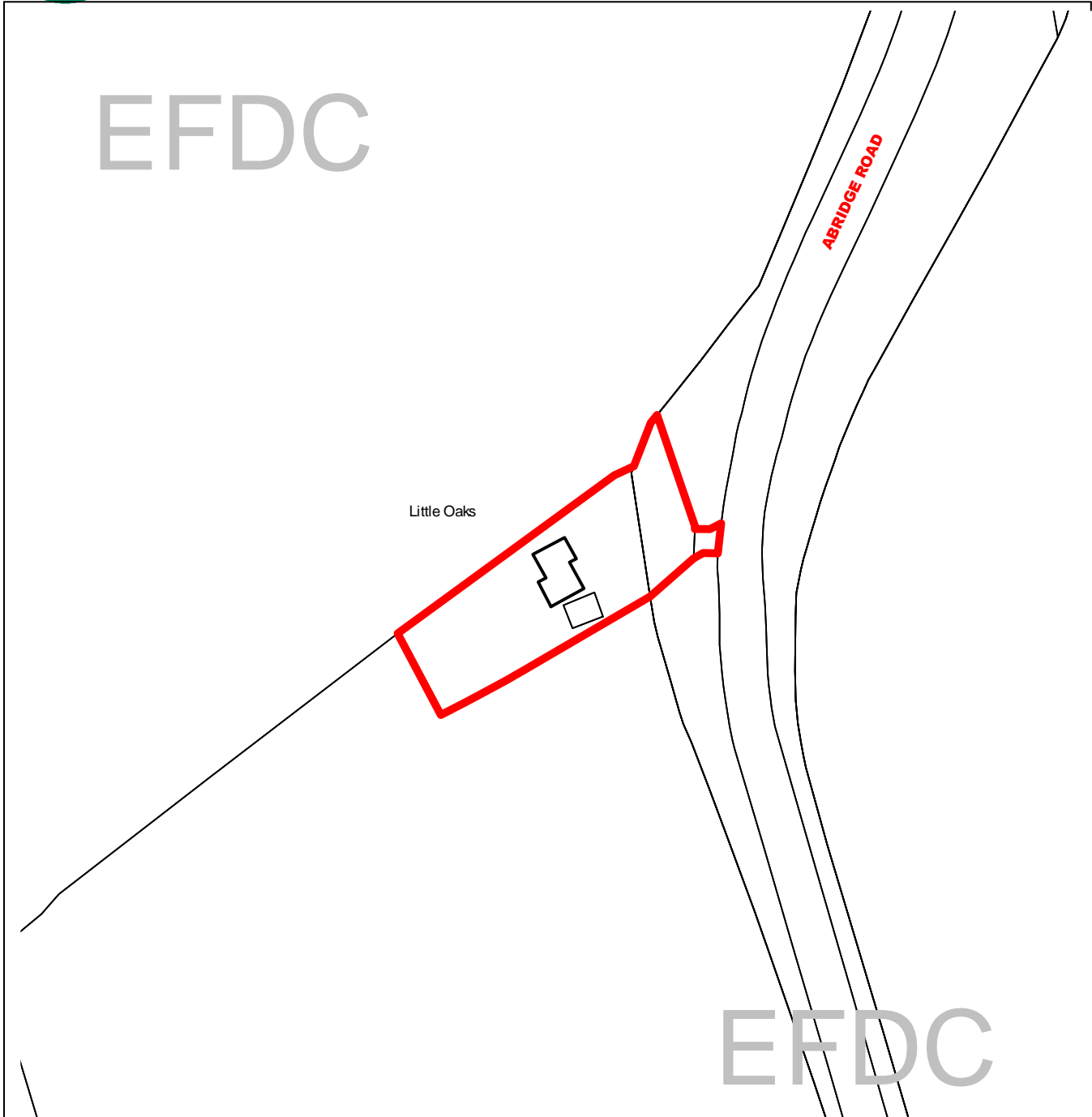




Epping Forest District Council



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Application Number:	EPF/0930/21
Site Name:	Little Oaks Abridge Road Theydon Bois Epping RM4 1TX
Scale of Plot:	1:1250

Report Item No:12

APPLICATION No:	EPF/0930/21
SITE ADDRESS:	Little Oaks Abridge Road Theydon Bois Epping RM4 1TX
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs Aston
DESCRIPTION OF PROPOSAL:	Replacement dwelling.
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=650573

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 01 and 05 Rev I.
- 3 Prior to preliminary ground works taking place, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. 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.

- 5 Tree protection, methodology for construction adjacent to trees and Arb site supervision shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement and Tree protection shall be implemented as shown on Moore Partners 'Tree Protection Plan' drawing number MP/LOAK/01 dated 7th December unless the Local Planning Authority gives its prior written approval to any alterations.
- 6 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 8 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 9 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.
- 10 Prior to first occupation of the development, the recommendations set out in the Preliminary Ecological Appraisal by T4 Ecology Ltd (dated December 2020) shall have been implemented and retained as such, unless otherwise agreed in writing with the LPA.
- 11 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 12 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.

- 13 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.
- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B, D & E of Part 1 to schedule 2 shall be undertaken.

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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a detached dwelling located on the eastern side of Abridge Road. It is not listed nor in a conservation area, however it is within the Green Belt.

Proposal

The proposal is for a replacement dwelling.

Relevant Planning History

EPF/0431/19 - Proposed new single two storey rear and side extensions – Refused

EPF/1174/20 - Application for a Certificate of Lawful Development for two single storey side extensions – Lawful

EPF/1839/20 - Certificate of lawful development for a proposed outbuilding for garage/gym. Certificate of lawful development for a proposed outbuilding for garage/gym – Lawful

EF\2020\ENQ\00833 – Pre-app discussion for a replacement dwelling

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
GB7A	Conspicuous Development
DBE1	Design of New Buildings

DBE4	Design in the Green Belt
DBE8	Private Amenity Space
DBE9	Neighbouring Amenities
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

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	108 - 110
Paragraph	117
Paragraphs	124, 127
Paragraphs	133, 143 – 146
Paragraph	175

Epping Forest District Local Plan Submission Version (LPSV) (2017)

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 Main Modifications, 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
SP2 Spatial Development Strategy 2011-2033	Some
H1 Housing Mix and Accommodation Types	Some
T1 Sustainable Transport Choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Some
DM3 Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM4 Green Belt	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Some
DM15 Managing and Reducing Flood Risk	Significant
DM16 Sustainable Drainage Systems	Significant
DM19 Sustainable Water Use	Significant
DM20 Low Carbon and Renewable Energy	Significant
DM21 Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 Air Quality	Some

Summary of Representations

Number of neighbours Consulted: 5. No response(s) received
 Site notice posted: Yes

THEYDON BOIS PRESERVATION SOCIETY & THEYDON BOIS ACTION GROUP – Objections – Summarised as;

- Impact on Green Belt; and
- Impact on character.

THEYDON BOIS PARISH COUNCIL – The Planning Committee wishes to raise an objection to this proposal on the grounds that it believes the proposal would be out-of-keeping in the context of its rural setting and would adversely impact on the openness of the Metropolitan Green Belt, being also materially larger than the existing dwelling house.

There is no volumetric data supplied with this application but the Committee senses the proposed replacement dwelling to be significantly larger than the existing dwelling, notwithstanding an extant Certificate of Lawful Development ('CLD') for two, single-storey, side extensions (under EPF/1174/20, but not commenced) and an existing detached garage to the side.

Separately, a further large garage/gym outbuilding was proposed under EPF/1839/20, but it is not clear whether this will be constructed (although a CLD also remains extant). However, that outbuilding could not serve as a garage, if the current proposal were built, due to insufficient space for a driveway.

The design of the existing house resonates with the period of local architectural styles; it's partly tiled, asymmetrical frontage, with cat-slide roof and small round glazed window, being reminiscent of the more vernacular style of a farmhouse dwelling, which was still popular in rural areas during the inter-war years.

In the Committee's view, the present, more modest dwelling, sits comfortably within its plot in a way that the proposed replacement dwelling would not.

The larger, almost 'manorial', design and proportions of the proposal are of a mass and scale that the Committee feels would be too dominant for this plot and would effectively reduce the sense of spaciousness around the dwelling and 'close down' the openness of the surrounding Green Belt space. Both in terms of the impact on the spatial and visual aspects of openness, the proposal would appear materially larger, being of a more prominent, symmetrical, two-storey structure, across its full width, which would not be effectively screened from view by the existing trees given, in particular, the public perspective from the adjacent highway of the Abridge Road.

The proposed building would also appear as a dominant feature within the locality, given the rural landscape setting. Travelling in either direction along the Abridge Road, it is Theydon Hall, and the Grade II Listed Piggotts Farm and barns, which give a sense of the historic setting. However, the new proposal would jar with the context of the locality; appearing to assume a precedence that would not be appropriate for its location. The property known as Countesbury, on the opposite bend, assumes a more modest presence in the street scene.

Additionally, the Committee notes that planning application EPF/0431/19 for front, rear and side extensions of this property was refused by EFDC on grounds of inappropriate development and harmful impact on the Green Belt. The size and scale of the proposed building would, visually, be more dominant than that earlier proposal.

The Committee, therefore, is of the view that this proposal fails to respect its Green Belt setting and would not positively contribute to the distinctive character of the local area - in conflict with the Epping Forest District New Local Plan (Submission Version, 2017) Policies DM3, DM4 and DM9, and Current Local Plan Policies DBE1, DBE4, GB7A, LL3, and paragraphs 124, 127 and 145 (d) of the National Planning Policy Framework, 2019.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the Green Belt;
- b) The impact on the character and appearance of the locality;
- c) The impact to the living conditions of neighbouring properties;
- d) Standard of Accommodation for future occupiers;
- e) Highway safety and parking provision;
- f) Trees and landscaping; and
- g) The impact on the Epping Forest Special Area of Conservation (SAC).

Green Belt

The relevant exception to development in the Green Belt is Paragraph 145 (d) of the Framework which states; the replacement of a building, provided the new building is in the same use and not

materially larger than the one it replaces. To establish whether the proposal is materially larger or not, an assessment on the openness of the Green Belt is required. Openness has both a spatial and visual aspect. In spatial terms, it is commonly accepted that proportionate increases over the size of the original building are acceptable. Having said this, an assessment of a development on the Green Belt is not a purely mathematical exercise as reaffirmed by the recent High Court Judgement; in *Sefton MBC v SoS (2021) EWHC 1082*.

The existing building (including the garage) has a total volume of some 919 Cubic Metres, and the replacement building will have a volume of some 1150 Cubic Metres. This represents an increase of some 25%, which is considered to be a proportionate increase in this context, and therefore the proposed development would not have a significant spatial impact to the openness of the Green Belt. Visually the proposed development would concentrate development within the centre of the plot with sufficient spacing around the building, which would further be enhancing the views of the Green Belt. Therefore, the proposed dwelling would not be materially larger than the one it is replacing.

Also, given the increase in volume, it is necessary to remove PD rights for any extension/alterations to the building, including any outbuildings, so the LPA can consider any further harm (if any) to the Green Belt.

Thus, the proposed development is not inappropriate development within the Green Belt, nor would there be any material harm to the openness of the Green Belt, both in visual and spatial terms.

Character and Appearance

The proposed dwelling would be of a size, scale and design that would have a neutral impact to the character of the existing buildings within the street, and wider, rural locality.

Living Conditions of Neighbouring Properties

There are no nearby neighbours that would be affected by the proposed development.

Standard of Accommodation

The proposed development would have sufficient internal and external amenity space for future occupiers of the proposed dwelling.

Highway Safety and Parking Provision

There is sufficient space to park multiple cars on the site and no changes are proposed to the existing vehicular access.

Trees and Landscaping

The Councils Tree Officer has raised no objections to the proposal, subject to the imposition of conditions as part of the consent.

Epping Forest SAC (EFSAC)

A replacement dwelling will not have an impact to the integrity of the EFSAC, as there will be no increase in recreational pressure and vehicle movements from the site compared to what can be achieved at present.

Conclusion

For the reasons set out above having regard to all the 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:

Case Officer: Muhammad Rahman - Direct Line: 01992 564415

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