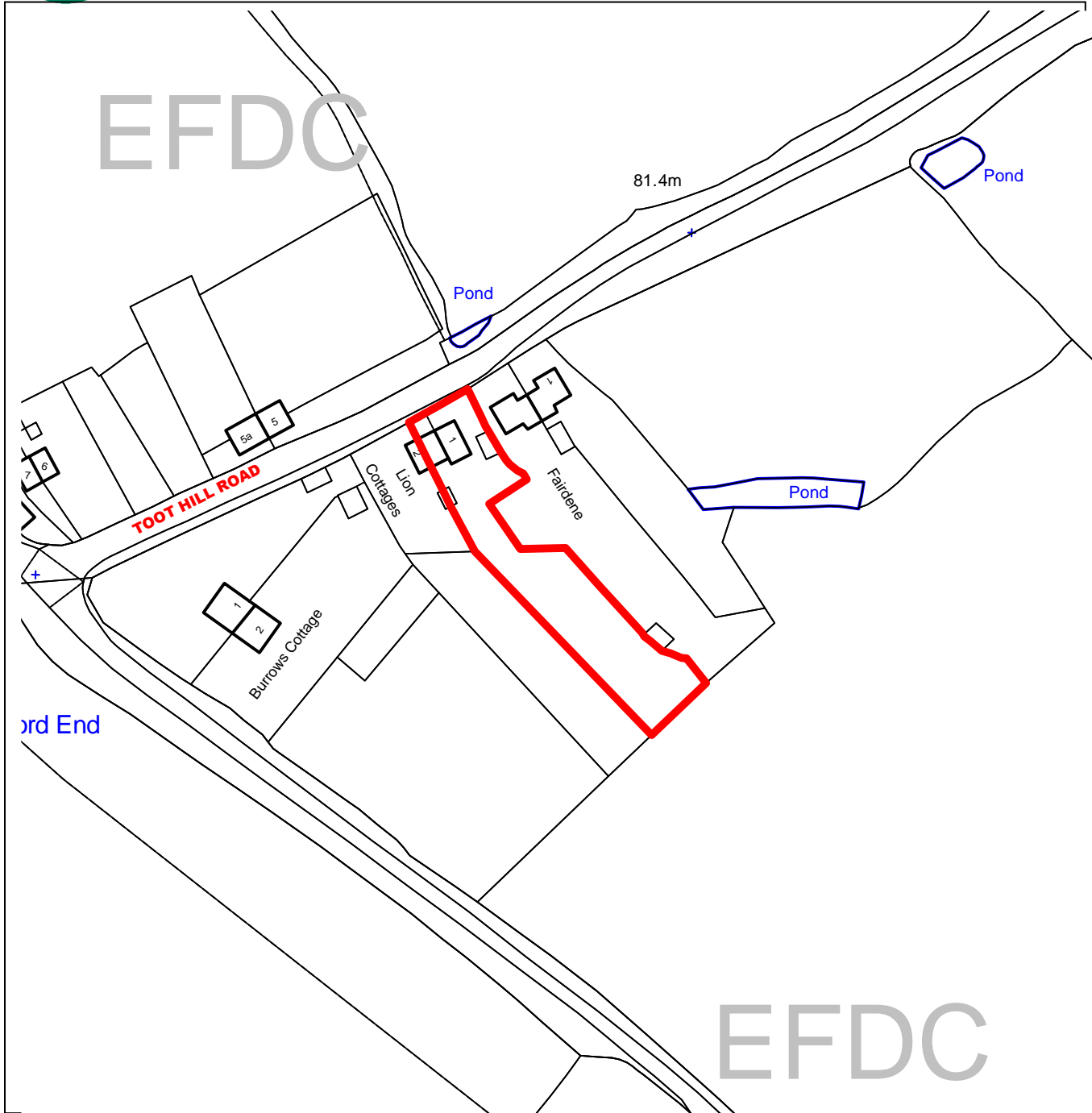




Epping Forest District Council



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Application Number:	EPF/0744/21
Site Name:	1 Lion Cottages Toot Hill Road Ongar CM5 9QL
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/0744/21
SITE ADDRESS:	1 Lion Cottages Toot Hill Road Ongar CM5 9QL
PARISH:	Stanford Rivers
WARD:	Passingford
APPLICANT:	Mr Luke Majid
DESCRIPTION OF PROPOSAL:	Proposed garage conversion and single storey link with partial alteration to roof (Revised application to EPF/0109/21)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=649864

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 shall be carried out and retained strictly in accordance with the following approved plans: 1746.1A, 1746.2A, 1746.3A, 1746.7, 1746.8 and 1746.9.
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building, unless otherwise agreed in writing by the Local Planning Authority.
- 4 The garage conversion hereby permitted shall only be used for purposes incidental to the residential use of the dwelling known as 1 Lion Cottages, and shall not be used for any primary residential accommodation.
- 5 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.
- 6 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
- 7 No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 07:30 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

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

Site and Surroundings

The site comprises of a semi-detached house, located within a small enclave in the Green Belt. It is not listed nor in a conservation area.

Proposal

The proposal is for a garage conversion and single storey link with partial alteration to roof (amended scheme to EPF/0109/21).

The main amendment is the removal of the first floor above the existing garage.

In the interest of clarity, the garage conversion is permitted development, so, it will not be discussed further in this report.

Relevant Planning History

EPF/1190/92 – First floor side extension, rear porch and detached garage - Approved

EPF/0806/93 – Amendment to EPF/1190/92: Increase in ridge height of single storey side extension - Approved

EPF/1633/15 - Prior approval application for a 5m deep single storey rear extension, height to eaves 2.8m and maximum height of 2.8m – Prior Approval Not Required

EPF/0109/21 - Proposed garage conversion including creation of first floor and single storey link to main house – Refused

Development Plan Context

Local Plan and Alterations 1998 & 2006 (LP)

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

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

CP2	Protecting the Quality of the Rural and Built Environment
CP7	Urban Form and Quality
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

National Planning Policy Framework 2019 (Framework)

The Framework is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the

NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

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

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

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

Paragraphs 124 & 127

Paragraphs 133, 143 - 145

Epping Forest District Local Plan Submission Version 2017 (LPSV)

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

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

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

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following table lists the LPSV policies relevant to the determination of this application and officers' recommendation regarding the weight to be accorded to each policy.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM4 Green Belt	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Summary of Representations

Number of neighbours consulted: 4. 4 response(s) received

2 LION COTTAGES, 5 TOOT HILL ROAD, FAIRDENE COTTAGE, & 2 BURROWS COTTAGE –
Objections – Summarised as:

- Impact on the Green Belt; and
- Impact on the street scene.

STANFORD RIVERS PARISH COUNCIL – The Parish Council OBJECTS to this application, on the following basis:

- i. The application form and weekly list advises this application is for a proposed garage conversion and single storey link, however the applicants supporting later advises that this application is for only the link (as the garage conversion falls under permitted development). It is therefore unclear as to exactly what this planning application is for. This needs to be clarified by EFDC Planning and has in fact made this application difficult to consider properly.
- ii. Whilst the Council is happy to see there is no longer a second storey being proposed over the garage, the Council remains concerned with the extent of the proposed single storey link given the previous historical additions to the property, which if granted would result in the property being overly disproportionate to the original dwelling given this property is in the Green Belt.
- iii. The loss of the garage would exacerbate an already cluttered and cramped parking situation at the property (evidenced by the pictures submitted as part of the application).
- iv. The Parish Council has been advised that works have already started, however the application form advises this is not the case.
- v. The Parish Council requests that a check is made to ensure the plans submitted with this application fulfil the District Councils validation requirements.

Planning Considerations

The main issues for consideration in this case are:

- a) The previous refused application EPF/0109/21;
- b) The impact on the Green Belt;
- c) The impact on the character and appearance of the locality; and
- d) The impact on the living conditions of neighbouring properties.

Green Belt

The relevant exception to development in the Green Belt is Paragraph 145 (c) of the Framework which states; the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. To establish whether

the proposal would result in a disproportionate addition or not depends on the impact on the openness of the Green Belt, which has a spatial aspect as well as a visual aspect.

The original building had a volume of some 218 cubic metres, and together with the historic additions (including the recent single storey rear extension) the total volume of the current building amounts to some 304 cubic metres, which is a 40% increase in volume. The proposed link will add an additional 47 cubic metres, which is a further increase of some 15% in volume, taking it to a total of 55% increase in volume to that of the original building.

It should be further clarified that an assessment on the openness of the Green Belt is not a purely mathematical exercise, so, it is considered that on balance the proposed development in spatial terms (55% increase in total volume) would be acceptable, and visually the proposal would infill the space between the garage and the rear extension so this element is also acceptable. Therefore, the proposal would not amount to a disproportionate addition over and above the size of the original building.

Character and Appearance

The proposed works are considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building, the pair of semis, the street scene, and the locality.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, policy DM9 (D) and DM10 of the LPSV, and Paragraphs 124 and 127 of the Framework.

Living Conditions

The proposed development will have no material impact to the occupiers of both 2 Lion Cottages and Fairdene Cottage, in terms of loss of light, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with policies CP7 & DBE9 of the LP, policy DM9 (H) of the LPSV and Paragraph 127 (f) of the Framework.

Conclusion

For the reasons set out above having regard to all matters raised, 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: Muhammad Rahman
Direct Line Telephone Number: 01992 564415**

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