two; one part would measure the performance of Committee reversals of officer recommendations.

Over the six month period between October 2010 and March 2011, the Council received 65 decisions on appeal, 56 of which were planning and related appeals and 9 were enforcement related. Of these 24 were allowed (36.9%). Of the proportion of the 22 appeals that arose from decisions of the committees to refuse contrary to the recommendation put to them by officers during the 6-month period, 14 were allowed and 8 dismissed. 63.6% of appeals resulting from Sub-committee reversals were therefore not supported on appeal.

The Council's performance for this 6-month period and the previous 6 months shows a slight overall worsening of performance compared with 2009/10. Members should think carefully when considering refusing planning permission on highway grounds where there was no firm evidence of highway harm and where no objection had been raised by ECC Highway Officers.

RESOLVED:

That the Planning Appeals decisions from October 2010 to March 2011 be noted.

8. ENFORCEMENT ACTION - GUNN LODGE, THE STREET, SHEERING

In September 2009 permission was granted for alteration to Gunn Lodge bungalow to create a two story dwelling. In January 2011 an enforcement officer confirmed that the new chalet bungalow had not been built according to plan and subsequent to this, a new application was received. The application was refused in April 2011 due to its height, design and overall bulk. Following this, it was noted that the overall height of the chalet bungalow had been reduced and other alterations made to bring it within acceptable levels. It was considered that the property was now very close to the design that was originally approved under EPF/1437/09 and there was no obvious harm from the development. Therefore, it was not considered expedient to serve an enforcement notice.

RESOLVED:

That an enforcement notice not be served with regard to Gunn Lodge, The Street, Sheering, as the property had now been reduced in size and was very close to the design that was approved under EPF/1437/09.

9. DELEGATED DECISIONS

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

CHAIRMAN

Minute Item 6

Report Item No: 1

APPLICATION No:	EPF/0792/11
SITE ADDRESS:	Highfield Green Epping Essex
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	TPO/EPF/26/91 (G2) J - Sycamore - Fell M - Ash - Fell
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527391

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Report Item No: 2

APPLICATION No:	EPF/0454/11
SITE ADDRESS:	The Globe 18 Lindsey Street Epping Essex CM16 6RE
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
DESCRIPTION OF PROPOSAL:	Change of use from Public House to a single family home adding front porch and window/door alterations to rear and side adjacent number 16.
DECISION:	Grant Permission (Subject to S106)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526094

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development, including site clearance, shall take place until a scheme of soft landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand in writing.
- 3 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B and D shall be undertaken without the prior written permission of the Local Planning Authority.

And subject to a S106 legal agreement to be completed within 6 months to secure £2,000 towards enhancement and maintenance of the Lindsey Street Community Association Hall.

Report Item No: 3

APPLICATION No:	EPF/0606/11
SITE ADDRESS:	Land adj 14 Harrison Drive North Weald Essex CM16 6JD
PARISH:	North Weald Bassett
WARD:	North Weald Bassett
DESCRIPTION OF PROPOSAL:	Erection of a single dwelling attached to no. 14 Harrison Drive.
DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526664

REASON FOR REFUSAL

- 1 The proposed new dwelling fails to provide sufficient functional, usable and private amenity space for the donor and new dwelling, contrary to the aims and objectives of policy DBE8 of the Adopted Local Plan and Alterations.
- 2 The proposed new dwelling would by reason of its bulk and scale in close proximity to the boundaries of the site, have an unacceptable adverse impact on neighbouring outlook and amenities, contrary to policy DBE2 of the Adopted Local Plan and Alterations.
- 3 The proposed new dwelling, by reason of its scale and design would appear at odds with the attached buildings and wider cul-de-sac, contrary to the aims and objectives of policy DBE1 of the Adopted Local Plan and Alterations.

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AREA PLANS SUB-COMMITTEE 'EAST'

22 JUNE 2011

INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

ITEM	REFERENCE	SITE LOCATION	OFFICER RECOMMENDATION	PAGE
1.	EPF/0624/11	Delafords Cottage, Theydon Road, Epping	GRANT	19
2.	EPF/0697/11	69 Sheering Lower Road, Sheering	GRANT	26
3.	EPF/0911/11	8 Holly Cottages, Bell Common, Epping	GRANT	33
4.	EPF/0931/11	36 Berwick Lane, Stanford Rivers	REFUSE	38

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Report Item No: 1

APPLICATION No:	EPF/0624/11
SITE ADDRESS:	Delafords Cottage Theydon Road Epping Essex CM16 4EE
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs Jenkin
DESCRIPTION OF PROPOSAL:	Continued use of Delafords Cottage as a separate residential dwelling. Vehicular access to the south of Delafords as a joint vehicular access for Delafords Cottage and Delafords.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=526783

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Classes A, B, or E shall be undertaken at either Delafords outline in blue on the application drawings or Delafords Cottage outline in red on the application drawings, without the prior written permission of the Local Planning Authority.
- 3 Prior to the independent sale of the property known as Delafords Cottage or within 2 months of the date of this notice whichever should first arise, the existing access to the north east of the site for Delafords Cottage, onto Theydon Road, shall be permanently closed, incorporating the reinstatement to full height kerbing, to the satisfaction of the Local Planning Authority.
- 4 Prior to the independent sale of the property known as Delafords Cottage or within 2 months of the date of this notice whichever should first arise, the applicant shall provide details of fencing and planting to take place on the north east boundary of the Delafords Cottage site. The details shall be agreed in writing by the Local Planning Authority and the fencing erected within 3 months of the date of this notice with planting to follow in the first planting season thereafter. The fencing and planting shall then be permanently maintained in accordance with the agreed details.

This application is before this Committee since it has been 'called in' by Councillor Jones (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

The application seeks permission for the use of an existing building, formerly part of the dwelling known as Delafords as an independent 2 bed residential dwelling with subsequent subdivision of the site. Both properties will utilise a single access from Theydon Road.

The proposals include no external alterations to the existing building which is known as Delafords Cottage and has a history of ancillary and independent occupation over a number of years, and was apparently once used as servants' quarters.

The application has come about following a complaint to enforcement that the unit was being sold as a separate dwelling. Following investigation it was apparent that the building, which has only recently been physically separated from Delafords, (by the removal of a link) was last used as ancillary accommodation and home office. Use as a separate dwelling unit was therefore considered to require planning permission, although from the information submitted there has been no consistent use of the building and it may have been used independently in the past.

Description of Site:

The application site, outlined in red on the plans comprises the two storey building known as Delafords Cottage which lies on the western side of Theydon Road opposite the junction with Great Gregories and an irregularly shaped area of garden land to the rear side and front together with the existing front driveway area in front of Delafords itself and a double garage. The site has a 2 metre fence along the front boundary with the road and is well screened on all sides by trees.

The donor property Delafords to the west is within the same ownership and has an extensive garden area.

It is proposed that the site access at the southern end of the application site would be utilised for both units and that the original access, which has limited visibility would be removed.

The site has an extensive history, however the buildings are neither Listed, Locally Listed or within a Conservation Area. The site is within the Designated Green Belt.

Relevant History:

EPO/0053/55 - O/App for 3 dwellings – Approved
EPO/0053B/55 - Erection of detached house - Approved
EPO/0081/59 - New vehicular access and waiting bay - Approved
EPO/0016/64 - Residential Development – Refused
EPO/0305/65 - Vehicular access – Approved
EPF/0252/83 - Building for changing room, sun room, filter & kitchen – Approved
EPF/0896/03 – New Vehicular Access - Approved

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainable Development Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
GB2A – Development in the Green Belt
GB13 – Subdivision of houses
DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt
DBE8 – Private amenity space
DBE9 – Loss of amenity
DBE11 – Sub-division of properties
ST1 – Location of development
ST4 – Road Safety
ST6 - Parking
LL11 – Landscaping schemes

Summary of Representations

THEYDON BOIS PARISH COUNCIL:

OBJECTION: It would appear from the Supporting Planning Statement that the history of the continued use of Delafords Cottage as a separate dwelling (rather than as an annexe to the main building) is debatable and the historical account in the main supports the view that it has been used as an annexe. Fundamentally therefore this application constitutes an application for a permanent additional dwelling in the Metropolitan Green Belt. An additional permanent dwelling on this site would result in a further urban element detrimental to the existing rural character of the area.

It has been noted that condition 6 of application EPF/0896/03 whereby the existing vehicular access to the Cottage was to be closed to the satisfaction of the Local Highways Authority has not been complied with and thus there is an outstanding breach of planning condition. We would suggest that should the matter proceed then a condition must be applied whereby said access is permanently and irreversibly closed in the interests of highway safety.

WANNEY HILL: Strongly object with a detailed letter surmised as follows:

1. Inaccurate history
2. Increased impact to Green Belt of additional dwelling
3. Absence of demonstration the Cottage cannot be utilised in association with the wider Delafords site
4. Poor quality living space, with lesser amount of privacy and amenity than in the surrounding area
5. Poor inter-relationship between the House and Cottage if occupied independently to the detriment of amenity particularly with access proposed.
6. Proposals represent an unfavourable precedent.
7. Object to the proposals should they benefit from Permitted Development rights with associated intensification and in addition the potential for further development should a later application be received for a replacement more suitably designed building.
8. Uncharacteristically small proposed plot in an area characterised by larger spacious plots.
9. Impact to amenity of adjacent Waney Hill by way of noise and disturbance and highway safety issues relating to the existing access were it retained and additional vehicular movements associated with the additional dwelling.
10. Object to the proposed shared access as this is both unsatisfactory for the amenity of Delafords house, does not fully resolve an outstanding condition from a previous consent and is not clearly enforceable as proposed. Requests conditions regarding the provision of fencing over the existing access to prevent use and a condition securing the use of the alternate access.

Issues and Considerations:

As the house is not listed, locally listed or in a conservation area, the main issues that arise with this application are whether the proposed use of the building as a separate dwelling is acceptable in principle in the Green Belt, whether the proposal is acceptable in terms of access, parking and

amenity provision and whether an additional unit would have any adverse impacts to either street scene or neighbouring amenity.

Although there is some disagreement from the neighbour with regard to the history of the use of the building, as the application is for Planning Permission for the use and not for a Certificate of Lawfulness, the past lawful use of the building does not fall to be determined and is not therefore covered in any detail in this report.

Matters relating to the alleged breach of condition or any speculative future development are beyond the scope of this application.

Principle of development in the Green Belt

Policy GB2A allows development which accords with other Green Belt Policies in the Local Plan. Policy GB13 deals specifically with the sub-division of properties in the Green Belt and makes particular reference to large dwellings. The policy outlines that such sub-divisions may be permitted subject to consideration for the following:

- i) Suitability of the new units and curtilage in terms of living space, gardens, privacy, access, parking and residential amenities
- ii) The desirability of the preservation of a building of historic or architectural interest which otherwise faces dereliction or demolition
- iii) Any visual impairment to the countryside
- iv) The accessibility of facilities and services

The policy also sets out the potential to remove permitted development rights from such properties.

With regard to the above, criteria i) will be examined in detail in the paragraphs below, however the proposals meet defined policy requirements providing in excess of 80sqm amenity space and providing space for parking more than two cars to the frontage. Concerns regarding the suitability of the living space are noted, however converted properties commonly provide unusual layouts and room sizes, this in itself does not detract from the amenities for the occupiers. In terms of scale of garden area and curtilage, a number of surrounding properties, namely Mickleham opposite and The Glen and Ivydene in Forest Edge all provide a similar scale of plot, indicating that a mixed scale of dwelling is present in the locality.

The building is not at risk of loss therefore criteria ii) does not apply, the proposals involve no external alterations and the site is already fenced, therefore there is no visual change in accordance with criteria iii) and finally any additional property in this area would have access to the same services and facilities as adjacent properties, namely Theydon Bois Parade and Tube Station.

Policy GB13 does not require that the applicant seek a use in association to the main dwelling prior to sub-division.

As the existing use is residential, albeit ancillary residential it is considered that GB13 is the policy that applies to the site and not GB9 which relates to residential conversions.

Given that the proposal is within the Green Belt it is considered appropriate in line with GB13 to remove permitted development rights for extensions and outbuildings for both the donor property and the cottage, to prevent the subdivision resulting in additional built development that would be harmful to openness.

Access and Parking

The proposed access would utilise the same position as that approved in 2003, providing better safety from improved sight lines along Theydon Road compared to the original access that is further to the north. The intention is that the original access will be removed. Highways have no

objection to the access and have requested a condition to raise the kerb of the original access to prevent the proliferation of accesses in this location. The neighbour and Parish Council have noted that this condition has not previously been complied with and that the change to the Kerb alone would not prevent the use of the access. Accordingly Officers would recommend that as well as condition to raise the kerb, a separate condition be included to provide and retain fencing and planting along the frontage with Theydon Road to improve the street scene. This would have the dual effect of preventing further use of the access. Given that the previous condition requiring closing up of this access has historically not been complied with, and is under investigation by enforcement it is suggested that these works should be conditioned to be carried out within 2 months of any approval. The applicant has indicated that this will be done promptly.

Delafords Cottage would utilise the existing detached garage and would retain generous hard surfacing which would provide ample parking on the front for more than the two cars required by policy. Delafords itself will be left without a garage but has ample hardstanding for parking available to the front of the dwelling.

Officers acknowledge concerns regarding the provision of access to the cottage over the frontage of the donor dwelling, the applicant has indicated that this will be provided via an easement on the Title. The conditions suggested above would ensure the removal of the existing access. Should the applicant not provide the easement, then this is an issue for any potential future purchaser to consider. Provision/reinstatement of an access to the site after removal would require further consent.

Amenity provision

The proposed separate dwelling provides at least 4 habitable rooms resulting in a policy need for 80sqm of private amenity space. The proposal would provide in the region of 150sqm, of private space to the side and rear of the unit, this is significantly more than policy requires. Should the internal configuration of the building be improved at a later date, then 150sqm would remain a reasonable provision.

Officers note concerns that the amenity area is uncharacteristically small compared to the adjacent properties but mindful of the neighbouring examples indicated above, no concerns are raised.

Street scene

The proposals seek to allow an additional unit via subdivision with no external alterations therefore impacts to street scene are negligible. The change from ancillary accommodation to a separate unit will not be readily apparent from outwith the site.

In design terms policy DBE11 considers sub-division with some cross reference to matters covered by other policies. DBE11 permits sub-division unless:

- i) An intensification of use would take place which would set an undesirable precedent or detract from the character of the area
- ii) The proposals result in excessive noise or disturbance
- iii) The adjacent properties would be overlooked to an excessive degree
- iv) The loss of important garden space in order to provide parking

Whilst the Parish Council and neighbouring property have outlined objections to the potential loss of rural character the proposals may cause resulting in an undesirable precedent, Officers note other dwellings of a similar scale in the locality and do not consider the sub-division an unacceptable intensification as the proposals would not result in any additional impacts beyond ancillary occupation. Noise and disturbance, and overlooking/loss of privacy are discussed below and garden space/parking is discussed above.

Neighbouring amenity

The proposed independent occupation of Delafords Cottage would result in some additional traffic and movement of people immediately adjacent to the front of Delafords, the donor property, however this is a front elevation and although it is currently secluded and private there is no requirement in planning policy to keep the fronts of dwellings private, indeed most properties face a public area and in this instance Delafords will still be relatively private. The use is entirely residential and therefore there will not be any undue noise and disturbance to the occupants of the donor dwelling. The Cottage may currently be occupied residentially in an ancillary capacity lawfully and it is not considered that there would be any increased impact on the surrounding properties which are well separated from the site, by its use as a separate dwelling.

The proposed sub-division would result in the two buildings on the Delafords site being independently occupied in close proximity, however close adjacent proximity is not detrimental to residential amenity.

Conclusion

The proposed subdivision is noted to result in a relatively small plot immediately adjacent to those of larger dwellings, however as there will be no external changes to the plot the proposals result in no significant adverse impacts to the street scene, the Green Belt or neighbouring amenity. The proposal results in the provision of an additional small residential unit with no harm to the locality and is in accordance with the adopted policies of the Local Plan therefore approval is recommended subject to conditions.

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

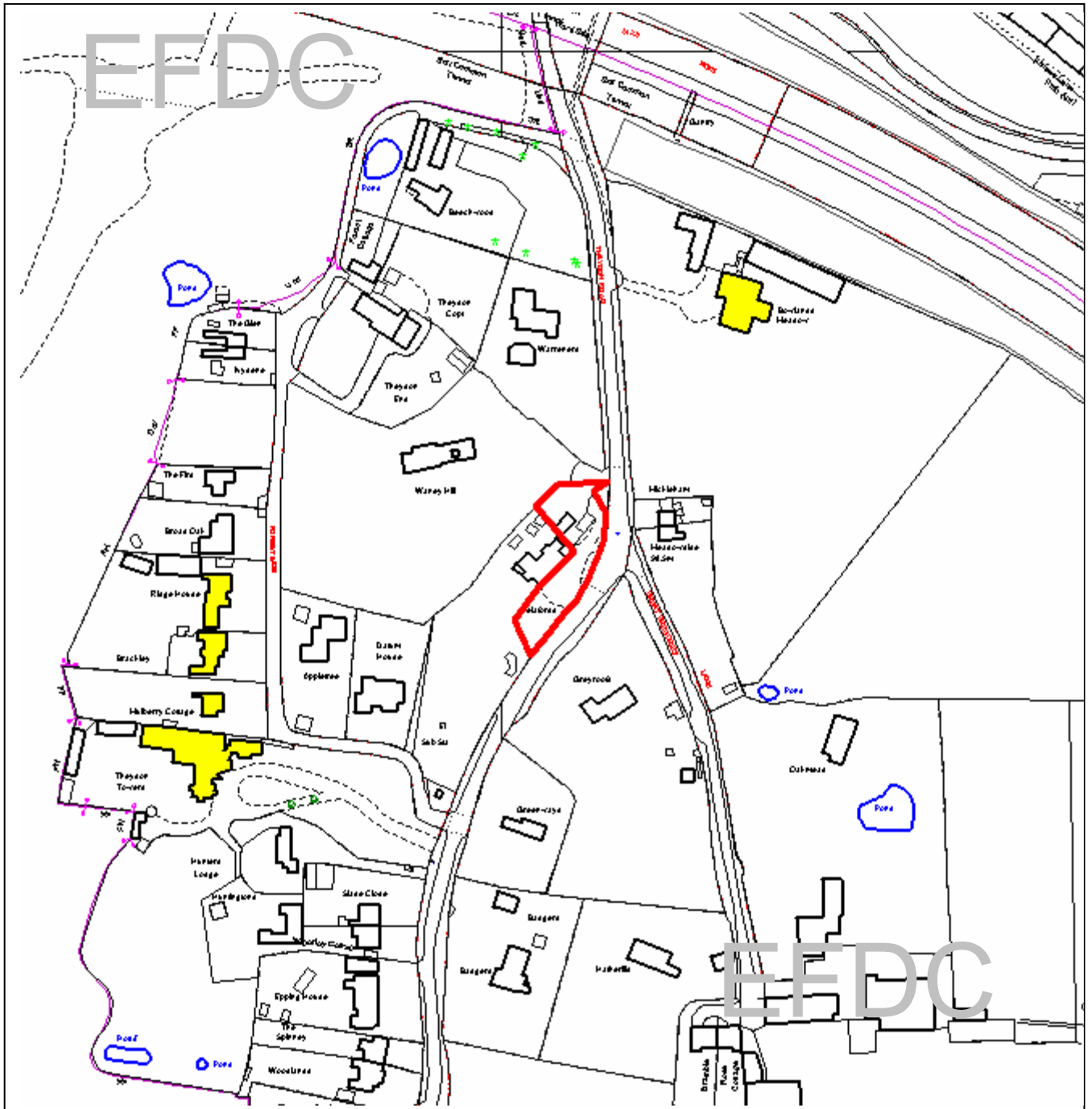
**Planning Application Case Officer: Jenny Cordell
Direct Line Telephone Number: 01992 564294**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	1
Application Number:	EPF/0624/11
Site Name:	Delafords Cottage, Theydon Road Epping, CM16 4EE
Scale of Plot:	1/2500

Report Item No: 2

APPLICATION No:	EPF/0697/11
SITE ADDRESS:	69 Sheering Lower Road Sheering Sawbridgeworth Hertfordshire CM21 9LG
PARISH:	Sheering
WARD:	Lower Sheering
APPLICANT:	Mrs Searle
DESCRIPTION OF PROPOSAL:	Proposed new dwelling and 2 no double garages. (Revised application)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527043

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall have taken place until details (photographic/documentary) of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 3 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.
- 5 An assessment of flood risk, focussing on surface water drainage, shall be submitted to and approved by the Local Planning Authority prior to commencement of the development. The assessment shall demonstrate compliance with the principles of Sustainable Drainage Systems (SuDS). The development shall be carried out and maintained in accordance with the approved details.
- 6 No development shall take place until details of the surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such agreed details.
- 7 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the garages hereby approved shall be retained so that it is capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.
- 8 All material excavated from the below ground works hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 9 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Part 1, Class A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 10 Gates shall not be erected on the vehicular access to the site without the prior written approval of the Local Planning Authority.

This application is before this Committee as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).

Description of Proposal:

This application is for a one and a half storey detached property with two pitched roof garages situated within the rear garden of 69 Sheering Lower Road. The proposed dwelling is 15m by 8m with a height to the ridge of 7.7m. The proposal includes side facing pitched roof dormers and first floor windows within the gable ends. The garages are to be exactly the same design, one located in the north-west corner of the site and the other to the south of the site. The garages measure 5.4m by 5.4m with a ridge height of 4m. The house is to be finished in weatherboards with a plain

tile roof and the garages are to be brick with a slate roof. Access is to be created to the north of the existing property following the side boundary to allow for off street parking for both the host and proposed property.

This is a revised application after the previous application was withdrawn by the applicant due to insufficient information on the existing trees. This application has been submitted with a Tree Report and Tree Constraints Plan, changes have also been made to the access.

Description of Site:

69 Sheering Lower Road is a detached two storey property situated on the west side of Sheering Lower Road at a slight bend in the road within the built up area of Lower Sheering. Due to a ditch/brook running along the side boundary of this property, the garden is wider than the immediate neighbours and is also 'L' shaped extending to the rear of the garden for No. 67, creating a larger plot than those surrounding it. The property is not within a Conservation Area or the Metropolitan Green Belt.

Relevant History:

EPF/2435/10 – Proposed new dwelling and 2 no. double garages - Withdrawn

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP3 – New development
H2A – Previously developed land
DBE1 – Design of new buildings
DBE2 – Effect on neighbouring properties
DBE3 – Design in urban areas
DBE8 – Private amenity space
DBE9 – Loss of amenity
LL10 – Adequacy of provision for landscape retention
LL11 – Landscaping schemes
ST1 – Location of development
ST4 – Road safety
ST6 – Vehicle parking
U2B – Flood Risk Assessment zones

Summary of Representations:

SHEERING PARISH COUNCIL: No response received

NEIGHBOURS

7 properties were consulted and the following responses received:

36 MEADOW WAY – Concerns with stability of stream bank, loss of privacy, additional noise from car use

67 SHEERING LOWER ROAD – Will be adversely affected by additional dwelling, application compromises privacy, noise and lights from car use, overdevelopment of the site, may set a precedent for further development within Sheering

71 SHEERING LOWER ROAD – Concerns with regards to stream bank, retention of trees and construction noise

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Location of the development
- Overall design
- Amenity considerations for both neighbouring residents and future occupiers
- Highways and parking considerations
- Impact on existing and future landscaping
- Potential flood risk.

Location

Local Plan policy H2A encourages the use of previously developed land for residential development. PPS3 previously included existing residential curtilage as previously developed land, this was amended in June of last year to exclude existing residential curtilages. However, although no longer classed as previously developed land there is no specific policy that prevents the use of residential gardens for new developments.

Each application therefore can only be assessed on its individual merits and with this proposal, the site clearly appears large enough to split into two. Whilst the proposal is to the rear of No. 69 and 67 and a new access way is required to serve the dwelling it is not considered that this form of backland development is inappropriate in this location. It is not considered that there is a specific building line to the properties on Sheering Lower Road given the bend in the road. There are existing properties to the rear within Meadow Way and Four Acres and therefore it is not considered that an additional property to the rear of Sheering Lower Road would in principle constitute an unacceptable form of development.

Policies CP3 and ST1 also encourage developments situated in sustainable locations that are well served by public transport. Lower Sheering is a small urban area which benefits from a railway station serving Central London and there is a bus stop some 50m from the site. Whilst not ideal in locational terms due to the lack of nearby facilities, it is not an isolated location where all trips would need to be by car.

Design

The design of the proposed dwelling in isolation is considered acceptable. It is a well thought out design with interesting features and is an appropriate size and scale, particularly as it is lower than the host property and 36 The Meadows to the rear. It is not particularly in keeping with the properties on Sheering Lower Road or those in Meadow Way, however it does not sit within the street as such and is not viewed in relation to these properties. The properties on Sheering Lower Road are of a mixed character with a variety of styles and house types. The proposed garages are traditional in style and of a standard design.

Amenity considerations

The proposed dwelling is set off the nearest boundary by 3m and this is the rear boundary to the garden of No. 67. It will be located 7.5m (at the nearest point) from the side boundary to No. 36 Meadow Way and 13m from the proposed boundary between the host and this property. Both 67 Sheering Lower Road and 36 Meadow Way have objected/commented on the application with regards to loss of privacy. It is not considered that the proposal will result in a significant loss of privacy to either neighbour as the distance from the boundaries is considered sufficient. There are only two side facing first floor windows within the pitched roof dormers which are clearly marked to be obscured glass and this can be conditioned to ensure this is complied with. The rear facing first

floor window will overlook the rear gardens of Sheering Lower Road, but only the rear part of these gardens, and in any case will be some 7m from the boundary.

There is also a large amount of existing trees and vegetation at the boundaries and this is considered to both screen the proposal and prevent any excessive overlooking of both the new property and onto the existing properties.

Both neighbours have also commented with regards to increase in noise, particularly with the associated traffic movements. The vehicle access and new dwelling will result in an intensification of use however as this application is for only one dwelling it is not considered to give rise to a significant increase in noise above that which already exists in this domestic area.

The garages are located close to the north-west and south boundary. The garage to the north is considered a suitable distance from 36 Meadow Way and the eaves height is kept low at 2m and therefore not considered to result in an unacceptable impact on the amenity of the occupiers of this property. The garage to serve the host property is located on the boundary with No. 67 and again given the eaves height although it is located right on the boundary it is some 10m from the rear wall of this property and therefore not considered to result in an excessive loss of amenity.

Given the size of the proposed dwelling this property would require 120m² of private amenity space and the host property a similar amount to meet the requirements of DBE8. The proposal exceeds this minimum requirement for both host and proposed dwelling creating sufficient private amenity space for both properties.

A condition can also be added restricting permitted development rights to ensure future building does not impact excessively on neighbouring amenity.

Highways and Parking

Sufficient off-street parking has been provided for both the existing and proposed property with the provision of a double garage and ample space for additional cars if necessary. The proposal therefore meets the criteria as set out in the Essex Parking Standards.

With regards to highway safety Essex County Council has raised an objection to the scheme on the grounds that insufficient land is within the applicant's ownership to provide sufficient vehicular visibility splays and also on the following grounds:

The proposal would intensify the use of a substandard access onto a highway (secondary distributor) where the main function is that of carrying traffic freely and safely between centres of population. The existence of an access in this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which this proposal would engender would lead to a deterioration in the efficiency of the through road as a traffic carrier to the detriment of highway safety.

The proposal has been revised since the previous submission and the width of the access has been increased in size to accommodate two cars entering/exiting simultaneously and a turning point added for the host dwelling. Although not ideal, in Highway terms, the access does exist and it is not considered on balance, that the one additional dwelling will cause such a detrimental increase in usage above that of the existing dwelling to warrant refusal. Furthermore the bend in the road exists and sight lines have been improved as far as the bend allows.

The Agent has supplied additional supporting information outlining that the existing road is 30mph, that the visibility to the existing driveway is worse than the current proposal and therefore the proposal is an improvement and that pedestrian visibility splays have also been shown on the plans.

The Highway Authority do, however, maintain their objection.

Landscaping

The proposal was accompanied by a tree report and tree constraints plan and the Council's Tree and Landscape Officer has no objection to the proposal subject to conditions, ensuring tree protection, the submission of a landscape proposal and the removal of excavated material. Although not included within the tree protection plan the Tree and Landscape Officer has suggested that the protective fencing should also include hedges, H1, H2 and H3 as shown on plan OS279-11.2. It is not considered that this would affect the construction works, but will safeguard these boundary trees which act as important screening to neighbours.

It is unfortunate that hedge H5 is to be removed for the proposed garage for the existing house. This hedge would have provided a good level of screening to No. 67 Sheering Lower Road, however it is not considered such a significant issue given the modest eaves and ridge height of the garage as outlined above.

Flood risk

The application site lies within an Epping Forest District Council Flood Risk Assessment zone. As this development is of a size where it is necessary to avoid generating additional runoff a flood risk assessment should be sought by condition to comply with policy U2B – Land Drainage consent is also required.

Although concern has been raised regarding the stability of the stream bank this would be the responsibility of the developer and is not a reason for refusal.

Conclusion:

The proposed development provides an additional residential property within the urban area in a, reasonably, sustainable location. There would be no unduly detrimental impact on neighbouring residents and little visual intrusion to the area and the parking provision proposed is sufficient. The entrance to the site although not ideal is considered by officers to be acceptable given the small potential rise in vehicle movements with the addition of one property, despite the in principle objection from the Highways Authority. Approval is therefore on balance recommended.

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

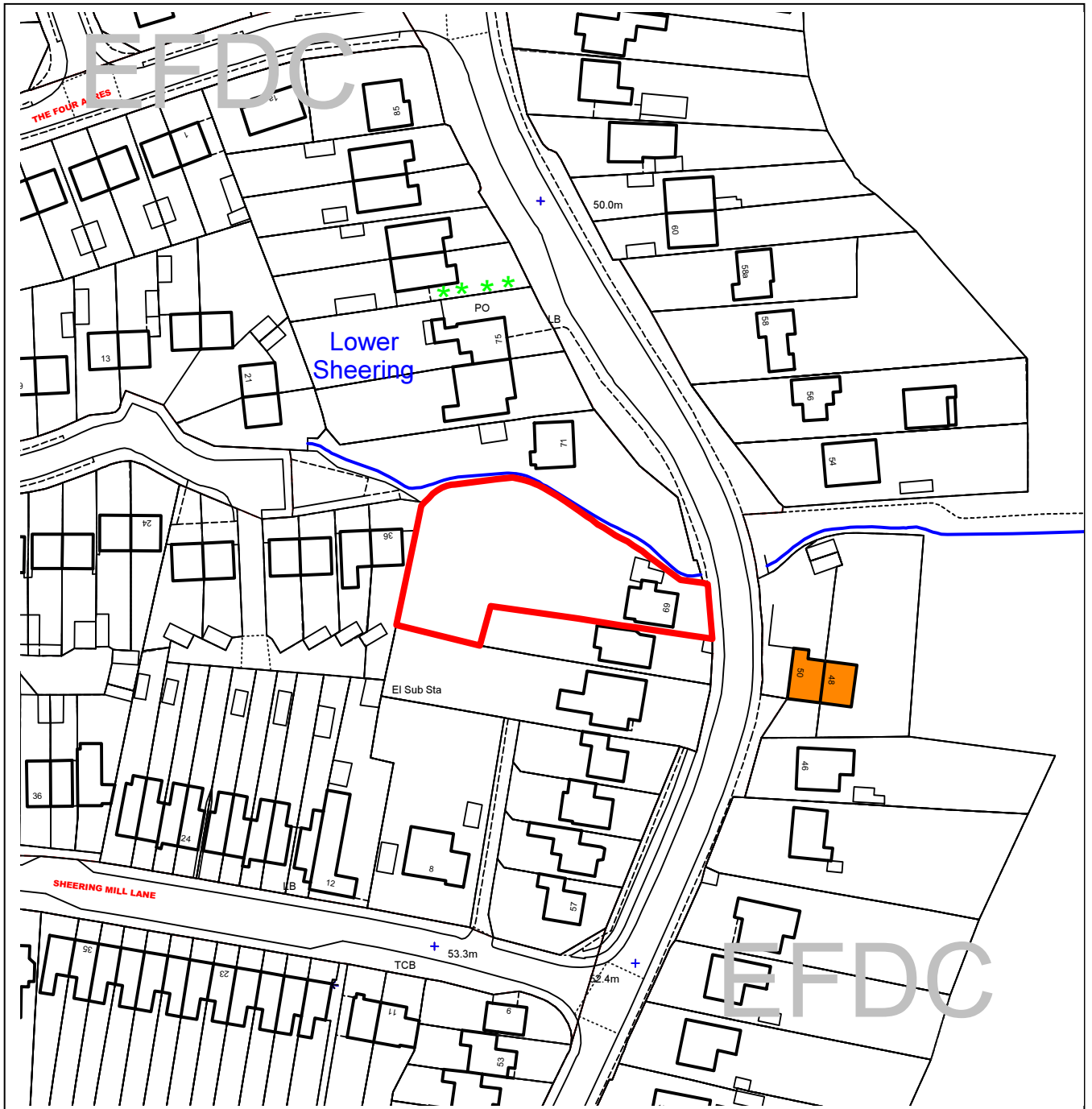
***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	2
Application Number:	EPF/0697/11
Site Name:	69 Sheering Lower Road, Sheering, CM21 9LG
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0911/11
SITE ADDRESS:	8 Holly Cottages Bell Common Epping Essex CM16 4EA
PARISH:	Epping
WARD:	Epping Hemnall
APPLICANT:	Mr Dale Golder
DESCRIPTION OF PROPOSAL:	Single storey side extension. Extension to the first floor rear elevation and a dormer window rear elevation.
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527737

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall have taken place until samples of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development. The development shall be implemented in accordance with such approved details. For the purposes of this condition, the samples shall only be made available for inspection by the Local Planning Authority at the planning application site itself.
- 3 Prior to first occupation of the development hereby approved, the proposed window opening(s) in the first floor south facing flank elevation, shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for a single storey side, single storey rear, first floor rear extension and a loft conversion involving the construction of a rear dormer window.

The side extension would project close to the south side boundary of the site but will be set in a minimum of 1.0 metre. It would be roughly 'L' plan shaped and wrap around the south flank elevation of the building and will be 4.0 metres deep by 3.4 metres wide with a mono-pitch roof. It will be 3.7 metres high and 2.6 metres to its eaves. The finishing would be mostly glazed with oak frames with yellow stock brick and a slate roof.

The first floor rear extension would have a 3.4 metres depth and will be 3.5 metres wide. It will adopt a mono-pitched roof that will match the height and style of the existing roof. The finishing would be yellow stock brick and slates to match the existing building.

The rear dormer will be 1.4 metres by 1.15 metres and will be constructed in the existing rear roof slope.

The single storey rear extension will be 1.4 metres deep by 3.5 metres wide. It will adopt a mono-pitch roof and is proposed to be finished in render with cream masonry paint.

Description of Site:

The application site forms one of a pair of semi detached Victorian Cottages within a group of four. The site lies to the east of Theydon Road and located to the southern side of Bell Common. The dwelling has a hard standing area at the front for parking. The rear garden has a level change and is stepped up. There is a wall to the south of the building with an entrance door and a close boarded timber fence with high hedges on its southern boundary.

The site is in the Green Belt and is also within the Bell Common Conservation Area boundary.

Relevant History:

No history on record

Policies Applied:

Adopted Local Plan and Alterations

GB2A – Development in the Green Belt
CP2 – Protecting the Quality of the Rural and Built Environment
DBE4 – Design in the Green Belt
DBE9 – Neighbouring occupiers amenity
DBE10 – Design and appearance
HC7 – conservation area

Summary of Representations:

4 immediate neighbours were notified and a site notice displayed on 20 May 2011. Two letters have been received from the immediate neighbours and these are summarised as follows:

COLUMN HOUSE, BELL COMMON: Objects on the grounds that this property is at the end of a row of cottages on small plots, which is a characteristic landmark of the area. The plot was never intended for the type and size of large (4 bedroom) property planned in the application. It would be around double its original size. Extending the property to the extent proposed in the application is not in keeping with the conservation area. The driveway borders forest land. The planned extension will make a significant change to the skyline to the north of our property. That change would enclose our property further to the north aspect, creating a boxed-in effect which is in contrast to the current effect.

The proposed dormer window will overlook our back garden which is a private space and currently not overlooked. It will also overlook the front of our house which is currently concealed even from the road.

6 BELL COMMON. Comments as follows: As we are unable to open the proposed plans it is difficult to make a judgement, but our main concern is that an extension to the rear elevation would compromise the daylight to our kitchen at the back. We were hoping to view the plans to see if this proposal is just to the side of the house, in which case we would not be affected.

EPPING TOWN COUNCIL. Objects – Committee object to this application because it is viewed as harmful within a Green Belt setting and creates an overlooking situation for neighbouring property.

Issues and Considerations:

The main issues to be considered are the impact of the proposed development on the amenities of the occupiers of neighbouring dwellings and on the character and appearance of the area. Consideration will also be given to whether this proposal can be seen to be a limited extension to the dwelling within the context of its Green Belt setting and also the overall impact of its design on the character and appearance of the conservation area.

Green Belt

The site can be seen from Theydon Road, Bell Common and a public footpath to the east of the site, and is therefore clearly visible within its Green Belt setting. The property has had very limited extensions in the past. The only addition to the building appears to be a small lean-to at the rear of the building.

The Town Council objects on grounds that this proposal will be harmful within this Green Belt setting. In considering its impact within the Green Belt, the majority of the works will be to the side and rear of the building. As such, it would not significantly increase the size of the existing dwelling when seen from the front. The proposed first floor rear addition and rear dormer would be seen only in the context of the existing outline of the property. There is also presently a wall from the south flank wall of the property to the side boundary and the proposed single storey side extension will be sited behind this wall with only part of its mono-pitch roof visible from the street. The proposal adds only about 17% in floor space over the original dwelling and the building is in a built up enclave between other properties. It is therefore considered that these proposals can be collectively quantified as limited extensions to the property and will have a negligible impact on the Green Belt.

Impact on residential amenity

The property provides an adequate set back from the property 'Column House' such that there will be no loss of light or overshadowing to this property nor, given the gap between the dwellings, is it considered that the proposal would be overbearing. This neighbour has written and objects on grounds of overlooking and loss of privacy. There is a very high hedge that obscures a large amount of the building when seen from the neighbour's property. The only part of the proposal that could raise concern is the proposed first floor window in the south facing flank wall. A condition can ensure this window is obscure glazed to prevent direct overlooking in the interest of protecting the adjacent neighbours amenity. Given that this is a secondary window and that there is a further rear window into the bedroom, such a condition is not unduly onerous. It is considered that the proposed dormer within the roof which faces rearwards, will not result in direct overlooking of this neighbour's property.

It is considered that the relationship between the subject site and the adjoining plot No.7 is such that the proposals will not be harmful to that neighbour's amenity.

Impact on Character and Appearance of the Area

The development proposed would project rearwards at first floor level and will add a single storey element to the side and rear. The proposal would not be disproportionate to the scale of the original dwelling and the character of the existing property would be retained when seen from the street. The design and roof form of the additions proposed with matching materials would be in keeping with that of the main dwelling.

Conservation Area

There are no changes proposed to the front of the building. The height, scale, massing and building will be sympathetic to the character and appearance of the conservation area. The Conservation Officer does not raise an objection to this scheme.

There is some concern because whilst parts of the existing building are finished in yellow stock brick other parts that face rearwards are finished in a scalloped white render. A condition that requires all external materials to be agreed would ensure that overall appearance would be appropriate and in keeping with the character of the conservation area.

Conclusion

In light of the above appraisal, it is considered that the proposed development would not be detrimental to the amenities of the occupiers of neighbouring dwellings. Furthermore, it is considered that the extensions would have an acceptable appearance within the street and will be sympathetic to the character and appearance of the Conservation area. The extension can be seen as limited extension to the dwelling within its Green Belt context. Accordingly, it is recommended that planning permission be granted.

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

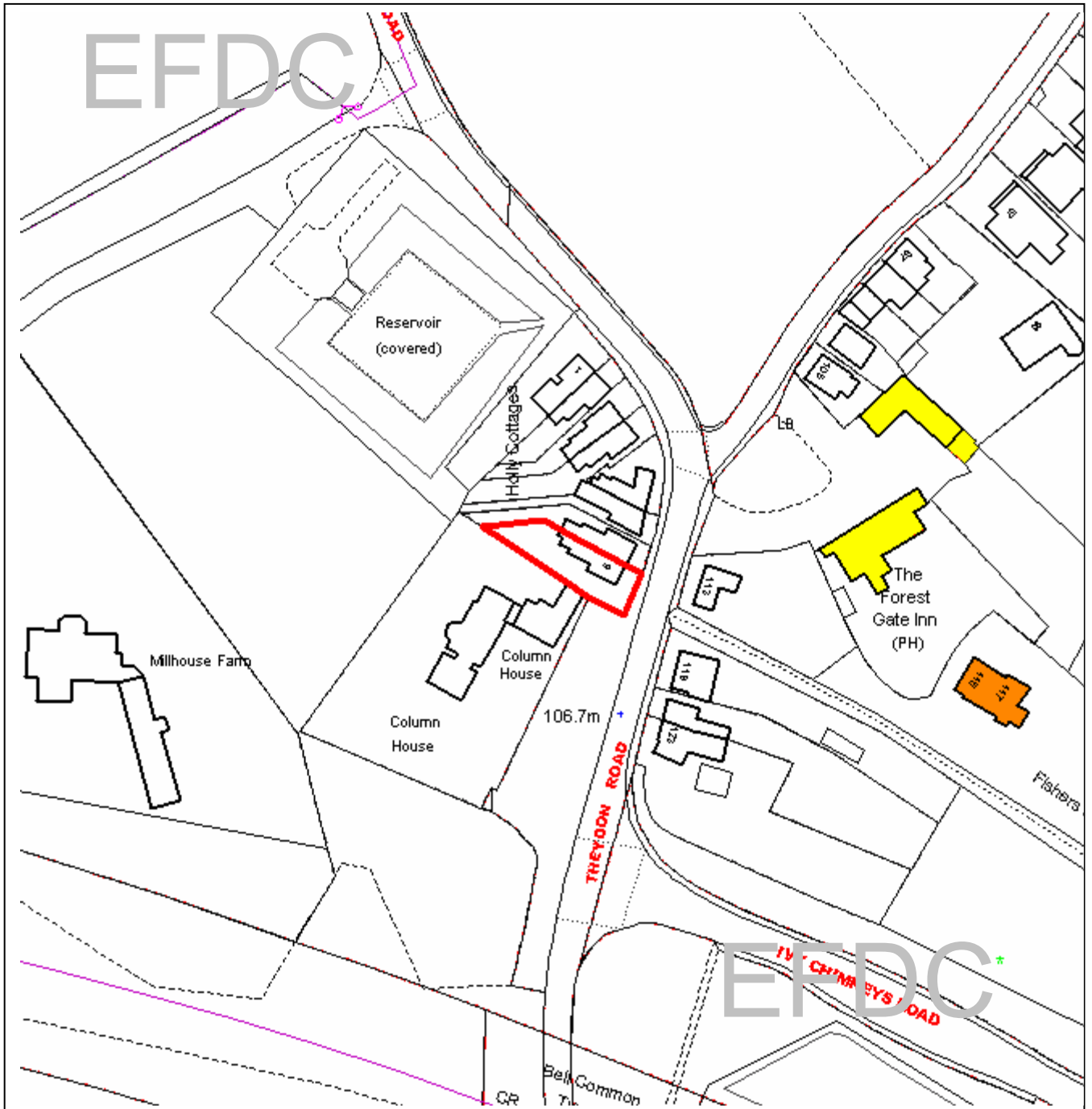
**Planning Application Case Officer: Paula Onyia
Direct Line Telephone Number: 01992 564103**

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	3
Application Number:	EPF/0911/11
Site Name:	8 Holly Cottages, Bell Common Epping, CM16 4EA
Scale of Plot:	1/1250

Report Item No: 4

APPLICATION No:	EPF/0931/11
SITE ADDRESS:	36 Berwick Lane Stanford Rivers Ongar Essex CM5 9PZ
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mr Mike Saunders
DESCRIPTION OF PROPOSAL:	Enlargement and conversion of existing detached garage to form residential annexe.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=527811

REASON FOR REFUSAL

- 1 The proposed annexe would rely on a doubling in size of an existing outbuilding in the context of an already much extended house in the Metropolitan Green Belt. It would result in a disproportionate enlargement of built form and habitable floorspace at the application site and therefore is inappropriate development in the Green Belt, by definition harmful. The applicant has failed to demonstrate very special circumstances that could not be often repeated elsewhere. Accordingly, proposal is contrary to Local Plan and Alterations policy GB2A and would set a dangerous precedent for such development that if repeated elsewhere would cumulatively have a significantly adverse impact on the openness of the Green Belt.

This application is before this Committee since it has been 'called in' by Councillor Diana Collins (Pursuant to Section CL56, Schedule A (h) of the Council's Delegated Functions).

Description of Proposal:

It is proposed to enlarge an existing detached garage in the curtilage of a dwellinghouse and convert this garage to a residential annexe to the main house.

The enlargement would principally be in the form of a simple gabled roof addition to the north-west facing elevation. A porch would also be constructed to the front elevation. The overall enlargement would just about double the size of the garage which would effectively become a self-contained one bedroom bungalow.

Description of Site:

The site comprises a part single, part two-storey 3 bedroom house and its garden within which is the garage this application relates to. The garage is sited adjacent to the southern site boundary. Rear of the garage is a much larger garage at 34 Berwick Lane. 34 and 32 Berwick Lane are a pair of Grade II listed semi-detached houses. Opposite the site are buildings at Woodside Farm and Tenacre Wood. To the north, within woodland, is a kennels. The existing double garage is about 7 metres back from the highway edge and has a hipped pitched roof.

There are two vehicular accesses to the site one in front of the garage building and one to the side of the dwelling.

The site is situated within the Metropolitan Green Belt. The house has been extended on a number of occasions to the extent its size is now more than twice that of the house that existed in 1948.

Relevant History:

1958	Consent given for single-storey front extension	Approved
EPO/0890/72	Two-storey side and single storey front extension.	Approved
EPF/1392/88	Single storey and first floor extension.	Approved
EPF/0195/89	Single storey side addition	Refused
EPF/2122/10	Enlargement and conversion of existing detached garage to form residential annexe.	Refused

Policies Applied:

Epping Forest District Local Plan and Alterations

CP2	Quality of Rural and Built Environment
GB2A	Green Belt
GB7A	Conspicuous Development
HC12	Development Affecting the Setting of Listed Buildings
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
DBE10	Residential Extensions

Summary of Representations:

NEIGHBOURS: 3 neighbours were consulted but no comments were received;

STANFORD RIVERS PARISH COUNCIL – No Objection. *“The Parish Council are mindful of what has been allowed in the past with identical conditions in the Green Belt. Also, this is a much needed facility, to enable elderly Mother to have a degree of independence with her family near.”*

Issues and Considerations:

The proposal is the same development considered under application EPF/2122/10, which was withdrawn by the applicant on 7 February 2011 following Officer advice that it would be recommended for refusal.

The main issues raised by the proposal are design, appropriateness in the Green Belt and, in the event of the proposal amounting to inappropriate development, whether very special circumstances that outweigh the harm caused exist.

Design:

The proposal is a significant addition to the existing garage and would result in the loss of a garage. Although conspicuous, visually the resulting annexe would be accommodated easily within the plot and a good degree of separation between the annexe and the main house would be retained. The design of the addition and associated alterations to its external appearance would result in a building that would look like a bungalow, with its own access and parking. It is well designed and would respect its setting and appear acceptable in the street scene. Accordingly, it would not be harmful to the setting of adjacent listed buildings. Whilst in design terms it is appropriate as an annexe as proposed, it would not be considered acceptable as a separate dwelling unit as it would be closely overlooked by the donor property and there would be privacy issues.

Appropriateness in the Green Belt:

Limited enlargement of the garage and its reuse as an annexe may well be appropriate development in the Green Belt. However, in this case the enlargement would nearly double the size of the original garage building resulting in an increase in residential floorspace of about 50 square metres in total on a site where the original main house has previously been considerably extended. Additions to the original house comprise single-storey front extensions, single and two-storey side extensions and a first floor addition which, as a whole, have more than doubled the size of the original house. Had the original house not been so greatly extended there may have been a case that the proposal is appropriate since the size of the proposed addition would not have, on its own, resulted in a disproportionate enlargement of habitable floorspace within the site.

Whilst outbuildings for purposes incidental to the use of a dwelling can often be built without the need for planning permission, primary accommodation of this kind requires permission and must be considered in relation to the adopted policies.

Green Belt policy only allows limited extensions to dwellings. The proposal, taken together with the extensions already built at the dwelling cannot in the officer's view be regarded as limited additions, as such the proposal is contrary to Green Belt policy and by definition harmful.

Very Special Circumstances:

Since the proposal is inappropriate development, it is necessary to consider whether any very special circumstances in favour of it exist. The applicant's wife states the proposed annexe is required for the accommodation of her 90 year old mother who presently lives in a mobile home with steps and needs assistance from her family. On that basis the proposal appears to be supported by the doctor of the applicant's mother-in-law, although the supporting letter refers to an extension to the house rather than the enlargement and conversion of a detached garage.

Whilst officers understand and have sympathy with the desire to provide care for an elderly family member, logic and past decisions dictate that having an elderly relative in need of care in general cannot amount to a very special circumstance since it is not an uncommon occurrence. In Green Belt terms, very special circumstances are those that could not be generally repeated or argued elsewhere. In addition the annexe created will remain long after the need for it has ceased. The supporting letter from the doctor of the applicant's mother-in-law does not say the annexe is the only way in which the care for that person could be provided. It is possible that the individual could receive the same care in either the existing main house or in a conversion of the existing garage achieved without enlargement or with only very limited enlargement, or indeed elsewhere. Since the supporting letter is vague on this and other points it raises questions rather than supports the applicant's case.

The suitability of providing care within the existing house is discussed by the applicant's agent in his supporting statement. It is contended that the size and relationship of rooms within the house is such that they are not adequately accessible for the person the proposal has been designed for. The statement therefore makes the case that their only option within the site is to consider

enlarging the garage. No up-to-date floorplans of the house have been submitted to demonstrate the agent's contention. Although Officers have not gained access to the house, floorplans of the house showing the last approved extensions have been examined and they indicate straightforward access between rooms throughout the ground floor with no obvious impediment to any adaption required to facilitate easy occupation by a person with mobility difficulties. Those floorplans indicate it would be possible to accommodate any person with mobility difficulties in a ground floor bedroom where they would have access to the lounge and kitchen. Although it is accepted that this would not provide the independence for the relative that the applicant would like.

In the circumstances it has not been demonstrated that the needs of the applicant's elderly mother-in-law, who would be accommodated in the proposed annexe, could not be met by relatively minor alteration to the existing and considerably enlarged house. However this is to some extent a side issue as even if the main house was demonstrably not capable of adaption, the personal circumstances of the applicant and his desire to provide what is essentially a separate dwelling for his mother-in-law cannot be a very special circumstance because such circumstances are not uncommon.

The applicant's agent and the Parish Council do draw attention to other sites where they contend similar proposals have nevertheless been approved and argue that those decisions create a precedent for giving permission in this case. Two sites are referred to, Chase Cottage in Willingale and Wayletts in Stanford Rivers. Their relevance to this application is considered below:

Chase Cottage:

Planning permission was given for the conversion of an existing garage to provide both a residential annexe and a garage on 8 October 2010, ref EPF/1686/10. In that case the proposal did not include the enlargement of the host garage and the retention of a garage within the building avoids creating a future requirement for a garage elsewhere on the site. The proposal was found to be appropriate development in the Green Belt primarily on the basis that there was no increase in built form on the site and there was no need to consider whether any very special circumstances in favour of the proposal existed. The facts of this proposal are in no way comparable to the current proposal and that planning permission is therefore not a material consideration. Accordingly, no weight can be given to it.

Wayletts:

Planning permission was given for the conversion of two outbuildings to annexe accommodation on 15 April 2009, ref EPF/2410/08. The annexe was to be used temporarily as a dwellinghouse while a replacement for the main house was built in accordance with a planning permission given in 2008, ref EPF/1163/08. The proposal involved the refurbishment of one outbuilding that included raising its ridge by 1m, a complete rebuilding of an adjacent outbuilding and linking the two buildings. The background to that proposal was that planning permission had previously been granted in 2005, ref EPF/2465/04, for a near identical proposal, the main difference being that proposal did not involve raising the ridge height of one of the outbuildings. In that case the Officer report stated "*Whilst it is the case that the building is slightly higher than the existing one it is considered that the increase in height, whilst on the edge of what is acceptable, would not result in a harmful impact on the openness and character of the Green Belt in this location*". The proposal was found to be appropriate development in the Green Belt primarily on the basis that there was only limited increase in built form of the original outbuildings. There was no need to consider whether any very special circumstances in favour of the proposal existed. As with Chase Cottage, the facts of this proposal are in no way comparable to the current proposal and that planning permission is therefore not a material consideration. Accordingly, no weight can be given to it.

On the matter of whether other specific decisions set a precedent for allowing the current proposal, therefore, the decisions referred to by the applicant's agent are not relevant to this current application because they all relate to development found to be appropriate in the Green Belt

resulting in either no or very limited enlargement of original outbuildings. They certainly do not amount to a precedent.

Having given consideration to all the matters raised by the applicant and his agent, no very special circumstances have been demonstrated in favour of the proposed doubling in size of the existing garage and its conversion to a residential annexe for an already much extended house in the Green Belt.

Conclusion:

The proposed residential annexe is inappropriate development in the Metropolitan Green Belt, and is by definition harmful. The applicant has failed to demonstrate very special circumstances that would justify allowing inappropriate development. The proposal is therefore contrary to policy GB2A and it is recommended that permission be refused on that basis.

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

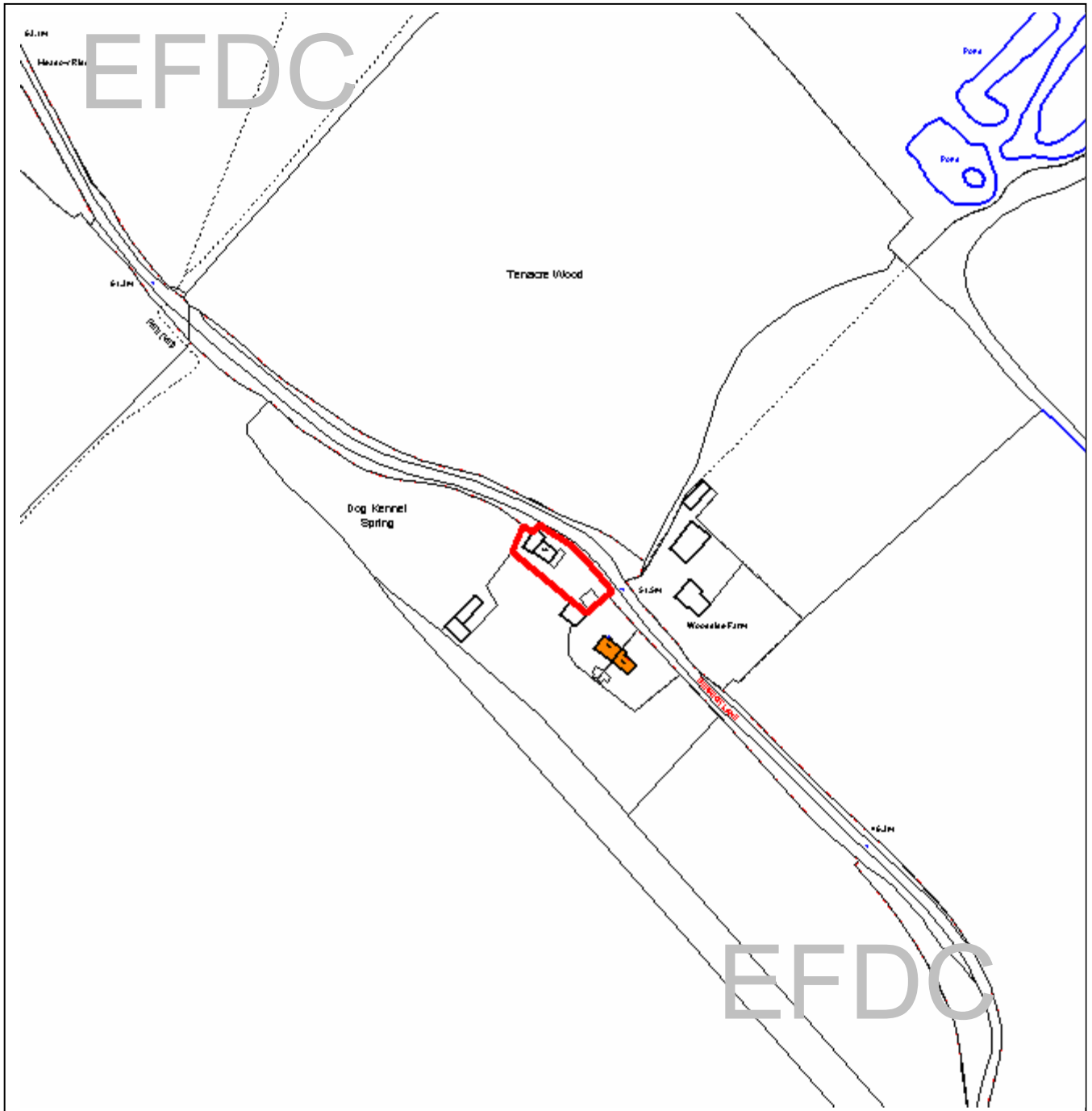
***Planning Application Case Officer: Stephan Solon
Direct Line Telephone Number: 01992 564018***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:	4
Application Number:	EPF/0931/11
Site Name:	36 Berwick Lane, Stanford Rivers CM5 9PZ
Scale of Plot:	1/2500

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