

# Committee Agenda



## Epping Forest District Council

### **Area Planning Subcommittee South Wednesday, 12th June, 2013**

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

**Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA**  
on **Wednesday, 12th June, 2013**  
at **7.30 pm** .

**Glen Chipp**  
Chief Executive

**Democratic Services  
Officer**

Gary Woodhall (The Office of the Chief Executive)  
Tel: 01992 564470 Email:  
democraticservices@eppingforestdc.gov.uk

#### **Members:**

Councillors J Hart (Chairman), N Wright (Vice-Chairman), K Angold-Stephens, G Chambers, K Chana, Mrs T Cochrane, R Cohen, C Finn, L Girling, Ms J Hart, J Knapman, L Leonard, A Lion, H Mann, J Markham, G Mohindra, Mrs C Pond, B Sandler, Mrs T Thomas, H Ulkun, Mrs L Wagland, Ms S Watson and D Wixley

**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;
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 - 10)**

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

**3. MINUTES (Pages 11 - 30)**

To confirm the minutes of the last meeting of the Sub-Committee held on 15 May 2013.

**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. DEVELOPMENT CONTROL (Pages 31 - 70)**

(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. PLANNING PROTOCOL - SITE VISITS (Pages 71 - 76)**

To consider the attached report.

**9. PROBITY IN PLANNING - APPEAL DECISIONS, OCTOBER 2012 TO MARCH 2013 (Pages 77 - 126)**

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

**10. 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.

**11. 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 Paragraph Number	Information
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](http://www.eppingforestdc.gov.uk). Any information sent to Councillors should be copied to the Planning Officer dealing with your application.

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

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

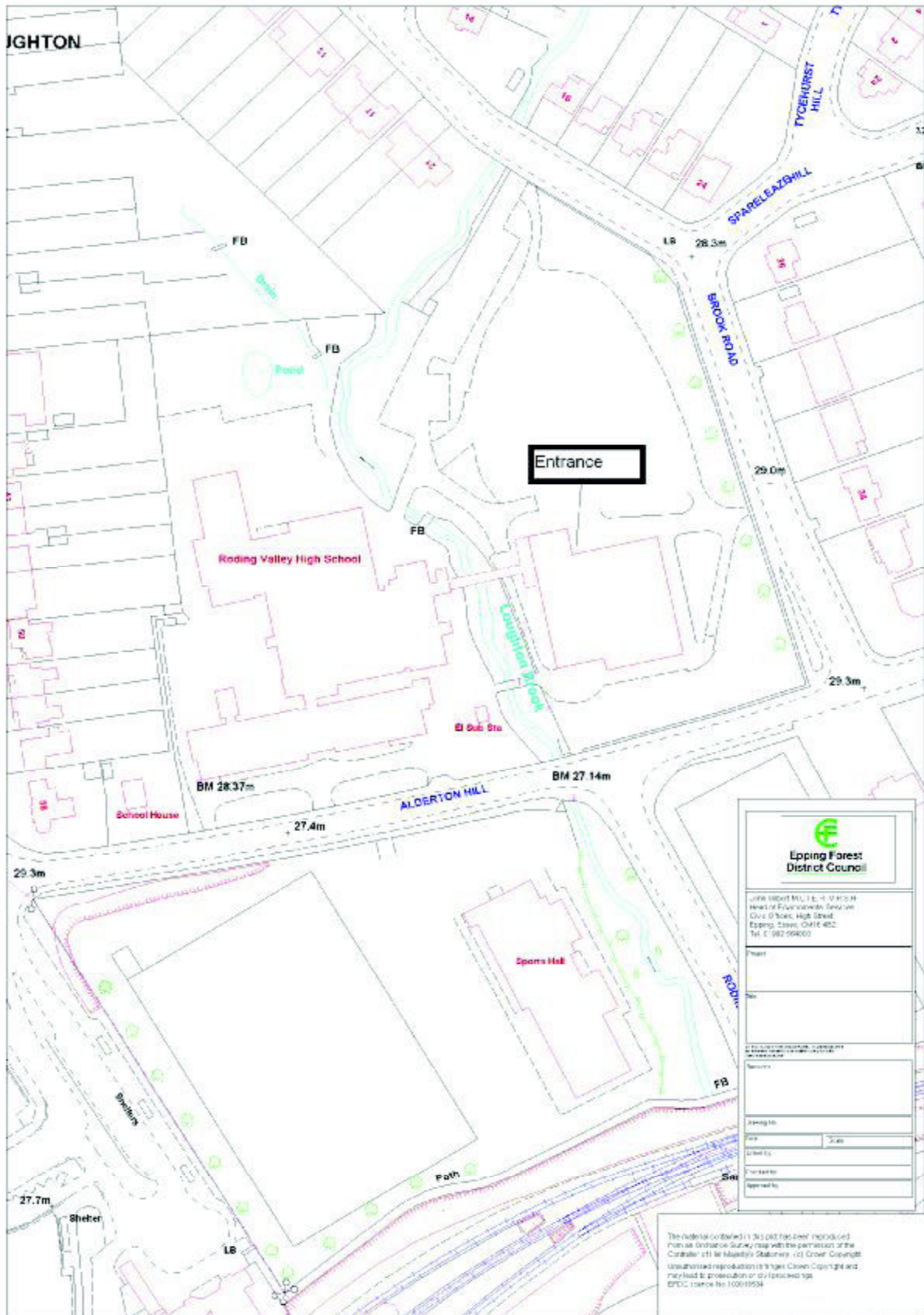
The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Subcommittee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Subcommittee. Should the Subcommittee propose to follow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

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

### **Further Information?**

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

# Area Plans Subcommittee South – Location Plan



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Area Planning Subcommittee South 2013-14  
Members of the Committee:



Cllr James Hart	Cllr Wright	Cllr Angold-Stephens	Cllr Chambers	Cllr Chana	Cllr Cochrane
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Cllr Cohen	Cllr Finn	Cllr Girling	Cllr Jennie Hart	Cllr Knapman	Cllr Leonard
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Cllr Lion	Cllr Mann	Cllr Markham	Cllr Mohindra	Cllr Pond	Cllr Sandler
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Cllr Thomas	Cllr Ulkun	Cllr Wagland	Cllr Watson	Cllr Wixley
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## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Area Planning Subcommittee **Date:** 15 May 2013  
South

**Place:** Roding Valley High School, Brook Road, Loughton, Essex IG10 3JA **Time:** 7.30 - 10.01 pm

**Members Present:** J Hart (Chairman), Ms S Watson (Vice-Chairman), K Angold-Stephens, G Chambers, K Chana, Mrs T Cochrane, C Finn, L Girling, Ms J Hart, J Knapman, H Mann, G Mohindra, Mrs C Pond, B Sandler, H Ulkun and Mrs L Wagland

**Other Councillors:**

**Apologies:** R Cohen, L Leonard, A Lion, J Markham, Mrs T Thomas and D Wixley

**Officers Present:** N Richardson (Assistant Director (Development Control)), C Neilan (Landscape Officer & Arboriculturist), M Jenkins (Democratic Services Assistant), J Leither (Democratic Services Assistant), A Hendry (Democratic Services Officer) and G J Woodhall (Democratic Services Officer)

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### 82. 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.

### 83. MINUTES

**RESOLVED:**

That the minutes of the last meeting of the Sub-Committee held on 10 April 2013 be agreed.

### 84. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

### 85. ANY OTHER BUSINESS

There was no other business for consideration.

### 86. DEVELOPMENT CONTROL

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

**RESOLVED:**



That the planning applications numbered 1 – 17 be determined as set out in the attached schedule to these minutes.

**87. CONFIRMATION OF TREE PRESERVATION ORDER TPO/EPF/21/12 AT DOLPHIN COURT, HIGH ROAD, CHIGWELL**

The Sub-Committee received a report regarding Confirmation of Tree Preservation Order TPO/EPF/21/12 Dolphin Court, High Road, Chigwell.

TPO/EPF/21/12 protected 7 trees, individually specified, on the northern and western boundaries of Dolphin Court with High Road and Hainault Road, Chigwell. The tree of concern to the objector was T1 Ash situated close to the boundary with 1 Hainault Road.

The TPO was made at the request of some of the residents of Dolphin Court as a result of a disagreement about the felling of one of the trees in particular. Given the location, and in particular the visual importance of the particular trees, a selective order was made on those trees of most public value.

**Objection**

The objection was on the basis that:

(1) Ash trees were not generally attractive trees and only warranted a TPO in special circumstances, which in this instance, did not exist.

(2) The tree was a potential threat to foundations and the TPO may prevent proper pruning or crown reduction. This would increase worry and cause difficulty with insurance, as a pensioner and widow, this was a concern to the objector.

(3) The unfettered growth of the tree would cause an increase in maintenance through leaves in the gutters and on the driveway, as well as unnecessary and undesirable shading and infringe the objector's views.

(4) Additionally the objector felt that TPOs had "got out of hand" in the district. She supported tree protection in principle but felt that TPOs should be made only where trees were of special importance which she felt here was not the case. She felt that the reason for the number of TPOs was that the relevant officers wished to have bigger departments and more responsibility, as a result they made no distinction between trees which were important to the environment and those which were not.

The Principal Landscape Officer advised that he was unsure if the objector had been notified that this application was being put before this sub-committee. He suggested that this item should be deferred to a future sub-committee meeting to allow officers to check that the objector had been notified.

**RESOLVED:**

That Confirmation of Tree Preservation Order TPO/EPF/21/12 at Dolphin Court, High Road, Chigwell be deferred to a future meeting of the sub-committee to allow officers time to check that the objector has been notified of the application being put before the sub-committee.

**88. 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**

<b>APPLICATION No:</b>	EPF/0458/13
<b>SITE ADDRESS:</b>	EFDC Parks Nursery Pyrles Lane Loughton Essex IG10 2NL
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead
<b>DESCRIPTION OF PROPOSAL:</b>	Outline application for the demolition of tree/plant nursery and erection of up to 36 dwellings (flats and houses, 15 affordable), landscaping, parking and associated infrastructure. (Revised application)
<b>DECISION:</b>	Refused 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=546790](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546790)

**REASONS FOR REFUSAL**

- 1 The vehicular access serving the site is of inadequate width and will provide a poor access to serve a development of this nature and density, resulting in conflict between vehicular and pedestrian movement, and conflict between vehicles entering and exiting the site. This will be to the detriment of highway safety, contrary to Policy ST4 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.
- 2 The proposal represents an overdevelopment of this site due to an inadequate level of car parking to serve the number of dwellings proposed, which would result in increased parking in neighbouring roads to the detriment of highway safety, contrary to Policy ST4 and ST6 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

The Committee discussed a possible Way Forward

- Widen the access road to allow continuous two-way vehicular movements into and out of the site.
- Reduce the number of proposed dwellings to meet the parking standards per dwelling as set out in the ECC Parking Standards Design and Good Practise guidance adopted by Epping Forest DC.

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2221/12
<b>SITE ADDRESS:</b>	23 Grange Crescent Chigwell Essex IG7 5JB
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	Rear canopy.
<b>DECISION:</b>	Granted 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=543421](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=543421)

**CONDITIONS**

- 1 Within 6 months of this approval, the canopy works shall be completed and the void area above the flank boundary wall shown on drawing no. 201032/4F, that faces towards 25 Grange Crescent, shall be infilled with non-openable frosted glazing and shall be retained thereafter.
- 2 No further works shall take place, including no infilling of the area under the canopy on the rear elevation to create an enclosed extension.

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2409/12
<b>SITE ADDRESS:</b>	58 York Hill Loughton Essex IG10 1JA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Johns
<b>DESCRIPTION OF PROPOSAL:</b>	Formation of 3.7m wide vehicular access on to York Hill and removal of section of damaged hedge.
<b>DECISION:</b>	Withdrawn

**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=544200](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544200)

The application was withdrawn as a planning application prior to the Committee meeting.

**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0140/13
<b>SITE ADDRESS:</b>	3 Church Hill Loughton Essex IG10 1QP
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of front extension to existing teaching space in former garage to align with existing raised timber deck area.
<b>DECISION:</b>	Granted 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=545171](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545171)

**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 classroom outbuilding, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The extension hereby approved shall only be used for pre school nursery purposes within the hours of 7.30 am to 6.30 pm Mondays to Fridays..

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0259/13
<b>SITE ADDRESS:</b>	Avalon Mews North End Buckhurst Hill Essex IG9 5RA
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	Removal of existing conservatory and erection of two storey extension to front and rear, first floor extension over existing extension, alteration to bay projection and replace existing tiles.
<b>DECISION:</b>	Refused 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=545618](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545618)

**REASON FOR REFUSAL**

- 1 The proposed two storey extension onto the southern facing wall of the house, by reason of its size, position and appearance would be an overbearing addition relative to the adjacent property at 15a The Drive, resulting in loss of amenity to the occupants of that property, contrary to policy DBE9 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

The Committee considered that a Way Forward would be to site the extension further away from this boundary, on to the side of the house, so long as it does not result in undue loss of amenity to occupiers of the residential properties west of the application site, should a subsequent planning application be submitted.

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0384/13
<b>SITE ADDRESS:</b>	77 Manor Road Chigwell Essex IG7 5PH
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	Single storey rear, front and side extensions and loft conversion with front and rear dormer windows.
<b>DECISION:</b>	Granted 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=546351](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546351)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Materials to be used for the external finishes of the proposed development, shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS 5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.



**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0435/13
<b>SITE ADDRESS:</b>	2 Chigwell Park Chigwell Essex IG7 5BE
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>DESCRIPTION OF PROPOSAL:</b>	First floor side/part two storey rear extension and part single storey rear extension. (Revised application)
<b>DECISION:</b>	Refused 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=546650](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546650)

**REASONS FOR REFUSAL**

- 1 The proposed two storey extension onto the southern facing wall of the house, by reason of its size, position and appearance would be an overbearing addition relative to the adjacent property at 15a The Drive, resulting in loss of amenity to the occupants of that property, contrary to policy DBE9 of the Adopted Local Plan and Alterations and the National Planning Policy Framework.

**POSITIVE AND PROACTIVE STATEMENT**

A single storey rear extension may be considered less intrusive on this neighbour, should a subsequent planning application be submitted.

**Report Item No: 8**

<b>APPLICATION No:</b>	EPF/0450/13
<b>SITE ADDRESS:</b>	38 Smarts Lane Loughton Essex IG10 4BX
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of a two storey side extension.
<b>DECISION:</b>	Granted 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=546750](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546750)

**CONDITIONS**

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

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/0059/13
<b>SITE ADDRESS:</b>	63 Manor Road Chigwell Essex IG7 5PH
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/10/74 T7 - Cypress - Fell T28 - Plum - Fell
<b>DECISION:</b>	Split Decision: T28 Granted Permission (with conditions) T7 Refused Permission

**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=544794](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544794)

**T28: CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

**T7: REASON FOR REFUSAL**

- 1 Although it is recognised that T7 cypress is displaying early signs of infection this is not sufficient to justify the loss of its visual and other amenity. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/2016/12
<b>SITE ADDRESS:</b>	128 Manor Road Chigwell Essex IG7 5PR
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/23/99 T1 - Oak - Fell
<b>DECISION:</b>	Refused 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=542604](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542604)

**REASON FOR REFUSAL**

- 1 The information supplied is insufficient to demonstrate that the proposed felling and replacement is either necessary or justified. A reasonable degree of reduction of the crown area would be consistent with policy LL8 , and without prejudice would give the owner reassurance that followed superstructure repairs as proposed by the insurers then a reoccurrence of the structural problems would be even less likely. The loss of the tree's existing and potential visual amenity is therefore contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

**Report Item No: 11**

<b>APPLICATION No:</b>	EPF/0045/13
<b>SITE ADDRESS:</b>	128 Manor Road Chigwell Essex IG7 5PR
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/23/99 T1 - Oak - Linear reduction of crown height and spread by up to 4.25m to achieve an overall reduction in crown area by up to 70%
<b>DECISION:</b>	Granted 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=544730](http://planpub.eppingforestdc.gov.uk/AniTelM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=544730)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 The crown reduction authorised by this consent shall consist of a 45% linear reduction of the existing crown's radial spread and height outside and above the original, inner pollard points, cutting outside the secondary reduction points which are at approx 4.25m. outside and above the inner pollard points.
- 3 The crown thinning authorised by this consent shall consist only of the removal of congested, minor sublateral branches, as shall be agreed on site before commencement of works. It shall result in no additional overall reduction of height or spread of the crown.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (2010) (or with any similar replacement Standard).
- 5 The works hereby authorised shall be undertaken only within the periods June 15th to September 30th inclusive and December 1st to March 31st inclusive.

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/0221/13
<b>SITE ADDRESS:</b>	Roding Valley High School Alderton Hill Loughton Essex IG10 3JA
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/CHI/02/70 T1 - Field Maple - Fell T2 - Ash - Fell T4 - Ash x 2 - Fell T5 - Field Maple - Fell T6 - Ash - Fell T7 - Ash - Fell T8 - Ash - Fell T11 - Grey Poplar - Fell
<b>DECISION:</b>	Granted 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=545501](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545501)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior 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 and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of 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: 13**

<b>APPLICATION No:</b>	EPF/0425/13
<b>SITE ADDRESS:</b>	1A Loughton Way Buckhurst Hill Essex IG9 6AA
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill East
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/42/88 T1 - Poplar - Fell
<b>DECISION:</b>	Granted 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=546591](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546591)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

**Report Item No: 14**

<b>APPLICATION No:</b>	EPF/0446/13
<b>SITE ADDRESS:</b>	12 Stradbroke Drive Chigwell Essex IG7 5QX
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Grange Hill
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/01/01 T5 - Oak - Fell
<b>DECISION:</b>	Granted 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=546732](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546732)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior 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 and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of 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: 15**

<b>APPLICATION No:</b>	EPF/0630/13
<b>SITE ADDRESS:</b>	Bald Faced Stag High Road Buckhurst Hill Essex IG9 5HT
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/41/91 T28 - Lombardy Poplar - Fell T41 - Horse Chestnut - Fell
<b>DECISION:</b>	Granted 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=547490](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547490)

**CONDITIONS**

- 1 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted and inspected and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 2 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

**Report Item No: 16**

<b>APPLICATION No:</b>	EPF/0689/13
<b>SITE ADDRESS:</b>	Holmhurst Manor Road Loughton Essex IG10 4RP
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/09/95 Cypress x 9 - Fell
<b>DECISION:</b>	Granted 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=547791](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547791)

**CONDITIONS**

- 1 The felling authorised by this consent shall be carried out only after the Local Planning Authority has received, in writing, 5 working days prior notice of such works.

## AREA PLANS SUB-COMMITTEE SOUTH

12 June 2013

### INDEX OF PLANNING APPLICATIONS/ENFORCEMENT CASES

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2.	EPF/0233/13	44 Kenilworth Gardens, Loughton, Essex IG10 3AF	Grant Permission (With Conditions)	38
3.	EPF/0307/13	38 Chigwell Lane, Loughton, Essex IG10 3NY	Grant Permission (With Conditions)	48
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**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2025/12
<b>SITE ADDRESS:</b>	43 Colebrook Lane Loughton Essex IG10 2HJ
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Fairmead
<b>APPLICANT:</b>	Mr R Webster
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/13/90 T1 - Oak - Fell
<b>RECOMMENDED DECISION:</b>	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=542617](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=542617)

**REASON FOR REFUSAL**

- 1 Although it is recognised that there is significant structural damage within the main house the evidence supplied and investigation of the issues on site does not demonstrate that this is a result of root related subsidence, nor that removal of the tree would contribute to its stabilisation and repair. It is recognised that the tree's root activity may have contributed to the damage to the boundary wall and the conservatory, but both these structures are of unsatisfactory construction, not in accordance with published advice. Their failure is seen to result from unsatisfactory construction. The application provides no evidence that removal of the tree would contribute to their future stability or repair. The loss of the tree's existing and potential visual amenity is therefore seen to be unnecessary and unjustified and as such to be contrary to policy LL9 of the Council's Adopted Local Plan and Alterations.

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

**Description of Proposal:**

Oak. Fell.

**Description of Site:**

The tree stands approx 10m in height, and on the front boundary, close to the junction into the Fairmead development and immediately behind the pavement. The house itself is set back some 9m from the tree. The flank of the building is connected to its garage by a brick wall, approx 1.8m in height, which encloses the rear garden, and also leaves an extensive open lawn to the front,

The tree itself sits prominently in that area. Although relatively young for an oak, it is an important feature of the local street scene.

### **Relevant History:**

TPO/EPF/13/90 was a strategic order, protecting the most prominent trees on the Fairmead School site, before development.

EPF/9/92: Outline consent for 112 houses APP/CON

EPF/0410/96: Details of 108 houses APP/CON

The development was designed and constructed in 1997 to allow tree retention, with relevant tree protection and landscape conditions. There is no specific recent history. Consent was granted in 1998 for a limited crown lifting, ref EPF/0114/98.

### **Policies Applied:**

Epping Forest District Local Plan and Alterations, LL 09: Felling of preserved trees.

### **Summary of Representations:**

LOUGHTON TOWN COUNCIL: Objects to inappropriate treatment to any significant tree and on that basis objects. It would prefer the roots to be contained, rather than the tree felled.

LOUGHTON RESIDENTS ASSOCIATION Objects: Willing to withdraw objection should the council's arboriculturist approve felling, subject to suitable replacement. .

### **Issues and Considerations:**

#### **Introduction**

The reason given for the felling within the application as submitted in October 2012 was that the "tree is causing clay subsidence damage". Members will be aware that the costs arising from decisions are claimable against the LPA in relation to TPO decisions, and that in subsidence cases these can be considerable. The application on submission was supported by:

- 2 technical reports from Crawfords (Loss Adjusters), dated September 2010 & October 2012;
- an Arboricultural Appraisal report from MWA Arboriculture of August 2012,
- levels monitoring results and
- supporting technical information on soils, foundations and drains.

The damage was said to be to the main house, a conservatory and also to the brick garden wall. Although drains had been leaking it was stated that their location meant they were unlikely to be a relevant factor.

The LPA appointed an independent structural engineer to provide advice, (P Kelsey Associates). An accompanied inspection was undertaken in January 2013, following which an additional technical report was received in April from Crawfords. This committee report is based on that information set, and the advice received from P Kelsey Associates, including following the most recent submission. Investigations have also referred to building control records for the original foundation design and the ground investigations report accompanying the building control application for approval of details, ref BC/1074/96.

#### **The Tree**

The assessment of the tree is that it is healthy, and of good form. It is a valuable tree, but not fully mature. Generally therefore if there were compelling evidence that the tree were causing structural damage, that the affected structures have been properly constructed in accordance with contemporary good practice and guidance and that its removal would restore stability to the structures involved then the policy LL9 would be satisfied, and removal, with suitable replacement,

would be recommended. It is true that felling can sometimes be avoided by other technical solutions, such as underpinning or by constructing a root barrier, but these will generally be considerably more expensive and justifiable only for trees of the highest value, which this while important, is not.

### Main considerations

The main considerations therefore are:

- How strong is the evidence linking tree root activity to the damage?
- Would tree removal assist in their resolution in a cost effective manner? And also
- Whether the structures damaged in this case have been properly constructed, particularly given that the tree was present and subject to TPO prior to construction?

### Damage to the property

The reports supporting the application conclude that there is root related subsidence to the property. The latest report states “the additional site investigations have confirmed our earlier diagnosis that the cause of subsidence is root induced clay shrinkage. It is now clear that the oak’s influence is throughout the property and, therefore, there is even more need to fell the tree as the dominant and effective cause...If the council refuse (the application)...then partial underpinning will be needed to stabilise the property. This would escalate the current repair reserve of £7k to over £120k to include underpinning and alternative accommodation.”

In terms of the damage evident there appears to be no evidence of externally visible damage to any of the main house walls, with none of the characteristic stepped cracking from doors or windows associated with subsidence. However there is crack damage to internal walls and ceilings, and within the kitchen. The floor of the kitchen is visibly lower than it should be, with associated damage to kitchen fittings and tiles etc. The floor of the conservatory is visibly disrupted, with cracking at its junction with the house proper. The boundary wall is widely cracked, and also out of true.

### Discussion

The application as originally submitted was on the basis that the house foundations were substandard, only 1m deep, and this was the cause of the cracking. Level monitoring showed a considerable annual movement, consistent (it is said) with tree root activity. It is stated that the clay is desiccated.

In relation to the main house P Kelsey Associates point out that there are serious flaws in the interpretation of the data, not remedied in Crawford’s latest report. In particular they state that the best interpretation of the levels data suggests that it is the datum point that is moving, rather than the property itself, which accounts for the lack of damage to the main structure. They suggest that the internal damage arises from a failure of the floor slab, not the foundations. The foundations have been ascertained to be from 2.5 to 2.25m deep, which broadly accords with the approved details, and should be more than enough at 9m for a tree of this size. It appears from the technical information that, where the floor should be suspended, it is in fact ground bearing, and hence likely to fail irrespective of the tree’s presence. Although the subsoil is stated to be relatively dry they point out that the technical information does not bear this out and that, in areas where roots should be present to bear out the allegation, they have not in fact been found.

In relation to the conservatory and wall P Kelsey Ass. point out that both have very shallow foundations, and would be likely to move irrespective of the presence of the tree. The damage to the conservatory is due to differential movement between it and the house as a result of having a clearly insufficient foundation; while oak root activity is likely to have been at least a contributory factor in this damage its removal would not prevent further movement and so further damage would, they consider, be inevitable.

## **Conclusion**

The owner of 43 Colebrook Lane has a very understandable desire to have the defects to his property, now of longstanding, remedied under his insurance policy. However it is suggested that the tests to allow tree removal are not satisfied.

1. The evidence to support the application in respect of the main structure, the house, is badly flawed. It does not demonstrate that the main house is suffering from subsidence.
2. It does not seem from the evidence supplied that removal of the tree would assist with resolution of any of the structural issues which have been identified
3. The failures all arise from construction defects which need to be remedied, irrespective of the tree's presence.

It is therefore concluded that policy LL9 of the Local Plan and Alterations is not satisfied and that the application should therefore be refused.

***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: Christopher Neilan  
Direct Line Telephone Number: 01992 564117***

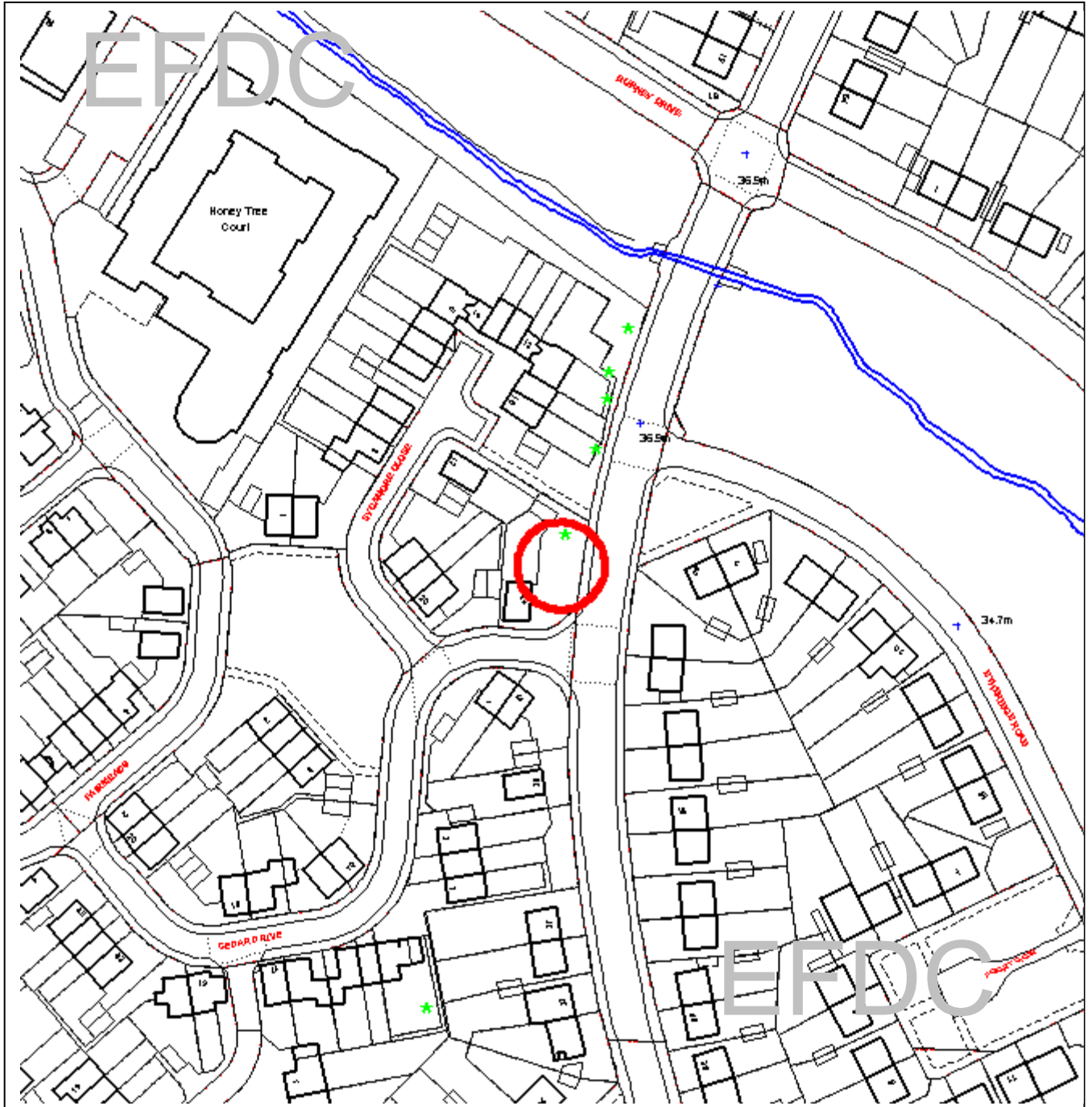
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2025/12
Site Name:	43 Colebrook Lane, Loughton IG10 2HJ
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0233/13
<b>SITE ADDRESS:</b>	44 Kenilworth Gardens Loughton Essex IG10 3AF
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Roding
<b>APPLICANT:</b>	Miss Mine Remzi
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed replacement of redundant former garages with one single storey, 1 bed bungalow.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=545553](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545553)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1249/1, 1249/2A, 1249/3 and 1249/4
- 3 No development shall take place until a Phase 1 Land Contamination investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 1 investigation. The completed Phase 1 report shall be submitted to and approved by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the Phase 2 site investigation condition that follows]
- 4 Should the Phase 1 Land Contamination preliminary risk assessment carried out under the above condition identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out. A protocol for the investigation shall be submitted to and approved in writing by the Local Planning Authority before commencement of the Phase 2 investigation. The completed Phase 2 investigation report, together with any necessary outline remediation options, shall be submitted to and approved by the Local Planning

Authority prior to any redevelopment or remediation works being carried out. The report shall assess potential risks to present and proposed humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments and the investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11", or any subsequent version or additional regulatory guidance.

[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the remediation scheme condition that follows]

- 5 Should Land Contamination Remediation Works be identified as necessary under the above condition, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.  
[Note: This condition must be formally discharged by the Local Planning Authority before the submission of details pursuant to the verification report condition that follows]
- 6 Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval in writing. The approved monitoring and maintenance programme shall be implemented.
- 7 In the event that any evidence of potential contamination is found at any time when carrying out the approved development that was not previously identified in the approved Phase 2 report, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a methodology previously approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the immediately above condition.
- 8 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 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 enlargement of the dwellinghouse hereby approved and no building within its curtilage generally permitted by virtue of Classes

A, B and E of Part 1, Schedule 2 to the Order shall be constructed without the prior written permission of the Local Planning Authority.

- 10 Prior to commencement of development, detailed design of the proposed railing, fence and sliding gate shall be submitted to and agreed in writing by the Local Planning Authority. The agreed railing, fence and gates shall be completed prior to the first use of the dwelling and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

*This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).). It is also before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))*

### **Description of Site:**

The application site comprises a disused garage court of 6 garages on the western side of Kenilworth Gardens situated between its junctions with Avondale Drive and Southern Drive. The site was originally the rear part of the rear garden of 47 Avondale Drive prior to the development of the garage court in the mid 1970's.

The site has a 17m frontage to Kenilworth Gardens and a width of 8m. The site is entirely hard surfaced and the garages are flat roofed structures approximately 2.5m high. They are arranged in two blocks of 3 garages, one at the northern and one at the southern end of the site. They are separated by a turning area which gives on a gated access directly off Kenilworth Gardens.

A narrow private alley some 1m wide providing access to rear gardens of properties on Avondale Drive and Southern Drive from Kenilworth Gardens separates the site from the rear garden boundary of 54 Southern Drive.

The locality is characterised by short terraces of two-storey houses with rear gardens typically 25m in length, as at 54 Southern Drive. The rear garden of 47 Avondale Drive is only 9m in length as a consequence of the development of the garage site in the 1970's. Opposite the site is a substantial garage with hipped roof, some 4m high, in the rear garden of 45 Avondale Drive. Otherwise, this part of Kenilworth Gardens is entirely enclosed by the side garden boundary fences of houses fronting Avondale Drive and Southern Drive.

The development is entirely within Flood Risk Zone 2 and largely within Flood Risk Zone 3. It is not within a Flood Risk Assessment Zone shown on the proposals map of the Local Plan.

### **Description of Proposal:**

It is proposed to redevelop the application site to provide a one-bedroom bungalow and courtyard providing a parking space and small private amenity area.

The bungalow would be sited at the northern end of the application site abutting the site boundary with the alley separating the site from 54 Southern Drive. It would be set back 1m from the boundary with the footway with its rear wall adjacent to the site boundary with the rear part of the back garden of 49 Avondale Drive. A distance of 15.6m would separate it from the rear elevation of 47 Avondale Drive.

The bungalow would have a footprint of some 6.5m by 10.3m. It would have a hipped roof with a flat top. Its eaves height would be 2.3m and its ridge height would be 4.35m. The front elevation would comprise equally spaced openings; a central entrance door with canopy porch flanked by a pair of windows. A 1m wide landscaped strip separating the bungalow from the footway of Kenilworth Gardens would be enclosed by 1m high railings.

The parking and amenity area would be enclosed by a solid 1.8m high fence and automatic sliding gate. The outside walls of the garages would be retained on the site boundaries with 47 and 49 Avondale Drive. A new section of wall would be built between the retained garage walls on the boundary with 49 Avondale Drive in order to create a uniform boundary treatment.

### **Relevant History:**

EPF/0278/76	Erection of three garages.	Approved
EPF/1221/76	Erection of three garages.	Approved
EPF/1221/76A	Details of garages.	Approved

### **Policies Applied:**

CP2	Quality of Rural and Built Environment
CP3	New Development
CP7	Urban Form and Quality
H2A	Previously Developed Land
DBE1	Design of New Buildings
DBE2	Effect on Neighbouring Properties
DBE8	Private Amenity Space
DBE9	Loss of Amenity
ST4	Road Safety
ST6	Vehicle Parking
U2A	Development in Flood Risk Areas

NPPF

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

Number of neighbours consulted. 20

Site notice posted: No, not required

Responses received: Response received from the occupants of 7 neighbouring properties together with a petition signed by 13 people, each of separate addresses:

1 AVONDALE COURT, AVONDALE DRIVE (Cllr Stephen Murray): Objection

1. The development is to the rear of properties
2. The proposal will have an overbearing impact on the locality, homes and gardens of residents due to its size and proximity to neighbouring property.
3. The development would set a precedent for other similar development.

28 AVONDALE DRIVE: No objection. (No further information given)

47 AVONDALE DRIVE: Objection

1. The proposal will not blend into the area. It is not in accordance with the scale of a permitted development outbuilding.
2. The building will encroach on three gardens and residents do not want someone living on a street which does not have any other houses.

3. The building will emit cooking smells onto adjacent properties.
4. The roof of the building will block out light from adjacent properties.
5. The building will cause a lack of privacy to adjoining properties.
6. The building could hinder the sale of adjacent properties
7. The development would be a breach of the terms of restrictive covenant on the deeds to the property.

49 AVONDALE DRIVE: Objection

Points 1-6 made by 47 Avondale Drive repeated. Attention drawn to the objection of Cllr Stephen Murray.

51 AVONDALE DRIVE: Objection

1. The construction is larger than any outbuilding of the properties in the area and does not blend in with the neighbouring homes
2. The building will invade on the privacy of the neighbouring families
3. The proposed construction would set a dangerous precedent and could lead to the sale of garden portions for the development of similar properties
4. The proposed construction will have a negative impact in the value of the adjoining properties and hinder future sales

54 SOUTHERN DRIVE: Objection

1. The bungalow would overlook our and surrounding properties causing harm to privacy.
2. A bungalow with a pitched roof would block sunlight to our house and garden.
3. Potential cooking smells are a concern.
4. Existing drainage is often being repaired and cannot cope with additional development.
5. If permission is given that will open the way for allowing bungalows in back gardens generally.

56 SOUTHERN DRIVE: Objection

1. The building would affect light into our home, especially out back room and rear garden.
2. The development would put more pressure on an already overloaded sewage system.
3. The site was originally part of someones garden. If the development is approved it will be a precedent for other similar development in back gardens.
4. The development is not in keeping with the character of the locality.
5. The development could hinder sales of neighbouring properties

58 SOUTHERN DRIVE: Objection

1. The development would put more pressure on an already overloaded sewage system.
2. The close proximity of the development will put off potential buyers should we ever wish to sell.

PETITION: Proposal supported by the occupants of the following 13 properties:

30 AVONDALE DRIVE  
38 AVONDALE DRIVE  
39 AVONDALE DRIVE  
40 AVONDALE DRIVE  
41 AVONDALE DRIVE  
42 AVONDALE DRIVE  
43 AVONDALE DRIVE

45 AVONDALE DRIVE  
25 SOUTHERN DRIVE  
31 SOUTHERN DRIVE  
33 SOUTHERN DRIVE  
41 SOUTHERN DRIVE  
66 SOUTHERN DRIVE

LOUGHTON TOWN COUNCIL: Objection

“The Committee OBJECTED to this application as the proposal was considered an inappropriate infilling and overdevelopment of the site that would allow almost no private amenity space. The proposed bungalow, situated halfway down a residential rear garden, would have a detrimental visual impact and cause loss of amenity to neighbouring residents from loss of light, noise and disturbance, much more so than from the existing garages. The proposal would also set a precedent.”

ENVIRONMENT AGENCY: Initial objection removed following the submission of a Flood Risk Assessment.

EFDC Land Drainage: No objection

**Main Issues and Considerations:**

The main issues raised by this proposal are the consequences for flood risk, living conditions of neighbours, the character and appearance of the locality and highway safety. This report will also discuss the potential for any consent to amount to a precedent. Objections made on the basis of impact on the sewerage system, property values and the ability of neighbours to sell their houses are not planning matters and therefore will not be discussed. In relation to consequences for the sewerage system, that is a matter for Thames Water. The Building Regulations will separately impose requirements on any developer in relation to the disposal of sewerage. Having regard to the use of the garage block for keeping motor vehicles and associated maintenance and the presence of infilled ground in the locality there is potential for ground contamination. Any consent given for the proposed dwelling house should therefore be the subject of standard conditions that seek to mitigate that potential and safeguard human health.

**Flood Risk:**

The application site is situated within Flood Zones 2 and 3. The western two garages of the northern garage block are outside of Flood Zone 3, but the remainder of the site is within it and consequently at greater hypothetical risk of flooding.

Detailed consideration has been given to whether the proposal would actually increase the risk of flooding or be at risk of flooding. A Flood Risk Assessment (FRA) has been submitted to inform the assessment of the merits of the proposal. It demonstrates the proposal would not increase the risk of flooding on the site or elsewhere and that it would be appropriately flood resistant.

The Environment Agency accepts the findings of the FRA and raises no objection to the development.

**Living Conditions:**

The proposal is of a scale that its siting would not cause any excessive harm to the amenities enjoyed by the occupants of nos. 54 to 58 Southern Drive. The building would be seen from those houses beyond the depth of their gardens and the width of a private alley separating them from the

site and the rear gardens of properties fronting Avondale Drive – a minimum of 26m. That distance is more than adequate to mitigate any visual impact.

The distance separating the proposed house from the rear elevation of 47 Avondale Drive would be 15.6m. Given the height of the proposal would be 4.35m and the existing garage wall on the site boundary with the rear garden of 47 Avondale Drive would be retained, the proposal would not have an excessive adverse impact on the visual amenities of 47. The development would largely be viewed from the first floor of no 47 which would overlook the site rather than the rear garden. The proposal would not cause any loss of light to 47 Avondale Drive or give rise to any overlooking of it.

As indicated above, the relationship of the proposal to the rear elevation of 47 Avondale Drive is such that the private amenity area and lounge patio doors of the proposal would be overlooked from the first floor of 47. That potential for overlooking of the proposed development is mitigated by the retained garage wall on the boundary, the slight elevated position of the site in relation to the rear garden of 47 (some 200mm) and the distance separating the southern flank of the proposed house from the rear elevation of 47. The private amenity area would remain adequately private and any overlooking would be restricted to the top part of the patio doors of the proposed house.

The proposed house would appear somewhat overbearing when seen from the rear garden of 49 Avondale Drive. The degree to which it would be likely to appear more overbearing than the existing garages is adequately mitigated by the hipped design of the roof and its termination in a crown. That serves to both limit the height of the house and ensure that the additional height above that of the existing garages is set away from the site boundary in accordance with the slope of the roof.

Concerns about the impact of cooking odours appear to be overstated and, in any event, if Members find it necessary the potential impact can reasonably be controlled through the imposition of an appropriate planning condition controlling the position of any extract outlet.

The very small area of private amenity space for the proposal is mitigated by its good degree of privacy and the fact that the site is within 200m of playing fields and 300m of informal public open space/parkland. Although an off-street parking space is shown for the development, it would be open to any future occupant to park on the street in order to achieve greater private amenity space as required since there is no parking restriction in the locality.

#### Character and appearance:

Although the proposal would amount to the reuse of previously developed land in a residential area for residential purposes, the proposed house would not be consistent with the character and appearance of the locality. However, it would replace an existing development which is also not consistent with that character. The house would be more prominent than the existing garages and thereby emphasise the inconsistency. However, the existing garages are redundant and their appearance is harmful to the character of the locality. There is no reasonable prospect that they would be refurbished and reused as garages due to their small size and they are not needed to deal with any parking difficulty in the locality. Unless an acceptable alternative use for the site is found or an acceptable redevelopment of it takes place, it is likely the existing harm caused by the site will persist and may well be compounded since the site could become a security risk.

An alternative use for employment purposes could be harmful to the living conditions of neighbours and would certainly be inconsistent with the character of the locality. In terms of use, residential is most likely to be compatible with that character provided the intensity of the use is low. The existing buildings could not be reused for any residential use and there does not appear to be any reasonable prospect of the site being cleared and returned to use as a part of the rear



garden of 47 Avondale Drive, the preferred use in terms of compatibility with the character of the locality.

In the circumstances, the redevelopment of the site for the proposed dwelling is the least harmful outcome, provided the form of the development has an acceptable impact on the living conditions of neighbours, a matter discussed above, and is of an acceptable detailed design.

The proposed house would be of an appropriate scale, with a good relationship to the street. It would be a simple design that is appropriate to its scale and setting. The use of solid automatic gates to give privacy to the private amenity/parking area is also acceptable subject to the use of suitable material and a suitable detailed design. These matters, together with that of the external finishes of the house and details of railings enclosing a landscaped area between the house and footway can all be secured by condition.

Overall, the proposed development is found to be acceptable in terms of its impact on the character and appearance of the locality.

#### Highway Safety:

Informal verbal advice from an Officer at the Highway Authority is that the access arrangements to the site are satisfactory and as a consequence the proposal would not be harmful to the interests of highway safety. As stated above, there is no on-street parking restriction in the locality. Moreover, Officer knowledge of this specific locality is good and Members are therefore advised that there is normally considerable availability of on-street parking space on this part of Kenilworth Gardens. The occupiers of the proposal and any visitors would be able to make use of the availability of on-street parking space if they wished to.

#### Potential for a Precedent to be Set:

Concern is raised in respect of the potential of a grant of consent to act as a precedent. The weight that could be attached to such a decision would depend on the degree of similarity between this site and another site. A good deal of weight could be attached in circumstances where the other site has very similar circumstances, e.g. disused garages with a frontage to the street within a residential area. No significant weight could be attached in respect of land that is a rear garden of a house, even if it did have good frontage to the street. It is therefore found the grant of consent would not act as any general precedent for similar proposals. Any similar proposals subsequently submitted could be assessed on their own merits.

#### Conclusion:

The principle of redeveloping the site to provide a small-scale single dwelling is found to be acceptable. The proposal would, on balance, be acceptable in terms of its impact on the character and appearance of the locality. The proposal would give its occupants a good standard of living accommodation and would be acceptable in highway safety terms. While the proposal would not harm the living conditions of properties on Southern Drive or those of 47 Avondale Drive, it would appear somewhat overbearing when seen from the rear garden of 49 Avondale Drive. The degree that it would appear overbearing would not be so much greater than the existing garage block and would not amount to excessive harm to the living conditions of 49 Avondale Drive. A Flood Risk Assessment accepted by the Environment Agency demonstrates the proposal would not increase the risk of flooding and that the development would be appropriately flood resistant.

Overall, the proposal is found to be an appropriate reuse of previously developed land that is acceptable in terms of the quality of accommodation that would be provided, its impact on the character and appearance of the locality and its consequences for the living conditions of neighbours. It is therefore recommended that conditional 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:**

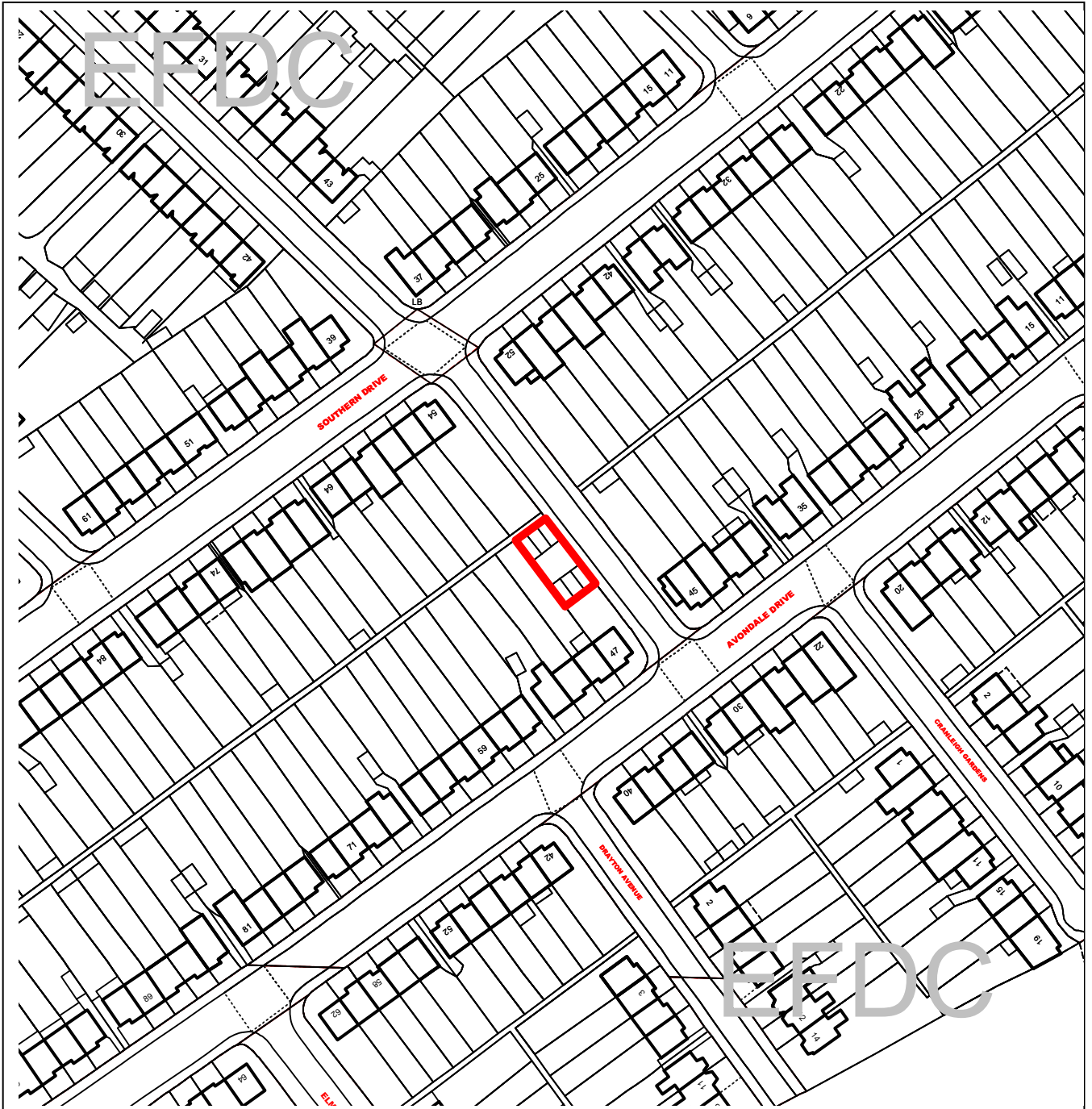
**Planning Application Case Officer: Stephan Solon  
Direct Line Telephone Number: 01992 564018**

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/0233/13
Site Name:	44 Kenilworth Gardens, Loughton, IG10 3AF
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0307/13
<b>SITE ADDRESS:</b>	38 Chigwell Lane Loughton Essex IG10 3NY
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Alderton
<b>APPLICANT:</b>	Mr Baljit Virk
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use and conversion of part of an existing office (Use Class B1/B2) to a new cafe (Use Class A3) with indoor seating for 22 and outside seating area for 10. Including new cladding to front elevation.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=545833](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=545833)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1403\_0001, 1403\_0002 A, 1403\_003, 1403\_0110, 1403\_0200, 1403\_0250 A and 1403\_1000 A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 The cafe (A3) use hereby permitted shall not be open to customers / members outside the hours of 8am to 6pm Monday to Sunday (including Bank/Public Holidays).
- 5 No access shall be formed or signage erected for the cafe hereby approved on the Oakwood Hill elevation of the building with the application site.

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

### **Description of Site:**

The application is part of a three storey industrial unit located within the Oakwood Hill Industrial site. The application site itself fronts onto Chigwell Lane, but at present there is no access from Chigwell Lane into the application site as it is behind a wall and railings. There is a wide grass verge and pavement to the front of the application site between the site and the road. The site is designated as an employment area (part of the Oakwood Hill/Langston Road site). The nearest residential properties are some 20m to the north of the site. The site is not within the Metropolitan Green Belt or a Conservation Area.

### **Description of Proposal:**

This application seeks planning permission for the change of use and conversion of part of an existing office (use class B1/B2) to create a new café (use class A3) with indoor and outdoor seating areas. The proposal also includes new cladding to the front (Chigwell Lane) facing elevation and a new pedestrian entrance fronting Chigwell Lane. The café will have an area of approximately 63m<sup>2</sup>. The existing building has a current footprint of over 1000m<sup>2</sup>.

### **Relevant History:**

EPF/0308/13 – New fascia signage – Concurrent application

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations**

CP2 - Protecting the Quality of the Rural and Built Environment

CP7 – Urban Form and Quality

DBE1, 3 - Design

DBE 2, 9 – Amenity

ST4 – Highway Safety

ST6 – Vehicle Parking

E1 – Employment Areas

E2 – Redevelopment of existing employment premise

E4B – Alternative uses for Employment Areas

### **Summary of Representations:**

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to the loss of amenity to the resident's of the Railway Cottages at nos. 30-36 Chigwell Lane. Members were also concerned that if people sought to park on the grass verge outside, this would pose a highway danger to road users of the busy and highly congested A1168 entry road into Loughton. Fencing would have to be conditioned to prevent this. Members also considered the site unsuitable for outdoor seating owing to the potential pollution from the passing, but often heavily congested traffic on Chigwell Lane.

#### **NEIGHBOURS**

6 neighbours were consulted and a site notice erected:

LOUGHTON RESIDENT'S ASSOCIATION – Object to application – There is no parking for customers; the opening hours are inappropriate for the location; adverse effect on traders in The Broadway and it introduces a non-industrial use into the industrial estate setting a dangerous precedent. Request bollards or fencing to prevent parking on the grass verges.

1,2 & 8 OAKWOOD HILL INDUSTRIAL (NEOPOST TECHNOLOGIES LTD) – Concern that café will bring a further requirement for parking to Oakwood Hill Industrial Estate, concern that access will be from Oakwood Hill with signage on Oakwood Hill.

### **Issues and Considerations:**

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

- Principle of the change of use within the Employment Area
- Character and Appearance
- Highways
- Amenity

#### *Principle of the change of use*

The café is a very small part of a larger building which will remain as an employment use, and in size is not considered much larger than an ancillary café to a business use albeit that this café will be opened to the Public. The proposal will be located in an under used office and will not involve any loss of employment to the existing business, but will employ 5 new staff (in part time and full time) positions. It is not considered that this modest change of use will have a detrimental impact on the employment area, particularly as it is a use that can be classed as ancillary to the surrounding employment uses and will generate additional employment.

It is not considered that the proposal will lead to an undesirable precedent being set with regards to any loss of employment uses because as stated above this is a modest change in floor area and due to the location of the application site fronting onto Chigwell Lane, this will be difficult for many other units within this industrial estate to replicate.

#### *Character and Appearance*

The Oakwood Hill Industrial Estate has remained static in appearance for some years compared to Langston Road on the opposite side of the road, which has had several new, modern buildings fronting onto Chigwell Lane. It is considered that this proposal is a welcome improvement to the Oakwood Hill Industrial Estate, with the proposed cladding particularly modernising the appearance of this side of Chigwell Lane and the proposed external changes are considered a welcome, if modern enhancement to this building and this part of the Oakwood Hill Industrial Estate.

#### *Highways*

The proposal does not include any additional parking provision, and the existing parking for the existing use of 38 Chigwell Lane will remain as is and not for café customer parking. Given the location of the café within an Industrial Estate, opposite another industrial estate (Langston Road) (both presumably the main intended market) and some 250m from Debden Tube station, the site is considered of a sustainable nature and one where additional car parking in this case is not considered a requirement.

Essex County Council Highways were consulted on the application and have raised no objection as the proposal is not contrary to Highway policy. Both the LRA and the Town Council have requested some sort of preventative measure along the grass verge adjacent to Chigwell Lane to avoid parking, however the Highways Officer has not raised this as an issue, particularly as stated above the intended market is not customers who will travel to the site by car and given the extent of bollards/fencing required it would not be proportionate to the size of the development, and would appear unreasonable to condition this. In addition the grassed area to the front of the proposed café is within 250m of the Debden Underground Station and parking does not currently

appear to be a problem in this area from commuter parking and therefore it seems unlikely that this area would be used for parking.

### Amenity

Since first submission the proposed opening times have been altered following discussion with Officers and the time proposed is now 8am to 6pm Monday to Sunday, rather than 8am to Midnight. It is considered that these proposed opening times are far more in keeping with the opening and active times at the Industrial Estate and therefore will not result in an isolated, late night use which may be detrimental to the amenity of the neighbours to the north of the site on Chigwell Lane and attract additional vehicle movements.

### Other Matters

#### *Impact on The Broadway*

The proposal is for one café, located close to but separate from The Broadway. The Broadway provides a wide mix of shops, cafes and services and is anchored by the existing Sainsbury's store. It provides a valuable community service and it is not considered that one additional café nearby will be so detrimental to this service to justify a refusal.

### Comments on Representations Received

The neighbouring business at 1, 2 and 8 Oakwood Hill has raised concerns with regards to access to the café from Oakwood Hill, with particular concern regarding parking. The café fronts Chigwell Lane and this is where the entrance will be, therefore from Oakwood Hill Industrial Estate any potential customer will have to use the existing pedestrian footpath. No signage is proposed to the Oakwood Hill side of the property and this can be conditioned as such to mitigate against any parking specifically for the café on the Oakwood Hill Industrial Estate.

### Conclusion:

In light of the above appraisal, particularly the limited impact on the employment area the proposal is on balance considered an acceptable form of development and approval with conditions is 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:***

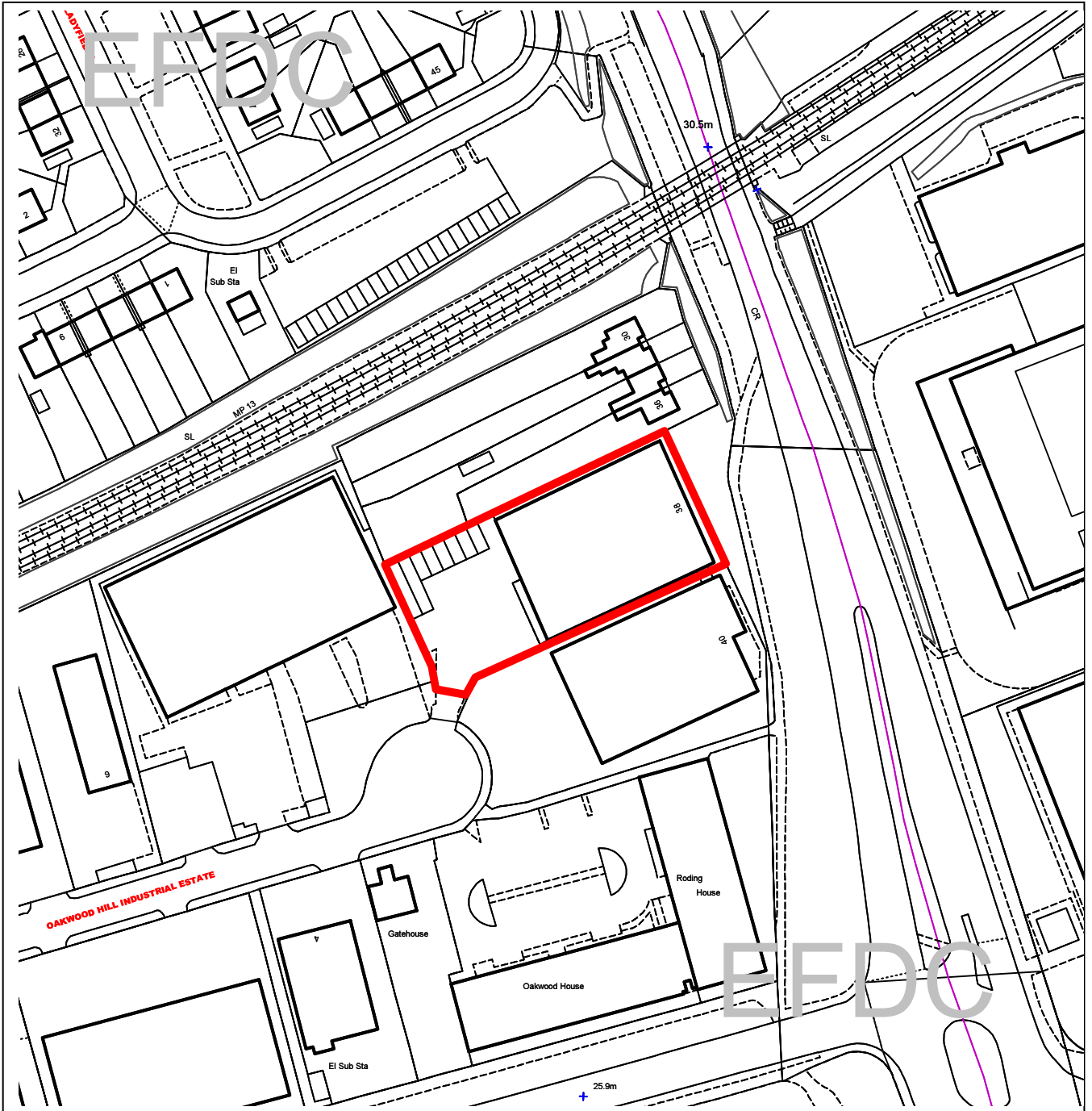
***Planning Application Case Officer: Marie-Claire Tovey  
Direct Line Telephone Number: 01992 564371***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0307/13
Site Name:	38 Chigwell Lane, Loughton, IG10 3NY
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/0555/13
<b>SITE ADDRESS:</b>	7 Albany View Buckhurst Hill Essex IG9 5TW
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr & Mrs M Twaites
<b>DESCRIPTION OF PROPOSAL:</b>	Part one and part two storey side extension with internal alterations (revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=547212](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=547212)

**CONDITIONS**

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

*This application is before this Committee because the recommendation for approval is contrary to an objection from a local Council which is material to the planning merits of the proposal - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f) and (g).*

**Description of Proposal:**

Part one and part two storey side extension with internal alterations (Revised application)

**Description of Site:**

Two storey semi detached house but where a smaller first floor is housed in a triangular and gable ended roof profile sometimes found on chalet style houses. Most of the other houses in this cul-de-sac have a more typical and traditional two storey shape and profile. The property is not listed nor does it lie in a conservation area.

### **Relevant History:**

A similar part one and part two storey side extension, submitted under EPF/ 2246/11, was refused on grounds that a) it extended to the side boundary and therefore would have had a cramped appearance, b) that it would have been overbearing to the outlook and amenity of the neighbour at no.6 Albany View, and c) the provision of a second floor rear dormer window above one at first floor would have resulted in an unsatisfactory appearance.

### **Policies Applied:**

DBE9 – Loss of amenity.  
DBE10 - Residential extensions.

### **Summary of Representations:**

BUCKHURST HILL PARISH COUNCIL – Object – the proposed extension is overbearing on the neighbouring property. The proposed gable end is also overbearing. The extension would affect the symmetry of the building.

NEIGHBOURS – 5 properties consulted and no replies received.

### **Issues and Considerations:**

In the previously refused application the first floor of the proposed extension would have extended sideways to the side boundary with no.6, and the infilling of this space would have produced a cramped appearance in the street scene. The current proposal now provides for a 0.9m gap to this boundary at the front of the extension, widening to a 1.3m gap at the rear. The introduction of this gap provides for an improved and acceptable appearance in the street scene. In addition the provision of this gap reduces the effect of the extension on the amenity and outlook of the neighbour at no.6. The front of no.6 lies in a more recessed position than no. 7 and also lies at an angle to it. However, no.6 does lie on land that is 1m higher than no.7. Also the extension is now set in from the boundary between the two houses, and the first floor is accommodated in a sloping roof gable-ended profile. For these reasons, the impact on the outlook and amenity of no.7 has been reduced to an acceptable level. It should also be noted that there has been no objection letters received from neighbours on this, or the previous proposal.

The rear elevation of the proposal has been amended in that a new second floor dormer window has been omitted from the current proposal, and the rear elevation now has an acceptable appearance.

In addition to their concern about the overbearing impact on the neighbour at no.7, which has been addressed above, the Parish Council feel that the extension would affect the symmetry of the existing house. However, the front ground floor of the proposed side extension will be recessed 0.45m behind the front wall of the house, and the roof over the first floor will slope steeply backwards away from the ground floor front. It therefore will be subordinate to the main house - although it is acknowledged that the extension does have a large mass of roof, which in part is necessary to enlarge the relatively small existing first floor accommodation which is constrained within sloping roofs. The proposed extension does have some effect on the symmetry of the house, but for the foregoing reasons it will not result in an unacceptable change in the appearance of the property in the street scene.

### **Conclusions:**

The proposal, as revised, now accords with relevant policies and it is recommended that conditional 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: David Baker**  
**Direct Line Telephone Number: 01992 564514**

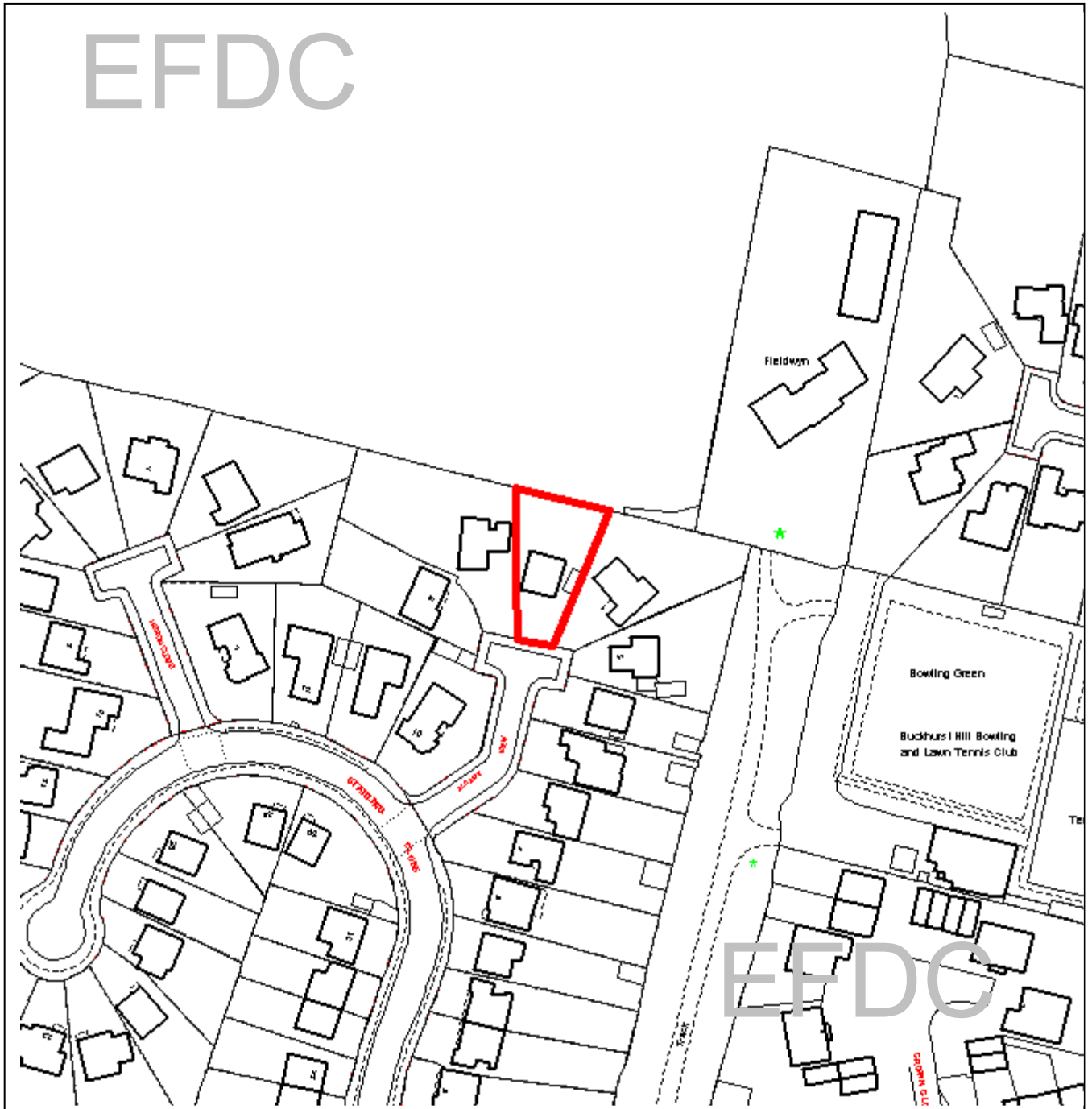
**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**



# Epping Forest District Council

## Area Planning Sub-Committee South

EFDC



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/0555/13
Site Name:	7 Albany View, Buckhurst Hill IG9 5TW
Scale of Plot:	1/1250

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0740/13
<b>SITE ADDRESS:</b>	146 High Road Loughton Essex IG10 4BH
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Forest
<b>APPLICANT:</b>	Mr Kapadia
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey rear extension to provide 3 no. self contained flats (Revised application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=548111](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548111)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 3010/01 Rev A, 3010/02 Rev A, 3010/03 Rev B, 3010/04 Rev A, 3010/05 Rev A and 3010/06 Rev A
- 3 No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such approved details.
- 4 Prior to first occupation of the development hereby approved, the proposed first floor window opening in the rear elevation shall be entirely fitted with obscured glass (as shown on plan 3010/05 Rev A) 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.
- 5 Prior to commencement of development details of the proposed refuse enclosure shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with such approved details.

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

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

**Description of Site:**

The application site is a roughly rectangular site with a single shop unit with single storey store to the rear and a one bedroom flat above. The shop is located on the west side of Loughton High Road within the key frontage of the town centre. There is an access to the rear of the site from Smarts Lane. The neighbouring property (146) has relatively recently been converted/extended to flats in a similar way to that proposed. The site is not within a Conservation Area or the Metropolitan Green Belt.

**Description of Proposal:**

This application seeks planning permission for a two storey rear extension to provide 3 no. self contained flats. The proposal is for a pitched roof two storey 15.5m deep extension to the rear filling the width of the plot.

**Relevant History:**

EPF/2401/12 – Three storey rear extension to provide 4 no. self contained flats – Refused

**Policies Applied:**

Epping Forest District Local Plan and Alterations

CP2 - Quality of Rural and Built Environment

CP3 - New Development

CP7 - Urban Form and Quality

H2A - Previously Developed Land

DBE1 - Design of new Buildings

DBE2 - Effect on Neighbouring Properties

DBE3 - Design in Urban Areas

DBE6 - Car Parking in New Development

DBE8 - Private Amenity Space

DBE9 - Loss of Amenity

ST4 - Highway Safety

ST6 - Vehicle Parking

**Summary of Representations:**

LOUGHTON TOWN COUNCIL: The Committee OBJECTED to this revised application as it provided no appreciable improvement on the previous proposal for this site.

The Town Council's previous comments to the earlier scheme were:

The Committee considered the plans provided appeared to be misleading, and expressed concern for the amenities of the neighbours nearby and at No. 148 High Road.

NEIGHBOURS

14 neighbours were consulted:

LOUGHTON RESIDENT'S ASSOCIATION – Object to application – No parking on site and would result in a cramped form of overdevelopment that fails to provide onsite refuse storage.

148 HIGH ROAD – Objections with regards to building on the party wall, issues of future maintenance, removal of chimney may impact on tenants, no store room or refuse area for shop unit

17 SMARTS LANE – Concern with quality of plans, obscure view of Lopping Hall, reduce light to property, overlooking, extra noise and pollution.

### **Issues and Considerations:**

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

- Principle of development
- Amenity
- Design

#### **Principle of development**

A flatted development at the rear of 148 High Road was granted planning permission in 2001 and this has been built directly next to the application site. It is considered that the principle of flats within this location is acceptable. Although the proposal offers no parking or amenity space provision, this is a town centre location with good access to transport, shops, services and recreation spaces and therefore this lack of provision is not considered a significant issue in this case.

Essex County Council Highways have not raised an objection to the proposal as it is not considered that the proposal will cause any detriment to highway safety in the locality, as Loughton Town Centre is well secured with parking restrictions throughout the surrounding area and there are numerous public car parks in the vicinity.

The proposal has been amended since the refused submission. The number of flats reduced, only a two storey extension rather than three storey and the extension has been reduced in depth so that refuse storage can now be accommodated within the site. These alterations to the proposal are considered an acceptable improvement to the previous scheme. The previous reason for refusal relating to overdevelopment (due to the lack of refuse provision within the site) has now been overcome with this current scheme.

#### **Amenity**

The proposal has only two new windows and in the main will be served by a light well located centrally within the development. Concern has been raised by a neighbour on Smarts Lane with regards to overlooking, however the first floor rear facing window has been marked as obscured glazed and this can be conditioned as such to avoid any overlooking to neighbouring properties.

With regards to the concern raised by No. 17 Smarts Lane regarding loss of light, the proposal extends to the same depth as No. 148 High Road and is not considered to result in any significant loss of light to this property given the existing built form of No. 148 and the distance (7.5m) and angle between the proposal and the rear garden of No. 17.

No. 17 has also raised concern with regards to noise and pollution. It is not considered that the proposed three flats will result in such an increase in noise or pollution to significantly harm the amenity of this property, above that which may already exist in this town centre location.

The proposal is therefore considered acceptable in terms of impact on amenity.

### Design

The proposal results in a development which fills the whole site, whilst leaving sufficient room for refuse storage and is not considered in this case to result in overdevelopment of the site. The proposal has been reduced in size and design since the previous submission and the three storey mansard roof has been omitted. The current design mirrors that at No. 148 High Road and the pitched roof is considered a vast improvement to the previous design and one that is considered acceptable, complementing the existing property and wider streetscene.

A 'Juliet' balcony is proposed to the front elevation and this is considered acceptable, particularly because of the front parapet wall, it will be barely visible from the High Road streetscene.

### Comments on Representations Received

Concerns raised with regards to parking, refuse storage, loss of light, overlooking and increased noise have been discussed above. Issues with regards to the party wall fall under separate legislation outside of planning control and therefore have not formed part of the above assessment. With regards to the loss of view, there is no right to a view and again this falls outside of a planning assessment.

### Conclusion:

In light of the above appraisal, and aside from the parking provision issue as discussed above, the proposal is on balance considered an acceptable form of development and approval with conditions is 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](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/740/13
Site Name:	146 High Road, Loughton IG10 4BH
Scale of Plot:	1/1250

**Report Item No: 6**

<b>APPLICATION No:</b>	EPF/0761/13
<b>SITE ADDRESS:</b>	43 Traps Hill Loughton Essex IG10 1TB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton St Marys
<b>APPLICANT:</b>	Mr Paolo Ingrao
<b>DESCRIPTION OF PROPOSAL:</b>	New front security fence with piers and wrought iron automatic gates.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=548232](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=548232)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 No development shall take place, 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.

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

### **Description of Site:**

Traps Hill is located within the built up area of Loughton. The existing dwelling is in the form of a semi detached property which is situated within a long plot. There is an existing post and rail fence to the front, with an opening for vehicular access. The local area is characterised by large detached properties situated within large and open fronted plots. The boundary treatments at the front of these properties are generally low walls. The front of 43 Traps Hill has some existing vegetation.

### **Description of Proposal:**

The proposed development is for a new front boundary fence, with 2.4m high brick piers and a new wrought iron access gate. The fencing is to be 2.1m high, green plastic coated mesh. The gate is to have a maximum height of 2.5m and will be made of wrought iron. Planting of vegetation has been proposed on both sides of the fencing. This is a revised application following two refused permissions, EPF/1390/12 (2.4m high brick and render wall with gates) and EPF/2122/12 (2.5m high timber fence)

### **Relevant History:**

EPF/1390/12 - New front boundary wall with a gated entry – Refused

EPF/2122/12 - New front boundary wall with a gated entry. (Revised application) - Refused

### **Policies Applied:**

CP2 – Protecting the Quality of the Rural and Built Environment

ST4 – Highway Safety

DBE2 – Effect on Neighbouring Properties

DBE1- Design of New Buildings

### **Consultation carried out and Summary of Representations received:**

LOUGHTON TOWN COUNCIL: Object as the piers appear to have increased in size and also that a boundary enclosure of 2.1m is too high, the plastic chain link fencing is inappropriate in the street scene, but are glad to see planting of vegetation.

Officers have reviewed the plans and the pillars have not increased in size from the previous application (EPF/2122/12)

4 NEIGHBOURS CONSULTED No comments received

### **Issues and Considerations**

Application reference EPF/2122/12 was refused planning permission for the following reason by a planning committee. Members concluded that 'by reason of their height and design, the proposed gate and wall/fence would appear incongruous in the street scene to the detriment of the character and appearance of the locality.

When assessing this application, the main matter to consider is whether the current proposal overcomes the objections to the refused proposal. This report will also deal with the matters of the impact on neighbour amenity and on highway safety.

### Design

The surrounding area is characterised by front boundary treatments of low walls and open frontages, which gives the area a rural appearance. This is an attractive feature of Traps Hill and it should be maintained. However there are several examples of similar gates and fences throughout Traps Hill, which reduces the potential impact that this proposal will have on the character and openness of the street scene. The proposal is for boundary treatment of a soft design as vegetation will be seen through the mesh style fencing, thus maintaining the character of the street scene. It is likely that some of the vegetation, which currently screens the existing property will be affected by this proposal. To mitigate this, the proposal offers planting on either side of the fencing which adequately deals with landscaping concerns; however it is necessary to impose a landscaping condition to any consent given to ensure that the character of the street scene is adequately maintained.

There are several examples of similar gates and fences throughout Traps Hill, which reduces the potential impact that this proposal will have on the character and openness of the street scene.

### Previous reasons for refusal

Although the fence, gates and pillars are still over 2m, only the gates and brick piers will be visible once the planting is implemented. The proposed planting will be in front of and behind the mesh fence. This will obscure the development and soften the appearance of the proposal such that it will not disrupt the rural outlook of the street scene or the character of the surrounding area. Furthermore, the gates are to be made from visually permeable wrought iron as opposed to the previously refused scheme of solid timber. This will give the development less of an enclosed appearance and will safeguard the openness of the street scene, which is enough to offset the height of the proposed gates.

The applicant has made significant improvements to the previously refused schemes which sought a 2.4m high brick and rendered wall (EPF/1390/12) and a 2.5m high timber fence (EPF/2122/12), which were considered incongruous in the street scene, causing significant harm to the surrounding area. The height of the current proposed gates is offset by the visually permeable wrought iron design which officers consider overcomes the previous reasons for refusal.

### Amenity

The proposal is not considered to result in any significant adverse impacts on neighbouring amenity, given that it is some distance from neighbouring properties

### Highway safety

The proposed gates were originally 5m from the public carriageway. After negotiation, the applicant submitted revised drawings in which the gates were 6m back from the carriageway. This now complies with current highway standards and adequately deals with highway concerns.

### Conclusion

The proposed revised scheme is considered to be acceptable subject to a hard and soft landscaping condition, which will ensure the character of the street scene is maintained. It is therefore recommended that this proposal be granted planning permission

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

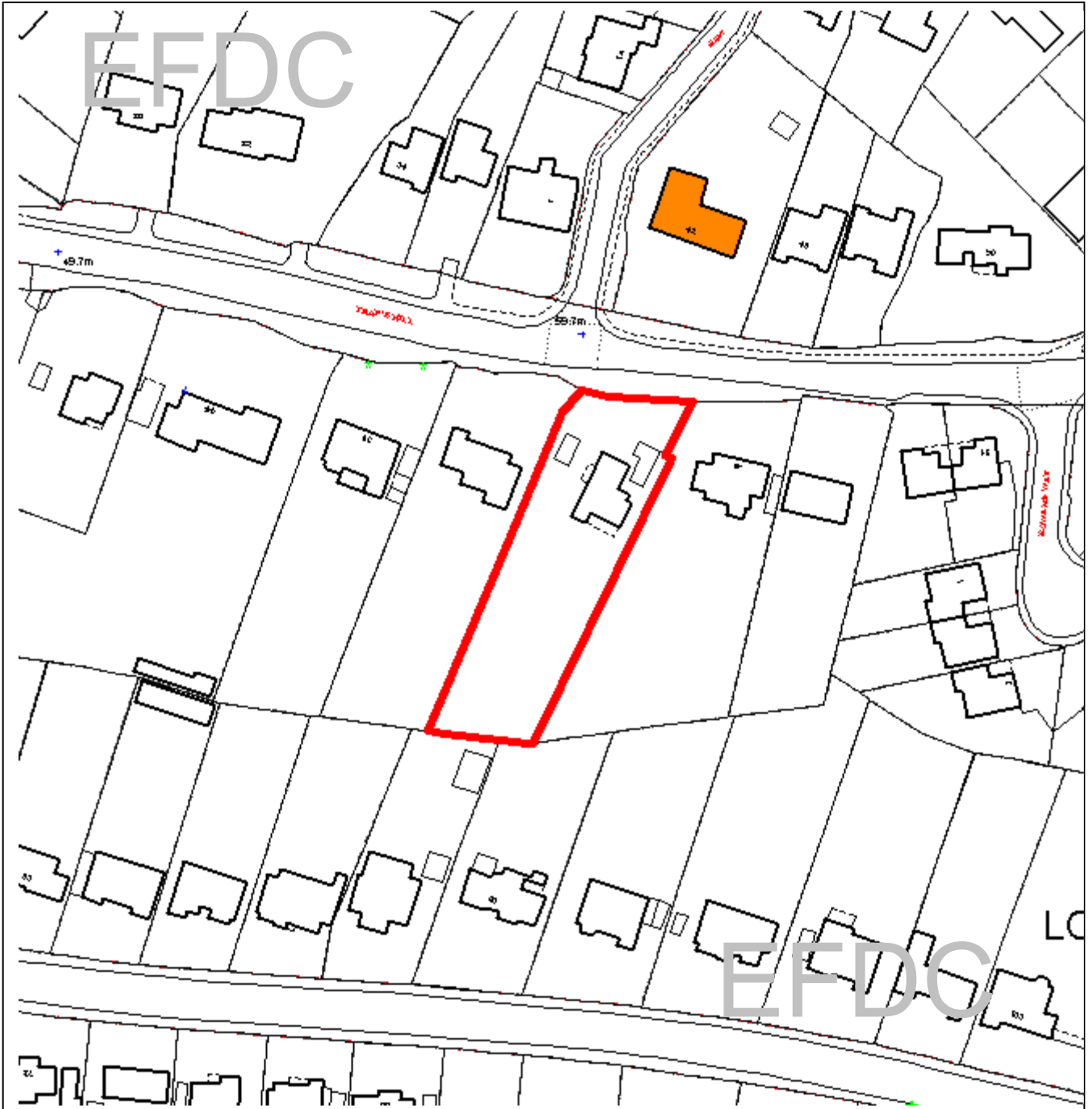
**Planning Application Case Officer: James Rogers**  
**Direct Line Telephone Number: 01992 564 103**

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	<b>6</b>
Application Number:	EPF/0761/13
Site Name:	43 Traps Hill, Loughton IG10 1TB
Scale of Plot:	1/1250

**Report Item No: 7**

<b>APPLICATION No:</b>	EPF/0935/13
<b>SITE ADDRESS:</b>	Highways Land Oakwood Hill Loughton Essex IG10 3NB
<b>PARISH:</b>	Loughton
<b>WARD:</b>	Loughton Alderton
<b>APPLICANT:</b>	CTIL & Telefonica UK Ltd - Mr Peter McQuaid
<b>DESCRIPTION OF PROPOSAL:</b>	Telecommunications installation comprising the replacement of the existing 15m high Jupiter street column with a new 15m high Elara streetworks column supporting 3 no. antennas, 2 new additional ground level radio equipment cabinets and all associated ancillary development works.
<b>RECOMMENDED DECISION:</b>	Prior Approval Required and Granted

**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=549091](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549091)

**CONDITIONS**

N/A

*This application is on this agenda because the consultation period on this particular form of development is still 'open' at the date of the deadline for reports for committee and the recommendation for approval may be contrary to a possible objection from the local Council, or 3 or more possible objections from neighbours - which may be received before the date of the Committee - (pursuant to the constitution, part three: planning directorate – delegation of council function, schedule 1, appendix A (f) and (g)).*

**Please note that should such objections not be received by the date of the committee, the decision will be made by the Director Of Planning and Environmental Services under delegated powers and this item will be withdrawn from this agenda.**

**Description of Proposal:**

Prior approval application for a telecommunications installation comprising the replacement of the existing 15m high Jupiter street column with a new 15m high Elara streetworks column supporting 3 no. antennas, 2 new additional ground level equipment cabinets, and associated ancillary development works.

**Description of Site:**

A verge on the back edge of pavement located in a widened part of Oakland Hill which provides for a bus stop. There are blocks of flats to the south of the road with the Oakwood Hill industrial estate to the east. The site to the immediate rear between the road and the tube line is Council

owned - and it is proposed to relocate a Council nursery in Pyrles Lane to this site, along with Council owned MOT workshops currently located in Langston Road.

**Relevant History:**

A 15m high pole with antennae shroud, and ground level cabinet, was approved on this same site 2 years ago under EPF/660/11.

**Policies Applied:**

DBE9 – Loss of amenity.  
U5 – Masts and aerials under 15m.

**Summary of Representations:**

LOUGHTON TOWN COUNCIL – Comments awaited.

NEIGHBOURS – 19 properties consulted and replies awaited.

ESSEX CC HIGHWAYS – No objections.

**Background:**

Telecommunication poles/masts up to 15m in height are a form of ‘permitted development’ but they cannot be erected until a prior approval application has been lodged with a local planning authority. The planning authority can refuse applications on grounds of siting and visual amenity but must do so within 56 days.

This application was lodged recently on the 9<sup>th</sup> May 2013 and the 3 week consultation period expires on 10/6/13. Given that the 56 day period expires on the 4<sup>th</sup> July it is necessary to report this application to the Committee on 12<sup>th</sup> June - since the date of the next Committee available, the 10<sup>th</sup> July, lies beyond the 56 day period. Any representations received on this application will be reported verbally at Committee.

**Issues and Considerations:**

This application is relatively straightforward in that it replaces an existing 15m column (erected some 18 months ago) with a column of the same height in the same position. The main change to the installation will be the provision of 2 additional ground level cabinets These will be positioned to the immediate west of the column, and they will not impede on the proposed access to the adjoining council owned site, which is to be constructed to the east of the column.

As illustrated by the 2011 approval this is a relatively good location for a telecommunications installation in that there are trees that act as a backcloth to the column, the column is located some 35 m away from the nearest flats that look over the site, and the pavement here carries very little pedestrian footfall. The previous application did not draw any objections from Loughton Town Council or neighbours, although an objection was received from the Campaign to Protect Rural Essex.

In respect of trees softening the impact of the installation it is the case that the adjoining Council owned site has been recently cleared of a lot of vegetation. However there are 4 mature trees that still lie close to the rear of the installation, and these will still provide an appropriate backcloth, which will be complemented by replacement planting to be undertaken when the new nursery and MOT testing stations are erected.



The current column on the site is of a grey colour but its replacement would have less impact if painted dark green. The applicants have indicated their agreement to erecting a green painted column, and this will be confirmed in writing before the date of the Committee.

**Conclusions:**

The proposal replacement column, providing the new 4G system, is very much a like for like replacement of the existing column, but painting it green rather than grey will further reduce its impact. The two new additional ground level cabinets will have a minimal effect on visual amenity. It is therefore recommended that prior approval is granted for this telecommunications installation.

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

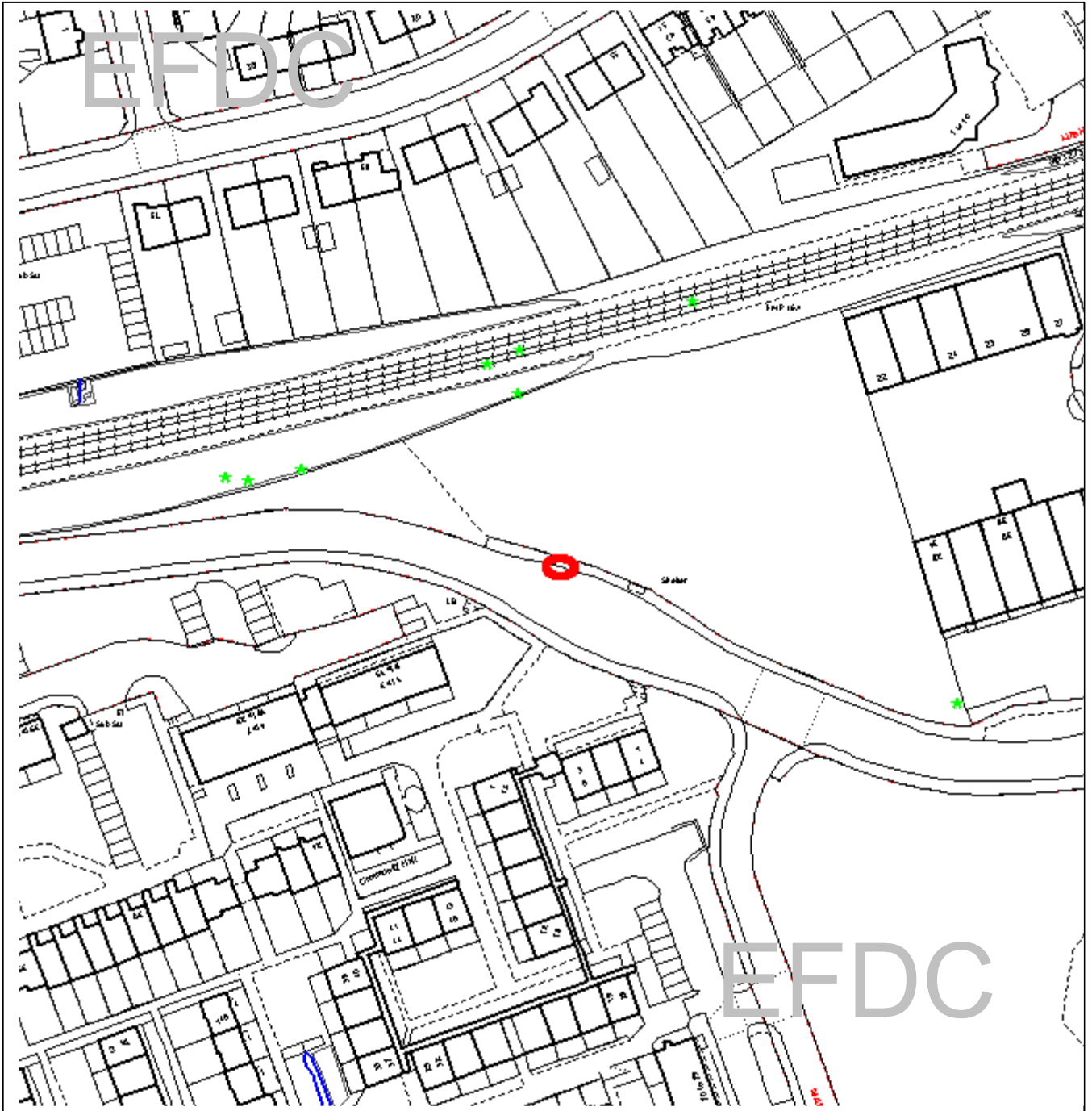
***Planning Application Case Officer: David Baker  
Direct Line Telephone Number: 01992 564514***

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



# Epping Forest District Council

## Area Planning Sub-Committee South



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<b>Agenda Item Number:</b>	7
Application Number:	EPF/0935/13
Site Name:	Highways Land, Oakwood Hill Loughton, IG10 3NB
Scale of Plot:	1/1250

## ***Report to Area Plans Subcommittees East, West and South***

***Date of meeting(s): 22 May, 5 and 12 June  
2013***



**Epping Forest  
District Council**

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**Subject:** Planning Protocol – Site Visits

**Officer contact for further information: Simon Hill  
Committee Secretary: S Hill Ext 4249**

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### **Recommendation(s):**

- (1) To consider prepared guidance on undertaking planning site visits which forms supplementary information for the Council's Planning Protocol;
- (2) That the Planning Subcommittees be asked to note and follow this guidance in undertaking future site visits; and
- (3) To note that this guidance has been published on the Council's website and will be sent to members, applicants and objector (if known) when a site visit is organised

### **Report Detail**

1. At a meeting of the District Development Control Committee on 27 March 2013 consideration was given to further guidance for both members and public attending site visits to avoid the perception of pre-determination and to ensure that there is a consistent approach during each visit.
3. This guidance is attached as Appendices 1 and 2 to this report. It has been split into two documents, one aimed at members and the second at other interested parties. These documents form supplementary guidance to the Council's Planning Protocol. The guidance brings together information from the protocol.
4. It was agreed that an item be placed on each planning committee to reiterate the process for future visits. It will also be sent to members, applicants and objectors (if known) when a site visit is organised.
5. It was agreed by the Assistant Director of Planning and Economic Development that officers would also meet to ensure a consistent approach by officers. The subcommittee are asked to note the guidance and officers will attend the meeting to answer specific questions on the guidance.

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## Epping Forest District Council

### Guidance for Members at Site Visits

Formal site visits may be requested by any Planning Committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. It is good practice to consider site visits only where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications. In such cases, it is essential that care is taken to maintain the Council's and its members' integrity so as to protect the credibility of the planning process.

Councillors are asked to bear in mind the following guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits should be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- Members of the committee concerned are encouraged to attend site visits.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. The Chairman or Vice Chairman will remind Councillors of the guidance at the beginning of each visit. Members of the committee or subcommittee should not enter into discussions with interested parties, such as the applicant, the agent or neighbours during the visit.
- Councillors/Planning Officers should not allow interested parties to use the site visit as an opportunity of lobbying members of the committee. It is made clear to other parties at the outset that the purpose is to gather information and to view the site only.
- Any questions from Councillors should be limited to questions of fact and directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members as a single group should consider the desirability of viewing an application site from more than one property when the site visit is arranged.
- Councillors must ensure that the application is not determined at the site visit
- Councillors should avoid acceptance of any hospitality at a site visit which could be misinterpreted by third parties;

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## Planning Site Visits

### Guidance for Applicants, Agents and interested parties



**Epping Forest  
District Council**

Formal site visits may be requested by any Planning Committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. Site visits will only normally be considered where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications by Applicants, agents and other interested parties. Our Councillors follow guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits will be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- You will not be allowed to use the site visit as an opportunity of lobbying Councillors who are members of the committee. It will be made clear to other parties at the outset that the purpose of the site visit is to gather information and to view the site only.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. Councillors will not enter into discussions with interested parties during the visit.
- Councillors concerned are encouraged to attend site visits.
- Councillors may ask questions of fact which will be directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, Councillors will consider the desirability of viewing an application site from more than one property when the site visit is arranged if this is appropriate.
- The planning application is not determined at the site visit.
- Councillors will not normally accept any hospitality at a site visit as these could be misinterpreted by third parties.

Further Information:

Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

Tel: 01992 564249 and ask for the Committee Officer for the relevant Subcommittee which is shown on the front sheet of the agenda.

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## **Report to Area Plans Sub-Committee**

**Date of meeting:**    *East – 22 May 2013*  
                                  *West – 5 June 2013*  
                                  *South – 12 June 2013*

**Subject: Probity in Planning – Appeal Decisions, 1 October 2012 to 31 March 2013**

**Officer contact for further information:**    **Nigel Richardson (01992 564110).**  
**Democratic Services Officer:**                **Mark Jenkins (01992 564607)**

### **Recommendation:**

**That the Planning Appeal Decisions be noted.**

### **Report Detail:**

#### **Background**

1. (Director of Planning & Economic Development) In compliance with the recommendation of the District Auditor, this report advises the decision-making committees of the results of all successful appeals (i.e. those , 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. In recent years the Council performance has been 18% in 2003/04, 29% in 2004/05, 22% in 2005/06, 30% in 2006/07, 29% in 2007/08, 40.3% for 2008/09, 30.9% in 2009/10, 36.6% in 2010/11, 28.8% in 2011/12 and 27.7% in 2012/13.
3. Since 2011/12, there have been two local indicators, one of which measures all planning application type appeals as a result of committee reversals of officer recommendations (KPI 55) and the other which measures the performance of officer recommendations and delegated decisions (KPI 54).

#### **Performance**

4. Over the six-month period between October 2012 and March 2013, the Council received 43 decisions on appeals (40 of which were planning related appeals, the other 3 were enforcement related).
5. KPI 54 and 55 measure planning application decisions and in total, out of this 40, 15 were allowed (37.5%). Broken down further, KPI 54 performance was 6 out of 25 allowed (24%) and KPI 55 performance was 9 out of 15 (60%).

#### **Planning Appeals**

6. Out of the 15 planning appeals that arose from decisions of the committees to refuse

contrary to the recommendation put to them by officers during the 6-month period, the Council was not successful in sustaining the committee's objection in the following 8 cases:

#### **Area Committee South**

EPF/0131/12	Outline Planning Application for two semi detached two storey dwelling houses.	Land to rear of 74-78 Walnut Way, B Hill
EPF/0334/12	Demolish existing dwelling, pool building and detached garage and erect replacement two and a half storey detached dwelling and a detached single storey garage block.	Willow Park Farm Millers Lane, Chigwell
EPF/2371/11	Change of use of former tool shop (A1 retail shop) to A3 (restaurant/café) use - amended proposal now showing details of refuse store and extraction duct.	22 Forest Road Loughton
EPF/2103/11	Variation of condition 7 ' no windows other than any shown' of planning approval EPF/2003/10 (Minor material amendment on EPF/0485/09 (detached house), numerous alterations including addition of basement level)	Beagles Hut Retreat Way, Chigwell
EPF/1045/12	Two storey side and rear extension.	82 Princes Road, B Hill

#### **Area Committee East**

EPF/0843/12	Extensions, alterations and change of use of commercial premises to four flats, including ancillary works. (Revised application)	Electron House 17A Hemnall Street, Epping
EPF/0369/12	Demolition of existing garage and store shed and construction of four storey side extension. (Revised application)	Treetops Care Home Station Road, Epping
EPF/0001/12	Change of use of premises from A1 (Retail) use to a shared use A3 (Restaurant and Cafe) and A5 (Hot Food Takeaway)	74-76 High Street, Epping
EPF/1153/12	Replacement of New House Cottages with a single dwelling house and provision of a new access. (Amended application to EPF//0988/10 to include an orangery to rear)	New House Cottages Little Laver Rd, Moreton

7. Therefore, the 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. As this is now highlighted

as a separate performance target (KPI 55) it therefore potentially comes under more scrutiny. Whilst 60% is the wrong side of the target for KPI55, Members may be more satisfied to know that for the year end, the target of 50% has been achieved.

8. Out of 3 enforcement notice appeals decided, 1 was allowed and 2 were dismissed. These are as follows:

**Allowed:**

ENF/0402/06	The material change of use of the land to a private travellers/gypsy site.	Holmsfield Nursery Meadgate Road, Nazeing
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**Dismissed**

ENF/0796/10	Erection of a boundary wall, gates and piers in excess of 1m high adjacent to a highway	Olivers Daws Hill Waltham Abbey
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ENF/0408/11	Without planning permission the change of agricultural land to (D2) Assembly and Leisure use facilitated by the erection of a marquee in the position and laying of a hard standing surrounded by block paving.	Mulberry House Chelmsford Road High Ongar
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**Costs**

9. During this period, there were 4 successful finalised award of costs made against the Council. Circular 03/2009 Costs Awarded in Appeals and Other Planning Proceedings advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. Costs therefore are rarely awarded against the appellant. The costs were as follows:-

- *Beagles Hut, Retreat Way, Chigwell*: Appeal against a minor material amendment to a planning permission, concerning the insertion of a small stairway window and a variation of another approved window, which was refused at Area Plans Committee South. This was always going to be a difficult appeal to defend because the impact was so minimal, despite the officers best efforts to make a case. The Inspector concluded that the decision had been unreasonable and resulted in unnecessary cost to the appellant, which was settled at £7,912.
- *Land Adjacent Horseshoes Farm, London Road, North Weald*: Appeal against refusal of planning permission for an additional grain store. (The decision was reported in the previous April to September 2012 report – the cost claim was not finalised until afterwards). The Inspector considered the Council had been unreasonable in respect of the second reason for refusal regarding potential increase in traffic movements and resultant impact on neighbouring property from noise and disturbance. The inspector concluded that a restriction on the use of the grain store by condition would have overcome this concern. He therefore concluded a partial award of costs against the Council, which was settled at £4,340.
- *The Mulberries, Hamlet Hill, Roydon*: The appeal for cost was successful against the Council's withdrawal of an enforcement notice after it emerged that the notice did not cover all the unauthorised uses taking place on the site. The Inspector considered it was

not therefore expedient for the Council to have issued it in the first place and awarded costs which amounted to £5,389.

- *74-76 High Street, Epping*: Change of use from A1 shop to shared use of A3 (restaurant and cafes) and A5 (hot food takeaways). Both reasons for refusal in respect of firstly, the impact on the proliferation of Class A3 and A5 uses on the health of the town centre and secondly, harm to residential amenity were not in the opinion of the Planning Inspector substantiated in the Council's defence and therefore judged to be unreasonable behaviour. The full award of costs against the Council amounted to £4,146.

10. Members attention is brought to the fact that the three planning application refusals that resulted in costs against the Council were, in this case, committee reversal decisions.

## Conclusions

11. Whilst performance in defending appeals has improved during the last couple of years, Members are reminded that in refusing planning permission there needs to be justified reasons that in each case must be relevant, necessary, but also sound and defensible so as to avoid paying costs. Whilst there is clearly pressure on Members to refuse in cases where there are objections from local residents, these views (and only when they are related to the planning issues of the case) are one of a number of the relevant issues to balance out in order to understand the merits of the particular development being applied for.

12. Finally, at previous request of the Planning Services Scrutiny Standing Panel, appended to this report are the 9 appeal decision letters that were allowed, despite Members reversing the planning officer's recommendation (and therefore refusing planning permission) at planning committees, along with their respective refusal decision notices.

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

## Appeal Decisions October 2012 to March 2013

### Allowed With Conditions

#### Buckhurst Hill

1	EPF/0950/12	Loft conversion including dormers to front, back and sides of property.	6 Fernside
2	EPF/1045/12	Two storey side and rear extension.	82 Princes Road
3	EPF/0131/12	Outline Planning Application for two semi detached two storey dwelling houses.	Land to rear of 74-78 Walnut Way

#### Chigwell

4	EPF/2103/11	Variation of condition 7 ' no windows other than any shown' of planning approval EPF/2003/10 (Minor material amendment on EPF/0485/09 (detached house), numerous alterations including addition of basement level)	Beagles Hut Retreat Way
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### **Epping**

- |   |             |  |                                      |
|---|-------------|--|--------------------------------------|
| 5 | EPF/0843/12 | Extensions, alterations and change of use of commercial premises to four flats, including ancillary works. (Revised application) | Electron House<br>17A Hemnall Street |
| 6 | EPF/0369/12 | Demolition of existing garage and store shed and construction of four storey side extension. (Revised application)               | Treetops Care Home<br>Station Road   |
| 7 | EPF/0001/12 | Change of use of premises from A1 (Retail) use to a shared use A3 (Restaurant and Cafe) and A5 (Hot Food Takeaway)               | 74 - 76 High Street                  |

### **Loughton**

- |    |             |  |                   |
|----|-------------|--|-------------------|
| 8  | EPF/1431/12 | Loft conversion, including change of hipped roof to hipped gable and rear dormer.  | 61 Tycehurst Hill |
| 9  | EPF/0746/12 | Two storey side extension, demolition and replacement of garage into habitable room. (Revised application)   | 50 York Hill      |
| 10 | EPF/2371/11 | Change of use of former tool shop (A1 retail shop) to A3 (restaurant/café) use - amended proposal now showing details of refuse store and extraction duct. | 22 Forest Road    |

### **Moreton, Bobbingworth and the Lavers**

- |    |             |  |   |
|----|-------------|--|---|
| 11 | EPF/1153/12 | Replacement of New House Cottages with a single dwelling house and provision of a new access. (Amended application to EPF//0988/10 to include an orangery to rear) | New House Cottages<br>Little Laver Road |
|----|-------------|--|---|

### **Waltham Abbey**

- |    |             |   |                             |
|----|-------------|---|-----------------------------|
| 12 | EPF/1007/12 | Change of use of land for the stationing of a mobile home (log cabin) for residential use in connection with existing stable use. | Horizon Oaks<br>Church Road |
|----|-------------|---|-----------------------------|

### **Allowed Without Conditions**

#### **Buckhurst Hill**

- |    |             |  |                 |
|----|-------------|--|-----------------|
| 13 | EPF/1512/12 | Proposed two storey side and rear extension. | 82 Princes Road |
|----|-------------|--|-----------------|

#### **Chigwell**

14	EPF/0334/12	Demolish existing dwelling, pool building and detached garage and erect replacement two and a half storey detached dwelling and a detached single storey garage block.	Willow Park Farm Millers Lane
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**Theydon Bois**

15	EPF/1435/12	Erection of a garage.	Beechwood Forest Side
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**Dismissed**

**Buckhurst Hill**

16	EPF/1254/12	Loft conversion with front dormer window, together with permitted development rear dormer windows.	10 Russell Road
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**Chigwell**

17	EPF/0392/12	Continuation of use of buildings A, B, C, E, F & G and land within the application site for the purposes of storage with ancillary office (Use Class B8).	Willow Park Farm Millers Lane
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18	EPF/1120/12	Erection of single storey rear extension with swimming pool. (To house under construction)	36 Stradbroke Drive
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**Epping**

19	EPF/1679/12	Single storey side and rear extensions, roof alterations including raising the ridge level to allow for first floor accommodation with front and rear dormer windows.	51 Bower Hill
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**Loughton**

20	EPF/0485/12	Erection of two bedroom one and a half storey detached dwelling with one off street car parking space. (Revised Application)	Land to rear of 92 and 94 Roding Road
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21	EPF/1737/12	Addition of electric front gate across existing parking space, in connection with alterations to front area to create two more parking spaces.	17 Station Road
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22	EPF/0919/12	Demolition of existing single storey rear extension and erection of two storey rear extension. (Previously approved in 1998)	91 York Hill
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**Nazeing**

23	EPF/2160/11	Variation of condition 3 on planning	Holmsfield Nursery
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		permission EPF/0849/10 to allow for hard standing to be installed on area of land to overcome land contamination issues. (Retention of use of site for eight private gypsy plots to replace previous temporary consent.)	Meadgate Road
24	EPF/0083/12	Demolition of existing glass houses and vehicle workshops and erection of a replacement building to provide modern vehicle workshops and storage units.	Burleigh Nursery Hoe Lane
25	EPF/0304/12	Certificate of lawful development for proposed side and rear extensions and alterations.	Dene Nursery Road
26	EPF/0186/12	Demolition of the existing bungalow and construction of a new dwelling with associated works.	26 Old Nazeing Road
<b>North Weald Bassett</b>			
27	EPF/2547/11	Extension to existing grain storage facilities.	Land adj Horseshoe Farm London Road
28	EPF/0729/12	Replacement of existing garage and replacement with a new two-storey residential two bed annex.	158 High Road
29	EPF/0999/12	Part ground floor and two storey rear extension and conservatory to rear.	Willow Cottage Hastingwood Road
<b>Roydon</b>			
30	EPF/0678/12	Subdivision of existing property into two.	Derwent Cottage Epping Road
31	EPF/2167/12	Loft conversion and associated works.	17 Barn Hill
<b>Sheering</b>			
32	EPF/2536/11	Retrospective Grade II listed building consent for alterations to lean-to on the western side of the coach house courtyard, to form a new lean-to structure.	Durrington House Sheering Lower Road
<b>Theydon Mount</b>			
33	EPF/2185/11	Change of use of land and the erection of stables on a concrete slab base.	Land Bordered by Mount End/ Mount Road
<b>Waltham Abbey</b>			
34	EPF/2416/11	Development of solar park together with inverter building and security fencing. (Resubmitted application)	Netherhouse Farm Sewardstone Road

35	EPF/1882/12	Extensions and alterations to provide granny annexe and family accommodation in the roof space. Raising the existing wall plate 1050mm above first floor level.	152 Crooked Mile
36	EPF/1796/12	First floor side and two storey/single storey rear extensions	75 Honey Lane
37	EPF/0912/12	Rear first floor extension. (Revised application)	Oakdale 3 Woodgreen Road
38	EPF/2447/11	Outline application for the erection of a new block containing two retail units at ground floor with four flats at first and second floor, to the rear of no 54 Sun Street.	Land Rear of 54 Sun Street
39	EPF/1364/12	Formation of 3 building plots in garden of existing house and erection of 3 no. three bedroom houses.	214 Upshire Road
40	EPF/0246/12	Conversion and extension of redundant pub into a mixed use development comprising A1 retail at ground floor and 4 residential units above.	11 Sun Street

**Enforcement Appeals Allowed: With Conditions**

1	ENF/0402/06	The material change of use of the land to a private travellers/gypsy site.	Holmsfield Nursery Meadgate Road, Nazeing
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**Enforcement Appeals Dismissed**

2	ENF/0796/10	Erection of a boundary wall, gates and piers in excess of 1m high adjacent to a highway	Olivers Daws Hill Waltham Abbey
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**Enforcement Appeal: Dismissed, but Varied**

3	ENF/0408/11	Without planning permission the change of agricultural land to (D2) Assembly and Leisure use facilitated by the erection of a marquee in the position and laying of a hard standing surrounded by block paving.	Mulberry House Chelmsford Road High Ongar Ongar Essex
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## Appeal Decision

Site visit made on 14 January 2013

by **J L Cheesley BA (Hons) DipTP MRTPI**

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

Decision date: 25 February 2013

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**Appeal Ref: APP/J1535/A/12/2182259**  
**17A Hemnall Street, Epping, Essex CM16 4LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian A Croxford against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0843/12, dated 30 April 2012, was refused by notice dated 4 July 2012.
  - The development proposed is change of use, extension and conversion of commercial premises to four flats including ancillary works.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes that issued on the 16th January 2013.

### Decision

1. The appeal is allowed and planning permission granted for change of use, extension and conversion of commercial premises to four flats including ancillary works at 17A Hemnall Street, Epping, Essex CM16 4LS in accordance with the terms of the application, Ref PL/EPF/0843/12 and the plans submitted with it subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the planning application form.
    - 3) Before the first occupation of the building hereby permitted the window in the south western first floor flank elevation of the rear section of the building shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor level of the room in which it is situated and shall be permanently retained in that condition.
    - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos 2873/1, 2873/2A, 2873a, 2873b and the Location Map.
    - 5) The parking area shall not be used for any purpose other than the parking of vehicles.
    - 6) No development shall take place until a site investigation of the nature and
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extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

### **Main Issues**

2. I consider there to be three main issues:

the effect of the proposal on the living conditions of future occupiers with particular reference to amenity space and refuse storage;

the effect of the proposal on highway safety and the free flow of traffic in the surrounding area; and

whether the proposal would constitute overdevelopment to the detriment of the character of the surrounding urban environment.

### **Reasons**

3. The proposal includes the extension and alteration of a commercial property into four flats. The appeal site lies close to the town centre within a row of primarily residential properties in an area of otherwise mixed development.
4. The proposed demolition of the existing side extension would provide little amenity space for future residents. It would not provide the level of amenity space required by Policy DBE8 in the Epping Forest Local Plan Alterations (2006). However, I note that the Council has accepted elsewhere that flats in similar urban locations can provide a low level of amenity space. From my observations, due to the proximity of public open space, the urban location of the site and the type of development proposed, I consider that the proposed small amount of outside space would be acceptable in this particular instance.
5. The proposal includes a refuse storage yard. This would be a small area, which may not be sufficiently large for all refuse storage needs on the site. Nevertheless, the limited outside space would allow for further outdoor storage if necessary and it would be reasonable to assume that refuse bins could be placed to the side of the parking area on collection days without encroaching onto the road. Thus, I consider that the proposed refuse storage arrangements would be satisfactory.
6. The appeal site lies on a one-way stretch of Hemnall Street where on-street parking is restricted. It is clear to me that being so close to the High Street, the appeal site lies within an area where there is likely to be pressure for

parking. I note that a number of residential properties in this area have off-street parking provision and further along Hemnall Street there is some on-street residents parking and restricted public parking.

7. The proposal includes retaining the existing three parking spaces at the front of the property. I note this would fall short of the nine spaces required under Local Plan Policy ST6 and the Vehicle Parking Standards (2009). The Council has accepted that a reduction in the parking standards may be considered in urban locations, but considers the proposed level to be too much of a reduction.
8. I consider that the location of the appeal site close to public transport provision and services and the nature of the development is such that the site characteristics are in accordance with the objectives of the Vehicle Parking Standards as regards an appropriate site for a lower level of off-street parking provision. In my opinion, the provision of just three car parking spaces would not be such as to have any noticeable effect on highway safety and the free flow of traffic.
9. For the above reasons, I have found that the proposal would not have an adverse effect on the living conditions of future occupiers or highway safety. Whilst the site is restricted, I consider that there would be satisfactory provision for parking, refuse storage and amenity space. Thus, I conclude that the proposal would not constitute overdevelopment to the detriment of the urban environment. Therefore, the proposal would be in accordance with Local Plan Policy CP7, which seeks to maintain the environmental quality of urban areas and prevent overdevelopment.
10. In reaching my conclusion, I have had regard to all other matters raised upon which I have not specifically commented including examples of other developments and Appeal Decisions.

#### *Conditions*

11. Apart from a standard time condition and a condition requiring conformity with the plans, the Council has suggested four conditions. In the interest of visual amenity, I consider it reasonable and necessary to impose a condition regarding conformity with the materials specified on the planning application form.
12. I consider it reasonable and necessary, in the interest of the amenity of neighbours, to impose a condition regarding restrictions to a first floor flank window.
13. I consider it reasonable and necessary to impose a condition regarding the retention of the parking area, in the interest of highway safety. I note that, due to its historic use, the site may be contaminated. Thus, I consider it reasonable and necessary to impose a condition regarding contamination remediation. I do not consider the proposed condition is enforceable. In the interest of precision and enforceability, I have amended the suggested conditions where appropriate to accord with the principles in Circular 11/95.

*J Cheesley*

INSPECTOR

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## Appeal Decision

Site visit made on 13 November 2012

by **David Smith BA(Hons) DMS MRTPI**

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

Decision date: 4 December 2012

**Appeal Ref: APP/J1535/A/12/2179282**  
**22 Forest Road, Loughton, Essex, IG10 1DX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Eldar Properties Ltd against the decision of Epping Forest District Council.
- The application Ref PL/EPF/2371/11, dated 17 November 2011, was refused by notice dated 25 April 2012.
- The development proposed is a change of use of ground floor from A1 (retail shop) to A3 (restaurant/café).

### Decision

1. The appeal is allowed and planning permission is granted for a change of use of ground floor from A1 (retail shop) to A3 (restaurant/café) at 22 Forest Road, Loughton, Essex, IG10 1DX in accordance with the terms of the application, Ref PL/EPF/2371/11, dated 17 November 2011, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Before the use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the use begins. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions.
  - 3) Before the use hereby permitted begins details of measures to suppress noise from mechanical equipment and of sound attenuation between the premises and the flat above shall be submitted to and approved in writing by the local planning authority. The approved measures to suppress noise from mechanical equipment shall be installed before it is first operated and shall thereafter be retained. The approved sound attenuation shall be installed before the use begins and shall thereafter be retained.
  - 4) Other than on the day of collection any refuse storage bins shall only be kept in the location shown on drawing no PAS/ELD/02A.
  - 5) The premises shall not be open for customers outside of 0700 to 2300 hours on Mondays to Fridays, 0900 to 2300 hours on Saturdays and 1200 to 2230 hours on Sundays and Public Holidays.



## **Main Issues**

2. The main issues are the effect of the proposal on the existing retail use of the premises and on the vitality and viability of Loughton High Road town centre and whether adequate arrangements would be made for the storage of refuse and the control of odours.

## **Reasons**

### ***Vitality and viability***

3. Loughton High Road is one of the principal town centres in the District according to Policy TC1 of the Epping Forest District Local Plan and Alterations. The appeal site is in a peripheral location outside of the defined key frontage so that Policy TC4 does not apply.
4. Paragraph 11.48a confirms that uses within Class A3 are appropriate in a town centre. As it falls within this category the proposal would contribute towards making the centre an attractive and useful place to shop, work and visit throughout the day and evening. Subject to other factors criterion (i) of Local Plan Policy TC3 indicates that such uses should be permitted. Given the already slightly fragmented nature of town centre uses along Forest Road and the nature of the proposal a stretch of 'dead' daytime frontage would not result. There would therefore be no conflict with criterion (iv).
5. Representations deplore the loss of a retail unit and comment that there are ample catering establishments in the near vicinity. However, the proposal would comply with relevant development plan policies aimed at protecting the function of the town centre. Indeed, it is acknowledged that food and drink outlets can add to the range of uses offered and are therefore complementary. Moreover, it is not the role of the planning system to set limits on the numbers of restaurants and cafes in any given locality.
6. After a period of vacancy the premises commenced trading as a hairdresser in May 2012. Relevant policies do not refer to whether or not there is a current Class A1 use and do not require a period of marketing. It is also difficult to see how granting permission for the proposal might, in itself, threaten the successful growth of the fledgling business. This is more likely to depend on other factors and would not be likely to alter the existing lease arrangements. It is not unusual for commercial buildings to have alternative uses and it is also understandable that owners would wish to have flexibility.
7. Even if Class A3 uses command higher rentals there is no policy objection to the loss of a retail use in this location. In the light of this whether or not any permission is taken up within the standard time limit is of little relevance in planning terms. Realistically the existence of permission for a different use of No 22 is unlikely to be the source of anxiety. In any case, the National Planning Policy Framework establishes that significant weight should be placed on the need to support economic growth.
8. The key point is that the proposed use would not harm the vitality and viability of Loughton High Road town centre and, in this context, the effect on the existing retail use of the premises would be insignificant. There would be no conflict with the development plan in this respect.

### **Refuse storage and odours**

9. Provision would be made for the storage of refuse at the rear of the site. As is general practice the bins would be taken out on the day of collection along a narrow alley between the appeal site and 24 Forest Road. Notwithstanding its width, the slight 'dog leg' and the protruding pipes and gutters it was demonstrated that it would be practical to move containers along this route. Indeed, this is what happens at the moment. Therefore it would be most unlikely for any operator to be compelled to leave black sacks on the pavement thereby reducing amenity and with the attendant risk of attracting vermin.
10. This path also provides a right of way for No 24 and an escape in the event of fire. However, by siting the bins at one end neither of these would be impeded. A condition could ensure that only this area was used for refuse storage. The appellant company indicates that the path is within its ownership but the adjoining owner believes that the bins would actually be sited on his property. Any such dispute is not a planning matter and there is no definitive evidence that satisfactory arrangements for refuse storage could not be made.
11. Food waste would be kept immediately at the end of the gardens of houses in Smarts Lane. It is not unusual for this to occur close to residential properties in or around town centre locations. No objections to this aspect of the proposal have been raised by the Environmental Health Officer. Whilst much might depend on the type of waste and the frequency of emptying there is nothing to indicate that the enjoyment of the adjoining areas would necessarily be spoilt by the smell that might arise.
12. The layout plans indicate that the kitchen would be at the rear and that a flue would protrude from the roof over 10m away from the first floor flat. The Council is critical of the height of the duct in relation to this accommodation but because the end user is unknown these details are illustrative. What they do show is that there would be scope for satisfactory extraction arrangements to be made and there is no technical objection on this ground. This matter could therefore be covered by condition.
13. Adequate arrangements would be made for the storage of refuse and the control of odours. There would be no conflict with Local Plan Policy DBE9 which requires that changes of use do not result in an excessive loss of amenity for neighbouring properties.

### **Other Matters**

14. Parking demand is high along Forest Road near to the appeal site and in the daytime the number of spaces available is restricted. However, any use of the premises would generate traffic and some requirement for parking. Compared to the current use and the earlier tool hire shop the proposal would be likely to bring about additional activity in the evening. That said, this is a town centre location where this is to be expected and there are public car parks nearby. As such, limited weight should be attached to these concerns.

### **Conditions**

15. In order to safeguard living conditions and ensure that the use operates properly conditions are required in relation to details of fume extraction equipment, attenuation of plant and sound insulation between the ground and first floors. As indicated the location of the refuse bins should be secured. A

condition requiring details of foul drainage from the kitchen including a grease separator is also sought. However, the suggested wording refers to the Building Regulations indicating that this is a duplication of other controls.

16. The Council also seeks to agree the opening times of the use. This is to prevent potential late night nuisance and to establish whether it can be open for part of the working day. Both of these are legitimate objectives but neither would be infringed by imposing the hours of operation broadly as set out in the original application. These have been altered slightly to provide a better balance between commercial and residential interests. This course of action also has the benefit of providing certainty to any potential occupier.

### **Conclusions**

17. The proposed use would cause no harm in respect of the main issues identified and there are no other material considerations which outweigh this finding or the conformity with the development plan. Therefore, for the reasons given, the appeal should succeed.

*David Smith*

INSPECTOR





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## Appeal Decision

Site visit made on 13 November 2012

by **David Smith BA(Hons) DMS MRTPI**

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

Decision date: 3 December 2012

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**Appeal Ref: APP/J1535/A/12/2179057**  
**74-76 High Street, Epping, Essex, CM16 4AE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Willowcity Estates plc against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0001/12, dated 19 December 2011, was refused by notice dated 7 March 2012.
  - The development proposed is a change of use of premises from A1 (shops) use to a shared use of A3 (restaurants and cafes) and A5 (hot food takeaways).
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use of premises from A1 (shops) use to a shared use of A3 (restaurants and cafes) and A5 (hot food takeaways) at 74-76 High Street, Epping, Essex, CM16 4AE in accordance with the terms of the application, Ref PL/EPF/0001/12, dated 19 December 2011, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The premises shall not be open for customers outside of 0900 to 2300 hours on Mondays to Saturdays and 1200 to 2230 hours on Sundays and Public Holidays.
  - 3) Before the use hereby permitted begins a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the use begins. All equipment installed as part of the scheme shall be operated and maintained in accordance with the manufacturer's instructions.
  - 4) Before the use hereby permitted begins details of measures to suppress noise from mechanical equipment shall be submitted to and approved in writing by the local planning authority. The approved measures shall be installed before any mechanical equipment is first operated and shall thereafter be retained.
  - 5) Before the use hereby permitted begins details of refuse storage shall be submitted to and approved in writing by the local planning authority. The approved storage shall be put in place before the use begins and shall thereafter be retained.

EPPING FOREST DISTRICT COUNCIL

05 DEC 2012

PLANNING SERVICES

### **Application for costs**

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

### **Main Issues**

3. The main issues are the effect of the proposal on the vitality and viability of Epping town centre and on the living conditions of surrounding residents with particular regard to noise and activity at night.

### **Reasons**

#### ***Vitality and viability***

4. For many years 74-76 High Street traded as a furniture shop but this has now closed. The building was occupied by a charity shop at the time of my visit. Epping town centre is one of the principal centres in the District according to Policy TC1 of the Epping Forest District Local Plan and Alterations. The appeal site is outside of the defined key frontage so that Policy TC4 does not apply.
5. Paragraph 11.48a confirms that uses within Classes A3 and A5 are appropriate in a town centre. As it falls within this category the proposal would contribute towards making the centre an attractive and useful place to shop, work and visit throughout the day and evening. Subject to other factors criterion i) of Local Plan Policy TC3 indicates that such uses should be permitted. Epping is also characterised as having a "buoyant evening economy" with an interesting mix of uses. The proposed use would enhance this function.
6. However, the Council is critical of the proliferation of similar uses clustered at the southern end of the High Street. The appellant lists a total of 13 premises within Use Classes A3 and A5 and there is also a night club. However, these are spread over quite a wide area. Their presence is also balanced by the Tesco store almost opposite the appeal site which is described as one of the 'anchors' of the town centre. Furthermore, planning policies set no percentage limits and paragraph 11.52a makes it plain that outside key frontages proposals should be assessed against other policies, including Policy TC3.
7. Criterion (iv) indicates that proposals should be refused if they would result in stretches of 'dead' daytime frontage. The appeal premises are flanked by retail uses so a continuous row of non-retail units would not occur. Indeed, this end of the town centre is not wholly commercial as there are breaks formed by residential properties. These 'gaps' do not appear to have affected its overall attractiveness as the area was busy in the middle of the day. In any case, the use might be open in the daytime rather than solely in the evening. Even if that were not the case the proposal in isolation would not be so 'lifeless' as to deter activity to the extent that permission should be withheld.
8. A planning obligation has been submitted which provides that the site will remain open between 1200 and 1500 hours on Mondays to Saturdays. This is partly in response to paragraph 11.44a of the Local Plan but it is difficult to compel any business to stay open at certain times. Moreover, the clause does not require the proposed catering use to be fully open to customers so that it might be complied with by making only a token effort to trade. All of that said, as indicated above, this provision is not necessary to make the development acceptable in planning terms.

9. Some representations comment that there are already too many food shops and that saturation point has been reached. However, the proposal would comply with planning policies aimed at protecting the function of the town centre. Indeed, it is acknowledged that food and drink outlets can add to the range of uses offered and are therefore complementary. Furthermore, it is not the role of the planning system to set limits on the numbers of restaurants, cafes or takeaways in any given locality.
10. To sum up, the proposal would not detract from the vitality and viability of Epping town centre. It would also accord with relevant development plan policies including Local Plan Policy TC3.

### **Living conditions**

11. As previously mentioned there is residential accommodation nearby although none above this single storey building. There is some evidence that the existing uses undertaken at this end of the High Street give rise to disturbance. The Council argues that the proposal would have an adverse cumulative impact. On the other hand, this is a town centre location where a degree of disruption is to be expected and the environment can be differentiated from quieter suburban or rural areas.
12. There may come a point at which more of the same would make living conditions intolerable for those in the vicinity. However, having regard to the size of the building, the hours proposed and the relationship with the closest housing the proposal would not cross that particular bridge. Indeed it seems likely that activities arising from the proposed use would be subsumed within the existing conditions that prevail. The appellant's survey on a Saturday found pedestrian activity associated with other evening uses and a considerable amount of passing traffic. In this context the effect of the proposal would be insignificant in terms of noise and activity at night.
13. Uses of this kind can give rise to odours but given the separation from neighbours and the nature of the unit there would be scope for this to be covered by condition. According to the Council the area is well served by litter bins and this is a matter covered by other legislation. As such, reservations about further debris do not amount to a compelling planning objection.
14. Consequently the proposal would not harm the living conditions of surrounding residents. There would be no conflict with Local Plan Policy DBE9 which requires that changes of use do not result in an excessive loss of amenity for neighbouring properties or with Policy RP5A which seeks to avoid adverse environmental impacts.

### **Other Matters**

15. The Council alludes to parking issues without being specific but local residents refer to high levels of existing parking demand for the limited spaces along the High Street. However, any use of the premises would potentially generate traffic and some requirement for parking. Compared to a retail use the proposal would be likely to bring about additional vehicle movements in the evening. That said, this is a town centre location where this is to be expected and where visitors would normally rely on public car parks. As such, limited weight should be attached to these concerns.

**Conditions**

16. In order to safeguard living conditions and ensure that the use operates properly conditions are required to secure details of fume extraction equipment, attenuation of plant and refuse storage. There is no clear indication that drainage details are required by means of a planning condition given other legislation. The hours of use should also be specified to tally with those applied for in order to provide a balance between commercial and residential interests. The wording adopted would not prevent staff being on the premises outside those times for the purposes of opening or clearing up.

**Conclusions**

17. The proposed use would cause no harm in respect of the main issues identified and there are no other material considerations which outweigh this finding or the conformity with the development plan. Therefore, for the reasons given, the appeal should succeed.

*David Smith*

INSPECTOR



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## Appeal Decision

Site visit made on 1 February 2013

by **Gary Deane BSc(Hons) DipTP MRTPI**

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

Decision date: 26 February 2013

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**Appeal Ref: APP/J1535/A/12/2184495**

**Land to the rear of 74, 76 and 78 Walnut Way, Buckhurst Hill, Essex  
IG9 6HX**

- 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 Mr & Mrs Ramsay against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0131/12, dated 15 February 2012, was refused by notice dated 25 July 2012.
  - The development proposed is described on the application form as an outline planning application for two semi-detached 2-storey dwelling houses.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of two semi-detached 2-storey dwelling houses on land at the rear of 74, 76 and 78 Walnut Way, Buckhurst Hill, Essex IG9 6HX in accordance with the terms of the application Ref PL/EPF/0131/12, dated 15 February 2012, subject to the conditions set out in the schedule to this decision.

### Procedural matters

2. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.
3. Although the address of the site on the application form lodged with the Council is given as 74 Walnut Way, from my inspection of the plans I consider that the land lies to the rear of 74, 76 and 78 Walnut Way. I have therefore used the *revised address in the above header and in my decision.*
4. While the main parties have described the proposal as in the above header, I have referred to it in my decision as the erection of two semi-detached 2-storey dwelling houses, which includes the act of development.
5. The application was submitted in outline form with all matters reserved for subsequent approval. I have assessed the proposal on that basis.

### Main issues

6. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of nearby residential properties with particular regard to privacy.

## Reasons

7. The site lies within an area of mixed character with 2-storey houses generally facing the road, a short parade of retail and commercial units with residential accommodation above, a railway station and frontage vehicle turning area, and a derelict electricity generating station, all nearby. From what I saw, no particular style, type or size of building appears to predominate in the local area with a linear pattern of housing generally facing the adjacent road.
8. The proposal is to erect a pair of semi-detached 2-storey houses on the rearmost part of the back gardens of 74, 76 and 78 Walnut Grove. In doing so, the appeal scheme would introduce a substantial built form into generally undeveloped garden space. The indicative Block Plan shows the new addition set back from Station Way with frontage parking and a garden mainly at the rear. Although layout is reserved for later approval, the width and depth of the plot would allow a new building of the size and type shown on the illustrative plan to be accommodated with sufficient space around it to maintain adequate visual separation with neighbouring properties. As such, the new addition would sit comfortably within a modest-sized plot and relate reasonably well to nearby buildings including those fronting Walnut Way. Although smaller than some nearby properties, the site would not be so restricted in size as to be uncharacteristic in the local area.
9. Some mature trees and vegetation within the site could be lost as a result of the proposal. If that is the case, replacement planting of sufficient quality, over time, could adequately compensate for any potential loss of vegetation. This matter could be considered under landscaping details yet to be submitted and approved with conditions imposed at this stage to cover additional planting, boundary treatment and surface materials. With those safeguards in place, an appropriate landscaped setting to the proposed dwellings and their relationship to the local street scene and existing houses could be secured.
10. The overall scale and height of the new addition could be considered and controlled at the reserved matters stage, as could its appearance. The appellants indicate that the broad design and scale of the proposal would be likely to reflect the general style and size of existing houses. The exact details could take account of, and ensure a complimentary relationship with, the nearby existing properties.
11. With regard to access, the Council raises no objection to the proposal on highways grounds. The appeal scheme would be likely to include on-site parking and there is no convincing evidence before me that the proposal would lead to unacceptable problems associated with on-street parking, traffic congestion or highway safety. With a condition in place to ensure pedestrian visibility at the entrance to the site, and relocation of the existing street lighting column on the Station Way frontage, if necessary, I share the Council's view that the site could be accessed safely with adequate visibility for highway users. On the information before me, and with means of access a reserved matter, I have no reason to depart from that view.
12. Taking into account all of the above points, I consider that with appropriate safeguards, the proposal could be accommodated on the site and be successfully integrated into the established pattern of development, including

the properties along Walnut Way. Subject to detailed design, the proposal would be in keeping with the character and appearance of the local area. Therefore, it would not conflict with Policies CP2 and CP7 of the Epping Forest District Local Plan and Alterations (LP). These policies seek to ensure that new buildings respect their setting and that development maintains, conserves and improves the environmental quality of the built environment.

*Living conditions*

13. As the proposal is in outline form with all matters reserved, the positioning of windows, and the scale and height of the new built form is for future consideration. If the new building is orientated broadly north south and, as the Council suggest, is 2-storey and includes first floor rear-facing habitable room windows then the proposal could lead to overlooking of the adjoining rear gardens of nearby properties, notably 70, 72 and 74 Walnut Way. It is not certain that this arrangement would come to pass. However, with limited layout and vehicle parking options available and an objection raised by a local resident to the loss of privacy, the possibility is one that needs to be taken into account at this stage.
14. In my experience, overlooking of this type is common characteristic of the relationship between houses positioned side-by-side in urban areas. Having viewed the site from the rears of Nos 74 and 78, there appears to be a considerable level of mutual overlooking of adjacent rear gardens from the rear-facing windows of Nos 70 and 72 and the appeal properties. In those circumstances, I am persuaded that the size and arrangement of the site would allow a pair of semi-detached houses to be set out in such a way that the additional overlooking possible would be unlikely to significantly impact on the living conditions of the occupiers of nearby houses.
15. There could be some loss of sunlight to the rear gardens of the appeal properties later in the day due to the overshadowing effect of the new built form. The extent and duration of overshadowing would be likely to be limited and so any loss of sunlight would not be appreciable. As a reasonably generous distance would be likely to separate the new addition from the back of Nos 70 and 72, the new building would be unlikely to cause any significant loss of light to the rear outdoor space and rear windows of these properties.
16. Therefore, I conclude that the proposal would not materially harm the living conditions of the occupiers of nearby properties. It accords with an underlying aim of LP Policies CP7 and DBE9, which is to safeguard residential amenity.

*Other matters*

17. There may be some disruption, albeit it temporary, during construction although this can be limited through an appropriate management plan and secured by condition. There is nothing before me to indicate that the proposal would lead to the loss of wildlife habitats or cause material harm to such interests, including birds.
18. The Council raises no objection to potential noise and general disturbance arising from the proposal and I, too, find the appeal scheme acceptable given its acceptable relationship to existing development. I have carefully considered the representations made by interested parties and recognise that the scheme

would result in some change within the local area. However none of the points made outweigh my conclusions under the main issues.

**Conditions**

19. In addition to the standard outline planning permission conditions, I have also attached a condition requiring that the development be carried out in accordance with the approved plan for the avoidance of doubt and in the interests of proper planning. In the interests of highway safety, conditions are imposed to require appropriate visibility splays be provided at the site's access and, if appropriate, relocation of the existing street lighting column on the Station Way frontage. Restrictions on the times in which construction may take place and to require wheel washing are necessary to protect the living conditions of local residents. Accordingly, conditions are imposed requiring that a Construction Method Statement be approved and to limit the times in which construction and associated deliveries may occur.
20. To ensure the satisfactory appearance of the development, conditions are imposed with regard to landscaping details. For the same reason, and to safeguard the health and longevity of trees and landscaping on and near to the site, a condition is necessary for an appropriate survey to be carried out before works start. Given the existence of a power station nearby and the presence of a fuel store, a condition requiring that a site investigation be carried out to establish the nature and extent of any contamination is necessary to safeguard the health and safety of those engaged in the construction of the approved development and its subsequent occupation.
21. The conditions largely reflect those suggested by the Council, which I have amended, where necessary, in the interests of clarity and to more closely reflect national guidance. In addition, I have imposed a further requirement that drainage details be agreed to ensure satisfactory arrangements for foul and surface water disposal.

**Conclusion**

22. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR

**Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale, (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.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.



- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: The drawing which shows the location of the site edged red.
- 5) No structure, erection or planting shall be placed in front of a line from a point 1.5 metres measured along the centre line of the access to serve the development hereby permitted from the nearer edge of the highway, to points measured 1.5 metres in each direction along the nearer edge of the highway from the centre line of that access.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for the relocation of the existing street lighting column located on the highway frontage of the site. The approved scheme shall be completed before any of the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place, including any works of site clearance or other site preparatory work until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 8) Construction hours and deliveries associated with the development hereby permitted shall be restricted to 0730 to 1830 hours on Monday to Friday, 0800 to 1300 hours on Saturday, with no working on Sundays, Bank and Public Holidays.
- 9) No development shall take place, including site clearance or other site preparatory work, until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. Where appropriate, the hard landscape works shall include: proposed finished levels or contours; means of enclosure; car parking layout; pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers and densities where appropriate; and an implementation programme.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees, shrubs, hedges or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 11) No ground clearance, demolition or construction work (including any tree felling, tree pruning, earthworks, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) shall commence until an Arboricultural Implication Assessment (AIA) and Tree Constraints Plan (TCP) has been submitted to and approved in writing by the local planning authority. The AIA and TCP shall be produced in accordance with British Standard BS5837: 2012, *Trees in Relation to Construction: Recommendations* and shall be submitted to the local planning authority concurrently with the detailed site layout. Development shall be carried out in accordance with the approved details.
- 12) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology, which has been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and, on completion, a verification statement shall be submitted in writing to the local planning authority. Development shall not begin until the verification statement has been approved in writing by the local planning authority.
- 13) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of the contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures. Development shall not recommence until a verification statement confirming that the site has been remediated in accordance with the approved measures has been approved in writing by the local planning authority.
- 14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a detailed scheme for the disposal of foul and surface water from the site, which includes sustainable drainage measures. The approved scheme shall be completed before any of the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.



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## Appeal Decision

Site visit made on 8 November 2012

by **C J Leigh BSC(HONS) MPHIL MRTPI**

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

Decision date: 23 November 2012

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**Appeal Ref: APP/J1535/D/12/2183635**

**82 Princes Road, BUCKHURST HILL, Essex, IG9 5DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Commerford against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1045/12 was refused by notice dated 24 July 2012.
  - The development proposed is two storey side & rear extension.
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### Decision

1. The appeal is allowed and planning permission granted for a two storey side & rear extension at 82 Princes Road, BUCKHURST HILL, Essex, IG9 5DZ in accordance with the terms of the application, Ref PL/EPF/1045/12, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) Before the first occupation of the extension hereby permitted the 1.8m high privacy screen shown in drawings 3T and 4T shall be erected and fitted with obscured glass and shall thereafter be permanently retained in that condition.
  - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan LPB, SP1T, SP2T, 1T, 2T, 3T and 4T.

### Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers, with particular reference to outlook and light.

### Reasons

3. The proposed extension to the property would bring the terrace of housing closer to the adjoining property of 80 Princes Road at ground and first floors. There would be a gap retained to the boundary at first floor, which would increase towards the rear of the appeal property. The existing large ground floor extension to No. 80 means the proposed first floor extension to No. 82 would be most appreciable only from the first floor rear windows to No. 80.

4. From having regard to the submitted drawings and observations at the site visit it is apparent that the step-in of the proposed extension at first floor would be sufficient to ensure the outlook of the adjoining property is not adversely affected. This would further mean that the depth of the extension at first floor would not impact upon the outlook from the neighbouring house. For similar reasons I consider that, on the basis of the information before me, there would not be any material effect on the levels of light received to the first floor windows of the adjoining house.
5. In coming to the above conclusions I have had regard to the rearward projection of the other property to the east of No. 80. I consider the outlook and levels of light to No. 80 would still be of sufficient quality even having regard to that projection. The fact that No. 80, and the rest of the adjoining housing, faces south assists in providing a good degree of outlook and natural light. I further note that no objection has been raised to the proposed extension by the occupiers of the neighbouring houses.
6. There is a difference in floor levels between the appeal property and No. 80, with the result that steps down to the garden are necessary from the proposed ground floor extension at the rear. This leads to a raised rear living area compared to the garden of No. 80. The submitted drawings show a privacy screen alongside these steps, which I judge sufficient to ensure there would not be an unreasonable degree of overlooking to the neighbour.
7. On the main issue it is considered that the submitted drawings and observations at the site visit lead to the conclusion that the design, scale and siting of the proposed extension would not be harmful to the living conditions of the adjoining occupiers. Thus, the proposal would comply with the requirements of Policy DBE9 of the adopted Epping Forest District Local Plan 1998, which requires new development to not result in excessive loss of amenity for neighbouring properties, and with the core planning principles of the National Planning Policy Framework.
8. The design and scale of the proposed extension would relate well to the host property and to the wider area, and so retain the character and appearance of the terrace and the street.

*Conclusion and conditions*

9. Planning permission is therefore granted. I have attached the Council's suggested condition requiring matching materials, to ensure a satisfactory appearance to the proposed extension. A condition is necessary to ensure provision and retention of the privacy screen shown on the drawings, to ensure no overlooking to the adjoining property. I have also attached a condition specifying the approved drawings since it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

*C Leigh*

INSPECTOR



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## Appeal Decision

Site visit made on 24 September 2012

by **C J Anstey BA (Hons) DipTP DipLA MRTPI**

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

Decision date: 26 November 2012

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### Appeal Ref: **APP/J1535/A/12/2177252**

### **The Beagles Hut (now known as no. 57), Retreat Way, Chigwell, IG7 6EL.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Weston Homes (Housing) Ltd. against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/2103/11, dated 13 October 2011, was refused by notice dated 29 February 2012.
  - The application sought planning permission for minor material amendment on EPF/0485/09 (detached house) - numerous alterations including addition of basement level without complying with a condition attached to planning permission Ref PL/EPF/2003/10, dated 10 November 2010.
  - The condition in dispute is No 7 which states that: *Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of and Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plan shall be formed at any time in walls or roof slopes of the development hereby permitted without the prior written approval of the Local Planning Authority.*
  - The reason given for the condition is: *To safeguard the privacy of adjacent properties.*
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### Decision

1. The appeal is allowed and planning permission is granted for minor material amendment on EPF/0485/09 (detached house) - numerous alterations including addition of basement level at The Beagles Hut (*now known as no. 57*), Retreat Way, Chigwell, IG7 6EL in accordance with application Ref PL/EPF/2103/11, dated 13 October 2011, without compliance with condition number 7 previously imposed on planning permission PL/EPF/2003/10, dated 10 November 2010, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new condition:
  - 1) Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of and Statutory Instrument revoking or re-enacting the Order) no windows other than any shown on the approved plans (reference WH74b/10/25.01 Rev G and WH74b/10/30.01 Rev E) shall be formed at any time in walls or roof slopes of the development hereby permitted without the prior written approval of the Local Planning Authority.

### **Application for costs**

2. An application for costs was made by Weston Homes (Housing) Ltd against Epping Forest District Council. This application is the subject of a separate Decision.

### **Main Issue**

3. The effect that varying the disputed condition to allow changes to the approved fenestration would have on the living conditions of neighbours, having regard to the previously approved scheme.

### **Preliminary Matters**

4. The appeal application involves various changes to the approved fenestration at ground and first floor level. These changes were incorporated into the dwelling which was completed in March 2012 and is now occupied.
5. It is evident from the material submitted that the Council is not opposed to most of these changes. I agree with the Council's findings on these aspects of the scheme, given that they are either ground floor windows, obscure glazed or overlook woodland.
6. The Council, however, is concerned about the effect of the insertion of a new window over the stair-well and the enlargement of the window to Bedroom 3 at first floor level in the front elevation of the dwelling on the privacy of the occupiers of dwellings on Woolhampton Way.

### **Reasons**

7. The previously approved scheme allows for the insertion of two sizeable bedroom windows at first floor level in the front elevation of the appeal dwelling. From these windows it would have been possible to look out towards the rear of the properties on Woolhampton Way. Clearly a judgement was taken at the time the application was determined that such windows would not significantly affect the level of privacy enjoyed by those living on Woolhampton Way. Given the substantial distance between these two window and the Woolhampton Way properties I have no reason to disagree with this view.
8. I accept that the addition of several more first floor windows in the front elevation of the appeal property, or a large increase in the areas of glazing, may have given rise to justified concerns about overlooking or the perception of being overlooked. However the changes are not of this order. The window over the stairwell is small and views out are limited because of its high-level position, whilst the increase in the width of the Bedroom 3 window is relatively modest. Consequently I do not believe that these changes make a material difference to the levels of privacy that would have been enjoyed in and around the properties on Woolhampton Way if the previously approved scheme had been implemented.
9. I conclude, therefore, on the main issue that varying the disputed condition to allow various changes to the approved fenestration would not have an undue impact on the privacy of neighbours. Consequently the appeal scheme accords with the objectives of *Policies DBE2 and DBE9* of the *Epping Forest District Local Plan* which seek to protect the living conditions of those living nearby. These findings constitute compelling grounds for allowing the appeal. None of

the other matters raised outweigh the considerations that have led to my decision.

*Christopher Anstey*

Inspector

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## Appeal Decision

Site visit made on 5 February 2013

by **Mike Moore BA(Hons) MRTPI CMILT MCIHT**

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

Decision date: 7 March 2013

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**Appeal Ref: APP/J1535/A/12/2185957**

**New House Cottages, Little Laver Road, Moreton, Ongar, CM5 0JE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by The Clarkson Partnership against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/1153/12, dated 12 June 2012, was refused by notice dated 26 September 2012.
  - The development proposed is amendments to application PL/EPF/0988/10 for replacement of New House Cottages with a single dwelling house and provision of a new access and orangery.
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### Decision

1. The appeal is allowed and planning permission is granted for amendments to application PL/EPF/0988/10 for replacement of New House Cottages with a single dwelling house and provision of a new access and orangery at New House Cottages, Little Laver Road, Moreton, Ongar, CM5 0JE in accordance with the terms of the application, Ref PL/EPF/1153/12, dated 12 June 2012, and the plans submitted with it, subject to the following conditions:
  - 1) 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 development falling within Schedule 2, Part 1, Classes A, B, C, D and E shall be carried out without the written approval of the local planning authority.
  - 2) The landscaping scheme for the site approved under Ref. EPF/2625/10 shall be fully implemented, including all tree and hedge planting shown, within 12 months of the date of this permission. If within a period of 5 years from the date of planting any tree, shrub or plant is removed, uprooted or destroyed or becomes seriously damaged or defective another tree, shrub or plant of a similar species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives written approval to any variation.
  - 3) Once established, the boundary hedging in the approved scheme of landscaping shall be maintained at a height of not less than 1.5m.

## Main Issues

### 2. The main issues are:

- Whether the proposal is inappropriate development in the Metropolitan Green Belt for the purposes of the National Planning Policy Framework ('the Framework') and development plan policy.
- The effect of the proposed development on the openness of the Green Belt; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

## Reasons

3. The appeal site was originally occupied by a pair of semi-detached cottages. Planning permission was granted in 2010 for their replacement by a single dwelling. A detached garage block was permitted separately in 2011. The cottages have been demolished and I saw on my visit that a replacement dwelling and garage block had been constructed. The dwelling incorporates a single storey rear orangery which was not included in the planning permission for the house. Permitted development rights for extensions were withdrawn by a condition of the 2010 permission and the appeal application is in effect seeking planning permission for a dwelling that includes the orangery. Some development had been carried out before the application was submitted and in the circumstances I have considered the proposal as retrospectively made.
4. The site is within the Metropolitan Green Belt where the Framework indicates that the construction of new buildings is inappropriate except where, amongst other matters, it involves the replacement of a building, provided that the new building is in the same use and not materially larger than the one it replaces. In this case the residential use remains the same.
5. Policy GB2A of the Epping Forest District Local Plan Alterations (LP), adopted in 2006, indicates that planning permission will not be granted for new buildings in the Green Belt unless, amongst other things, it is a replacement dwelling that accords with LP Policy GB15A. The latter permits such a proposal where it would not be materially greater in volume than that which it replaced, it would not have a greater impact on the openness of the Green Belt than the original dwelling and it would not result in the size of the garden exceeding that which it replaced. On the last point, the development has not led to a larger garden.
6. The Council calculates that the permitted dwelling would result in an increase of about 10% in volume compared with the two semi-detached houses and an approved, unimplemented extension. Having regard also to the removal of existing outbuildings and the permitted development allowance for both original dwellings, the appellants estimate that the permitted building would result in a 2 cubic metre decrease. They also state that the orangery results in a 4% increase in floorspace of the permitted dwelling while the Council indicates that it would add 5% to the volume.
7. The LP is broadly consistent with the Framework in its approach but does not offer detailed guidance as to when an increase in volume would become material. The basis on which a replacement dwelling would be materially larger will therefore depend on the particular circumstances of the case. Whichever way it is calculated the orangery does not add significantly to the size of the building as permitted. I recognise that the Council consider that the permitted dwelling is the maximum

that is acceptable, but in my view the addition of the orangery is not so significant that a material increase in size over the original dwellings has occurred. As such, I conclude that the proposal is not inappropriate development in the Metropolitan Green Belt.

8. Openness is an essential characteristic of the Green Belt. The appeal site is in an isolated setting of generally flat open countryside with fields to the front and rear. It is close to a small hamlet of farm buildings and dwellings at Newhouse. The development has resulted in the removal of outbuildings that were more dispersed on the site than the new dwelling and garage.
9. The orangery has the appearance of a conservatory and is of limited size. The site is on a gentle bend in the road so that, although the orangery is at the rear of the dwelling and boundary vegetation may provide screening in due course, it can be seen from the road at the side of the property. The orangery does not extend any further rearwards than the 2-storey north wing of the building and is seen against the backdrop of that when viewed from the road. In this context, the addition of the orangery when considered with the permitted dwelling has not resulted in a material loss of openness. I therefore conclude that the openness of the Green Belt has not been harmed by the development.
10. As the development is not inappropriate and would not harm openness there is no need to balance any harm against other considerations in terms of the third main issue. Accordingly, the development accords with the aims of the Framework and LP Policies GB2A and GB15A.
11. There is concern at the loss of two smaller dwellings in this rural location. Nonetheless, the principle of a single, larger replacement dwelling was accepted by the earlier planning permission and the additional presence of the orangery does not materially alter this. The approved house is a substantial building and prominent as a result. However, the existing permission required a landscaping scheme by condition, which as it matures would change the visual impact of the development and ensure that it would not significantly harm the character and appearance of the countryside. Landscaping has taken place at the site but it is not clear that this is the scheme required by the Council. On a precautionary basis, therefore, conditions to secure the implementation of this as intended should be attached to a permission for the appeal scheme. I have varied the timescale suggested by the Council for implementation of the landscaping to include the next planting season. None of the other matters raised are of such significance that they would outweigh the considerations that have led to my conclusions on the main issues.
12. In addition to the landscaping conditions I have considered those suggested by the Council in the light of the advice in Circular 11/95. Conditions relating to the closure of the original access and the surface treatment of the new access are unnecessary as these aspects of the development have already taken place. Given the size of the dwelling in comparison with the previous structures on the site and the need to safeguard the openness of the Green Belt, a condition withdrawing some permitted development rights is both reasonable and necessary. As the development has already taken place, reference to tree protection and retention in a condition is unnecessary.
13. For the reasons given above I conclude that the appeal should be allowed.

*M J Moore*

INSPECTOR

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## Appeal Decision

Site visit made on 18 September 2012

by **Chris Frost BSc(Hons) DipLD FLI CBiol MSB MRTPI**

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

Decision date: 9 October 2012

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**Appeal Ref: APP/J1535/A/12/2177114**

**Treetops Care Home, 23-25 Station Road, Epping, Essex CM16 4HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Treetops Care Home against the decision of Epping Forest District Council.
  - The application Ref: PL/EPF/0369/12, dated 21 February 2012, was refused by notice dated 9 May 2012.
  - The development proposed is the construction of a four storey extension following the demolition of an existing garage and store.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a four storey extension, following the demolition of an existing garage and store, at Treetops Care Home, 23-25 Station Road, Epping, Essex CM16 4HH in accordance with the terms of the application Ref: PL/EPF/0369/12, dated 21 February 2012, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

### Main Issue

2. The main issue is the effect that proposed extension would have on the appearance, character and amenity of the area.

### Reasons

3. Station Road has a mixed residential character with detached, semi-detached and terraced houses along with apartments and, on the appeal site, a care home. The Treetops Care Home has evolved, by way of past extensions, from what appears to have been one or two residential units into what is now a single building. There is some architectural unity that has been achieved by providing a colour washed exterior with matching roof treatments. To the north-west there is a recently constructed apartment building and to the south-east a terrace of 3-storey properties known as Woodlands. Together, this group of buildings present a substantial built frontage along Station Road and this is set behind a number of protected mature trees.
4. The proposed extension would consolidate this built frontage by closing the gap between the Treetops Care Home and Woodlands from its existing width of about 11.5m to about 3.5m. The proposed extension would match the external appearance of the Treetops Care Home and would be set back slightly from the

main front elevation. The roof height would be lower than that of the parent building.

5. There is little doubt that the already substantial building at Treetops, which has a significant presence in the street scene, would become more substantial and significant if the proposed extension was to be built. However, this would be seen in the context of the very substantial building to the north-west and Woodlands to the south east, which also presents a substantial frontage to Station Road. In this context, the proposed addition, with its matching exterior and subservient position would not gain an inappropriate presence or appear out of place. Furthermore, the retention of a gap between the end of the extension and the site boundary would serve to preserve a feeling of separation from Woodlands. While existing Ginkgo trees to the rear of the extensions would become obscured, because of their position these trees are not prominent in the street scene. Accordingly, the shielding of these trees would not have a significant effect on the street scene.
6. Saved policy DBE1 of the Epping Forest District Adopted Local Plan sets out what is required to help make new development acceptable. DBE1(i) deals with matters of architectural design. There is little to suggest that existing features are not adequately respected, particularly as the extension reflects aspects of the parent building such as external appearance, window details and roof details. DBE1(ii) deals with significance in the street scene and as I have already acknowledged the significance of the care home would increase. However, the extension would reflect the appearance of the parent building and would appear appropriate to its setting. DBE1(iii) deals with materials and these would be acceptable as they would replicate those of the parent building.
7. Saved policy CP7 of the Epping Forest District Local Plan Alterations deals with urban form and quality. This has a number of aims including the protection and enhancement of urban areas and the avoidance of over-development and unsympathetic change. At CP7(iv) it also refers to the use of higher densities where compatible with the character of the areas concerned and urban design controls. Here a higher density of development would be achieved by extending an existing building in a way that reflects the form and character of the parent building. This would be in accord with CP7(iv). Otherwise, the changes proposed would be compatible with saved policy CP7 and while the care home, which is already a prominent feature of Station Road, would gain in prominence, there is good reason to find that the enlarged building would not appear out of context or otherwise excessive or unacceptable in terms of the appearance, character and amenity of the area.
8. The compliance of the scheme with the development plan suggests that planning permission should be granted and the development would also be compatible with the aim of encouraging sustainable growth that is set out in the Nation Planning Policy Framework. There are no other matters that are sufficient to indicate that planning permission should be withheld.
9. Various conditions are suggested. Other than time limits and compliance with plans, conditions are suggested in relation to:
  - a) window design on the flank elevation: this is necessary to protect privacy.
  - b) Matching materials: these are indicated on the plans so a separate condition is unnecessary.

- c) The protection of trees: this is necessary in the interests of visual amenity.
- d) Hours of construction; this is necessary in the interests of residential amenity.
- e) Wheel cleaning: this is necessary in the interests of highway amenity and safety.

*Chris Frost*

### **Inspector**

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 09-3319-05; 09-3319-06 A; 09-3319-09 C; 09-3319-10 B.
- 3) Prior to the first occupation of the development hereby approved, all window openings in the flank elevation shall be fitted with obscured glass and shall have fixed frames to a height of 1.7m above the floor of the room in which they are installed. Thereafter the windows shall be retained as constructed.
- 4) No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement for the whole site has been submitted to and approved in writing by the local planning authority. Thereafter 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 written consent to any variation.
- 5) No construction or demolition work and ancillary operations including vehicle movements on the site which are audible at the boundary of noise sensitive property shall take place outside the hours of: 08:00 to 18:30 Monday to Friday; 08:00 to 13:00 Saturday; and at no time during Sunday or Bank Holidays or Public Holidays, unless otherwise agreed in writing by the local planning authority.
- 6) No development shall take place until details of wheel washing and other cleaning facilities along with criteria for their use during construction have been submitted to and approved in writing by the local planning authority. Thereafter the approved cleaning facilities shall be installed prior to the commencement of development and used in accordance with the approved details, unless the local planning authority gives written consent to any variation.

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## Appeal Decisions

Hearing held on 9 January 2013

Site visit made on 9 January 2013

**by Roger Clews BA MSc DipTP MRTPI**

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

**Decision date: 5 February 2013**

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### **Appeal A – Ref: APP/J1535/A/12/2181575**

#### **Willow Park Farm, Miller's Lane, Chigwell, Essex IG7 6DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tariq Hussain against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0334/12, dated 16 February 2012, was refused by notice dated 25 July 2012.
  - The development proposed is to demolish existing dwelling, pool building and detached garage and erect a replacement two-and-a-half-storey detached dwelling and a detached single-storey garage block.
- 

### **Appeal B – Ref: APP/J1535/A/12/2181576**

#### **Willow Park Farm, Miller's Lane, Chigwell, Essex IG7 6DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Tariq Hussain against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0392/12, dated 27 February 2012, was refused by notice dated 25 July 2012.
  - The development proposed is continuation of use of buildings A, B, C, E, F & G and land within the application site for the purposes of storage with ancillary office (use class B8).
- 

## **Decisions**

### **Appeal A – Ref: APP/J1535/A/12/2181575**

1. The appeal is allowed and planning permission is granted to demolish existing dwelling, pool building and detached garage and erect a replacement two-and-a-half-storey detached dwelling and a detached single-storey garage block at Willow Park Farm, Miller's Lane, Chigwell, Essex IG7 6DG in accordance with the terms of the application Ref PL/EPF/0334/12, dated 16 February 2012, subject to the conditions in the schedule on pages 8 and 9 of this decision.

### **Appeal B – Ref: APP/J1535/A/12/2181576**

2. The appeal is dismissed.

## Reasons

### **Appeal A – Ref: APP/J1535/A/12/2181575**

#### *Main issues*

3. The main issues in Appeal A are:
  - (a) whether or not the proposed development is inappropriate development in the Green Belt or would harm the openness of the Green Belt; and
  - (b) whether or not the proposed development would respect its setting and the character and appearance of the surrounding area.

#### *Inappropriate development?*

4. At paragraph 89, the *National Planning Policy Framework* [NPPF] advises that the replacement of a building is not inappropriate development in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces. There are similar provisions in policies GB2A and GB15A(i) of the *Epping Forest District Local Plan*.
5. In this case, the existing house to be demolished has a footprint of about 265 square metres [sqm] and a volume of some 1,530 cubic metres [cum]. It would be replaced by a new house with corresponding measurements of some 367sqm and 2,749cum. While the two buildings would have the same use, there can be no dispute that the new house would be materially larger than the existing one.
6. However, there is a very large single-storey building about 3m away from the side of the existing house, containing a games room and lounge-bar area, a gymnasium and a swimming pool. There is also a double garage situated a similar distance away from the house. Because of the proximity of these buildings to the house, and the fact that they provide for domestic activities very closely related to the residential use of the house itself, I agree with the appellant that they should be considered as part of the building to be replaced for the purposes of the NPPF and Local Plan tests.
7. Considering the proposal on this basis, the total footprint to be replaced is about 625sqm and the total volume is some 3,043cum. The total footprint of the replacement development (house plus garage block) would be about 511sqm and its total volume about 3,081cum. Thus there would be a substantial reduction, of about 20%, in footprint and a marginal increase of 38cum in volume. But since the increase in volume would be only about 1.2%, the new building could not be said to be materially larger than the one it is to replace.
8. Criterion (ii) of policy GB15A requires that the replacement dwelling should not have a greater impact than the original on the openness of the Green Belt. The new house would be some 2m higher than the highest part of the existing dwelling on the site and it would have a longer roof ridge, which in combination with its increased volume would give it a significantly greater overall bulk. However, the harm which this would cause to the openness of the Green Belt would be balanced by the substantial reduction in the area of land covered by buildings. As a result, even after taking into account the substantially lower height of the pool and bar building compared with the new house, in my view the overall effect of the development on the openness of the Green Belt would

be neutral. Thus there would be no conflict with Local Plan policy GB15A(ii) or with that aspect of policy GB7A which also seeks to protect the Green Belt's openness.

9. On this basis, I conclude that the proposed development would not be inappropriate development in the Green Belt, and so would not conflict with NPPF policy 89 or with Local Plan policies GB2A and GB15A.

*Effect on character and appearance*

10. The house and the other buildings on the site date from the mid-1980s. While the house appears to have been designed in imitation of a rural vernacular style, overall the buildings have little architectural merit and the Council have raised no objection in principle to their replacement.
11. Miller's Lane contains buildings in a range of different styles, including traditional timber barns, simple rendered and gabled bungalows, a more formal single-storey dwelling probably dating from the 19<sup>th</sup> century, and, in and around Miller's Close, a group of two-storey houses of typical post-war appearance. At the former kennels site opposite Willow Park Farm, planning permission has recently been granted for a new dwelling in a style reminiscent of the Arts and Crafts movement.
12. In the wider rural area around Chigwell, there is a similar variety in the character of the buildings. Particularly noticeable is the presence of a significant number of large houses of fairly recent date, some standing in large grounds. These tend to espouse either an Arts and Crafts design idiom, like the new house permitted at the kennels site, or, more typically, a neo-Georgian style.
13. The proposed dwelling at Willow Park Farm would be a further example of the latter. The design is well-proportioned and the front and rear elevations would each present a pleasing symmetry, while the proposed materials (predominantly brick, stone and slate), would be similar to those found on other buildings in the area. The garage block would be built in a consistent style and would appear appropriately subordinate to the house.
14. Perhaps most importantly, it is proposed that the construction of the new dwelling would be accompanied by a re-modelling of the landscaping on the site<sup>1</sup>. The new house would be set further back into the site than the existing house and there would be a new, more formal pattern of hard and soft surfacing, together with new tree- and hedge-planting, in front of it. All this would provide a fitting setting for the formal architecture of the house itself.
15. The Council would prefer an architectural treatment that reflects the rural vernacular. However, I consider that the proposed design would fit in appropriately with the wide variety of building styles found in the surrounding area. While the new house would make a significant architectural statement, its site is sufficiently large that it would not appear overly ostentatious.
16. For these reasons I conclude that the development proposed under Appeal A would respect its setting and the character and appearance of the surrounding area, and would not conflict with Local Plan policies GB7A, DBE1 and DBE4. In

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<sup>1</sup> As illustrated in the Landscape Assessment by Open Spaces Consultants, dated 8 October 2012, which was submitted with the appeal.

summary, these policies, which are consistent with the NPPF, require that new development, in the Green Belt and elsewhere, respects its setting in terms of character, detailed design and external materials, is appropriately sited within the street scene and the wider landscape, and has no excessive adverse impact on rural character or visual amenity.

*Conditions*

17. The conditions in the schedule on pages 8 and 9 below are based on those suggested by the Council and discussed at the hearing. Condition 2 is needed for the avoidance of doubt and in the interests of proper planning. Condition 3 is necessary because the basis on which planning permission is being granted for the proposed buildings is as replacements for the existing buildings. Conditions 4 and 5 are needed to define the scope of the planning permission in accordance with the planning application, for the avoidance of doubt in future and to ensure that the residential use does not expand into the surrounding countryside.
18. Conditions 6 to 10 are necessary to ensure that the external appearance of the proposed development and the hard and soft landscaping are appropriate to its rural location in the Green Belt, and that there is no excess surface-water run-off from the driveway and vehicle turning area. Condition 11 is needed to ensure that adequate protection is given to any protected species that may be present on the site. Condition 12 is necessary in the interests of highway safety, condition 13 in order to safeguard the living conditions of neighbouring residents and condition 14 to ensure that adequate provision for car-parking is retained.
19. Finally, condition 15 is needed, notwithstanding the appellant's objections, in view of the fact that the site lies in the Green Belt and the proposed development is permitted on the basis that the replacement buildings would not be materially larger than those being replaced. Allowing extensions or outbuildings to be built as permitted development would undermine that justification. However, I see no need for the condition to prevent a hard surface being laid to the side of or behind the new house and so I have removed the reference to Class F from the Council's suggested condition.
20. The Council had also suggested a series of conditions requiring possible contamination of the site to be investigated and remediation measures to be carried out if contamination was found. But I see no reason to think that the site to be developed has been part of the working area of the farm, except perhaps in the distant past when harmful contamination is unlikely to have occurred. Consequently I consider those conditions to be unnecessary.

**Appeal B – Ref: APP/J1535/A/12/2181576**

*Main issue*

21. The main issue in Appeal B is the effect of the use for which planning permission is sought on the character and amenities of the surrounding area, which lies in the Green Belt.

*Effect on character and amenities of the area*

22. The buildings which are the subject of Appeal B include four large agricultural barns and two former stable blocks. They are currently used by Mr Hussain

and his son in connection with their property and development business. I saw during my site visit that the buildings contain a wide variety of vehicles, machinery and tools, building materials and accessories, domestic furniture and white goods. Parts of the stable buildings also appear to be used to provide office, kitchen and toilet facilities.

23. The access to the site is off Miller's Lane, some 200m south of its junction with Gravel Lane. While Gravel Lane is a fairly busy traffic route, I saw during my site visit that Miller's Lane is a quiet country lane, with infrequent traffic. It is subject to a weight restriction preventing its use by vehicles over 7.5 tonnes except for access to premises along it.
24. There is no evidence that the current use of the buildings involves large-scale activity or a large number of vehicle movements, and there is no record of any road accidents associated with it. I was told that Mr Hussain and his son typically leave the premises in the morning to travel to the sites where they are working, and return in the evening. There are occasional deliveries or collections of materials from the premises but these are infrequent. This account is supported by the absence of any complaints or objections from neighbours or the local highway authority in respect of the current use.
25. However, in reaching a decision on this appeal I have also to consider what could happen if Mr Hussain were to sell the property, or indeed if the nature of his business were to change. The number and sizes of the buildings involved mean that they could potentially accommodate quite a substantial storage and distribution business. TRICS figures provided to the Council by the local highway authority indicate that a comparable land-use of this size in an urban area could generate up to 80 vehicle movements a day.
26. While fewer movements would normally be expected at a rural site such as this, even half that number is likely to represent a considerable increase in the amount of traffic using Miller's Lane, on the evidence before me. Because of the nature of a B8 use it is also likely that a high proportion of the vehicles would be HGVs, which are normally prevented from using the lane. These two factors would, in my view, have a significant, harmful impact on the quiet, rural character of Miller's Lane. That impact could well be exacerbated by noise from vehicle movements and other activities within the site.
27. In reaching this view, I accept that if the buildings were to revert to agricultural use, this would also be likely to result in increased traffic movements to and from the premises and increased activity on the site. But the frequency of agricultural traffic and the intensity of agricultural activity tend to vary according to the seasons, whereas a B8 use would most likely generate constant traffic flows through the year. Moreover, unlike storage and distribution premises and their associated traffic, farming activities and agricultural vehicles are characteristic features of rural areas. For these reasons, a reversion to agricultural use would not have the harmful effects on the character and amenities of the area that a B8 use could cause.
28. If planning permission were to be granted, a condition could be imposed preventing the storage of materials outside the buildings on the site. But any resulting benefit to the openness of the Green Belt and the character and appearance of the area would, in my view, be outweighed by the harmful effects I have identified.

29. Mr Hussain submitted a Unilateral Undertaking after the hearing, the effect of which would be to prevent the buildings from being used except by a person resident at Willow Park Farm, or by a company controlled by such a person, in the event that planning permission were granted. However, this would not prevent a future increase in the intensity of the activity and frequency of vehicle movements associated with a B8 business on the site. Similarly, a personal permission preventing the use being carried out by anyone other than Mr Hussain and his son would not prevent such intensification of use from occurring in the future. In any event, on the evidence before me in this case I do not find the strong compassionate or other personal grounds which Circular 8/93 advises are needed to justify such a personal permission<sup>2</sup>.
30. For these reasons, I conclude that the use for which planning permission is sought under Appeal B has the potential to cause significant harm to the character and amenities of the surrounding area, which lies in the Green Belt. Although the current level of use does not have this harmful impact, no means of ensuring that the proposed B8 use would not do so in future has been demonstrated to exist. Consequently, granting planning permission would conflict with Local Plan policies GB8A(iii) and ST4(iv), which seek to ensure that any proposed use does not have a significant detrimental impact on the character and amenities of an area.
31. Whatever the outcome of Appeal B, there is no evidence that the Council are contemplating taking action against Mr Hussain's existing use of the site. Nonetheless, I am aware that section 3 of the NPPF supports the sustainable growth of business and enterprise in rural areas, including through conversion of existing buildings, an objective that would be met by the Appeal B proposal. On the other hand, the NPPF also advises that planning should take account of the different character of different areas, protecting the Green Belt and recognising the intrinsic character of the countryside. These objectives would be compromised by the proposed development and I consider that the resulting harm would clearly outweigh any benefits in terms of promoting the growth of business and enterprise. Hence the proposal would not represent sustainable development, for which the NPPF advises there is a presumption in favour.

### **Conclusions**

32. For the reasons given above, and having had regard to all other matters raised, I conclude that Appeal A should succeed, and planning permission should be granted subject to conditions, but that Appeal B should be dismissed.

*Roger Clews*

Inspector

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<sup>2</sup> See Circular 11/95: *The Use of Conditions in Planning Permissions*, paragraph 93.

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr I Coward BA(Hons):MA MRTPI	Collins and Coward Planning & Development Consultancy
Mr W Hussain	Appellant's son
Mr C Biss RIBA	BB Partnership Ltd
Mr K Law RIBA	BB Partnership Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mrs K Smith BA(Hons) MA MRTPI	Epping Forest District Council
Cllr John Knapman	Epping Forest District Council

### **INTERESTED PERSON:**

Cllr Richard Alvin	Chigwell Parish Council
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### **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Copy of Council's letter of notification of the hearing arrangements, and list of persons notified.
- 2 Copy of decision notice, plans and committee report for application Ref EPF/1771/12 - Land adjoining Rest Harrow, The Kennels, Miller's Lane, Chigwell.
- 3 Unilateral Undertaking dated 30 December 2012 by Mrs Nasim Hussain and Svenska Handelsbraken AB Co UK to the Council [NB withdrawn and replaced by the Unilateral Undertaking referred to in paragraph 30 of this decision].
- 4 Land Registry register extract for title number EX221679: Willow Park Farm, Miller's Lane, Chigwell.
- 5 Copy of the local highway authority's response to consultation on application Ref EPF/0392/12, dated 14 June 2012.
- 6 Copy of an email from Mr M Lane, local highway authority development management officer, to Mrs Smith, dated 9 October 2012.

### **PHOTOGRAPHS SUBMITTED AT THE HEARING**

- 1 Sheet containing two photographs of the former kennels site on the opposite side of Miller's Lane from the appeal sites.

**SCHEDULE OF CONDITIONS FOR THE DEVELOPMENT PERMITTED UNDER  
APPEAL A – Ref: APP/J1535/A/12/2181575**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Except as otherwise required by any of the following conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: ESA-1000, ESA-201 Rev B, ESA-210 Rev B, ESA\_300 Rev D, ESA\_301 Rev C, ESA\_302 Rev C, ESA\_303 Rev D, ESA\_304 Rev A and ESA\_310 Rev B.
- 3) No later than six months after the date of substantial completion of the dwellinghouse hereby permitted, the existing house, the adjacent pool and bar building and the adjacent garage as shown on drawing No ESA-201 Rev B shall all be demolished in their entirety and all materials resulting from the demolition shall be removed from the site.
- 4) No residential use shall take place except within the area inside the red line identifying the application site on drawing No ESA\_300 Rev D.
- 5) The building identified as building D on drawing no. ESA-201 Rev B shall only be used as ancillary accommodation for the approved dwellinghouse and shall not be occupied as a separate residential unit.
- 6) No construction works above ground level shall take place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until details of levels have been submitted to and approved in writing by the local planning authority. The submitted details shall show cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground-floor slabs of buildings, roadways and access-ways and landscaped areas. Development shall be carried out in accordance with the approved details.
- 8) No development or site clearance shall take place until a scheme of soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include a statement of the methods, including a timetable, for its implementation (linked to the development schedule) and indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- 9) The soft landscaping 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 five 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.
- 10) No development shall take place until details of the extent of the driveway and vehicle turning area for the development, together with the proposed surfacing materials and the means of surface water drainage, have been submitted to and approved in writing by the local planning



authority. Development shall be carried out in accordance with the approved details, and the approved surface treatment and means of surface water drainage shall be completed prior to the first occupation of the development or within one year of the substantial completion of the development hereby approved, whichever occurs first.

- 11) No development shall take place until surveys have been undertaken to check for the presence of bats and Great Crested Newts on the site and the surveys have been submitted to and approved in writing by the local planning authority. If the surveys reveal that bats and/or Great Crested Newts are present on the site, no development shall take place until details of proposed mitigation works and a timetable for their implementation have been submitted to and approved in writing by the local planning authority. All the approved mitigation works shall be carried out in accordance with the approved details and timetable.
- 12) No development shall take place until wheel-washing facilities for vehicles leaving the site during construction works have been installed. The installed facilities shall be used to clean vehicles immediately before they leave the site.
- 13) No construction/demolition works or ancillary operations, including vehicle movements on site which are audible at the boundary of the appeal site, shall take place outside the hours of 0730 to 1830 on Mondays to Fridays and 0800 to 1300 hours on Saturdays and no such works or operations shall take place at any time on Sundays or on bank or public holidays unless otherwise agreed in writing beforehand by the local planning authority.
- 14) 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), the garages hereby approved shall be retained so that they are 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.
- 15) 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 enlargement of the dwellinghouse permitted by virtue of Classes A and B of Part 1, Schedule 2 to the Order and no development permitted by Class E of Part 1, Schedule 2 to the Order shall be carried out.

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