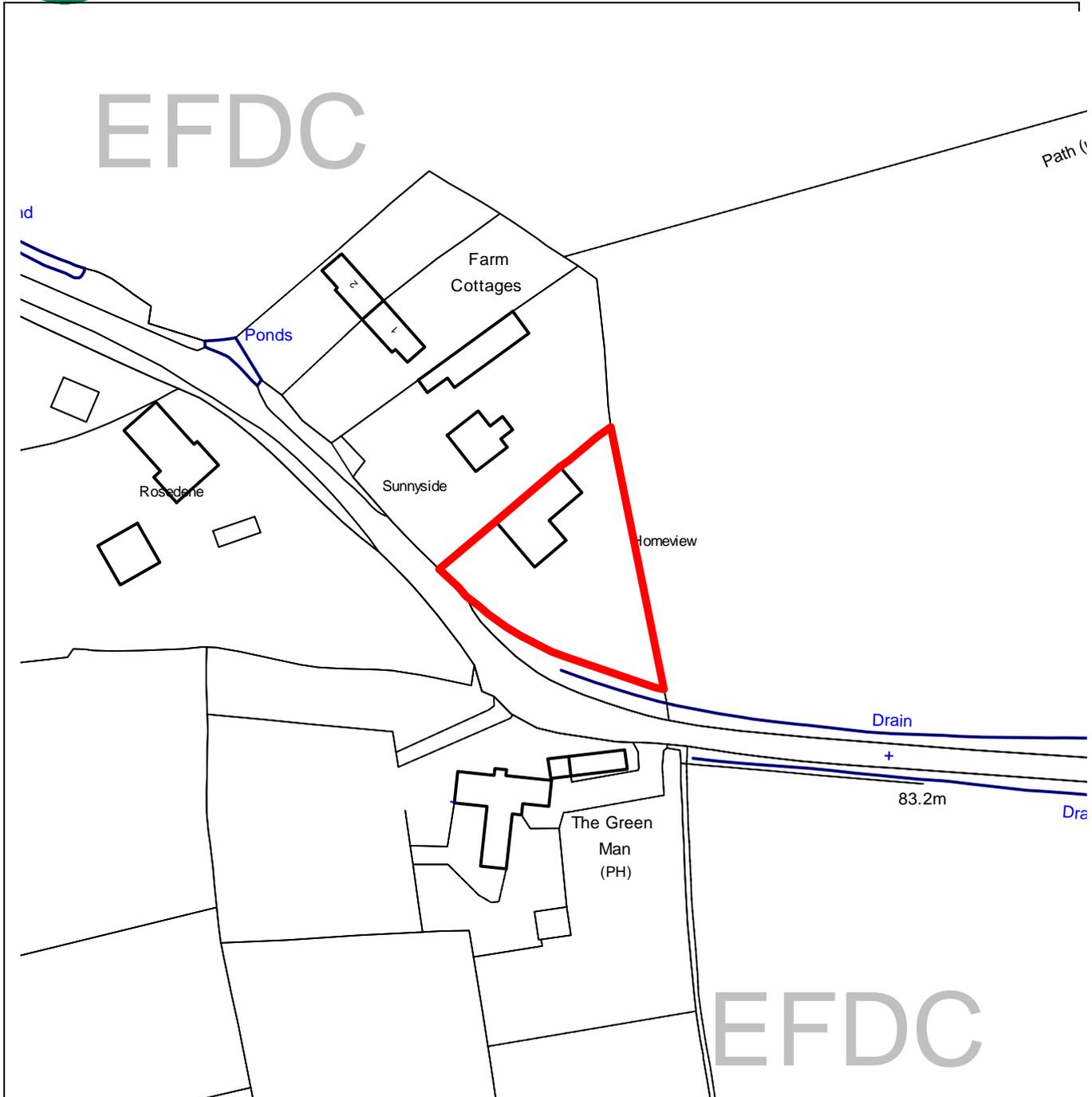




Epping Forest District Council



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Application Number:	EPF/0458/21
Site Name:	Home View Greenman Road Magdalen Laver Ongar CM5 0ES
Scale of Plot:	1:1250

Report Item No: 10

APPLICATION No:	EPF/0458/21
SITE ADDRESS:	Home View Greenman Road Magdalen Laver Ongar CM5 0ES
PARISH:	Moreton, Bobbingworth and the Lavers
WARD:	Moreton and Fyfield
APPLICANT:	Mr Eddie Ray
DESCRIPTION OF PROPOSAL:	Proposed demolition of existing outbuilding, single storey rear extension and two side dormers (Amended application to EPF/0079/20)
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=648577

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: 2249/01 ,10/A
- 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 Prior to the construction of the proposed extension, the outbuilding outlined on plan no. 2249/01 shall be demolished and any resulting debris shall be removed from the site before any works on the extension commences.

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, supported by 1 local resident (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)

Description of Site:

The application site is a triangular plot housing a detached dwelling along the northwest boundary with outbuildings located toward the southern area of the site. There are no listed buildings attributed to the site and it is not within a Conservation Area. The site is wholly within the Metropolitan Green Belt.

Description of Proposal:

Proposed demolition of existing outbuilding, single storey rear extension (Amended application to EPF/0079/20). The outbuilding in question is located within the North East corner of the application site.

Relevant Site History:

EPF/2375/20 – Proposed creation of an annexe to the side of the site on the existing hard stand. (Amended application to EPF/0080/20) – Grant Permission (With Conditions)

EPF/0080/20 – Proposed creation of an annexe to the side of the site on the existing hard stand. – Grant Permission (With Conditions)

EPF/0079/20 – Proposed demolition of existing outbuilding, single storey rear extension together with raising the roof in order to extend the bedroom on the first floor to provide a dormer to the side of the property – Grant Permission (With Conditions)

EPF/0589/13 – New carport and erection of outbuilding for gym/games in rear garden – Refuse Permission

EPF/0390/05 – Single storey side extension – Grant Permission (With Conditions)

EPF/1486/04 – Amendment to approved application no. EPF/1220/03 for dormer to front elevation – Grant Permission

EPF/1220/03 – Loft conversion with front and rear dormers, conversion of garage – Grant Permission (With Conditions)

EPF/0757/82 – Side and rear extension – Grant Permission (With Conditions)

EPF/0695/81 – Kitchen, shower, laundry garage, extension to the rear – Refuse Permission

EPF/0415/77 – Proposed new driveway and access onto 'C' class road – Grant Permission (With Conditions)

Policies Applied:

Local Plan (1998) and Alterations (2006)

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:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE2	Effect on neighbouring properties
DBE4	Design in the Green Belt
DBE9	Loss of Amenity
DBE10	Design of Residential extensions
GB2A	Development in the Green Belt

National Planning Policy Framework (NPPF) (February 2019)

The revised NPPF 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:

Paragraph	124
Paragraph	127
Paragraph	130
Paragraph	131
Paragraph	133 - 145

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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

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

Summary of Representation:

No. of neighbours consulted: 3, 1 objection received

SUNNYSIDE – OBJECTION – concerns regarding loss of privacy

PARISH COUNCIL – OBJECTION:

The Parish Council OBJECTS to this application on the following grounds:

- 1) Overdevelopment in the Green Belt. This application directly conflicts with Green Belt Policies GB2A and GB14A (vii) in the local plan. With regard to GB14 (vii) the floorspace of the original building has already been extended well in excess of 40%. This can be evidenced by the attached aerial photograph taken some 30 years ago. This property was originally a bungalow and by adding a second floor this almost doubled the floorspace
- 2) Loss of privacy and overlooking. In particular the proposed dormer windows overlook the rear garden of the adjacent property and also look directly into the neighbours property.
- 3) It would appear that neither the 25 degree and also the 45 degree rules regarding light can be achieved as the habitable rooms of the ground floor side extension are too close to the boundary.
- 4) It should be noted that the Parish Council understands that there is a boundary dispute between the applicant and the adjacent property and that the applicant is deemed to have moved the boundary by 2ft into the adjacent garden. The purpose of bringing this to the attention of the Planning Dept, who we are aware do not become involved in boundary disputes, is that the side windows of Home View would probably not be able to be opened if the boundary fence, which is over 6ft 6inches high, had not been moved.
- 5) Further it should be noted that there are gate pillars with lights on the top of each pillars which appear to be in excess of the 1.8m requirement. This has been reported to enforcement and the lights shine directly into the adjacent properties upstairs windows.

The Parish Council would request that if possible, taking into account the current restrictions, a site visit is made so that Officers/Members are able to see how close the boundary the windows are and the negative impact which they will have on the adjacent property.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Green Belt
Design
Impact on the Living Conditions of Neighbours

Green Belt

The site lies within the Metropolitan Green Belt. The National Planning Policy Framework (2019) indicates that the Government attaches great importance to Green Belts. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should be refused planning permission unless very special circumstances can be demonstrated which clearly outweigh this harm. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) 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;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The NPPF also emphasises that when considering an application, a Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

The Parish Council have objected to the application stating that the proposal would be contrary to Policy GB14A of the Adopted Local Plan. This policy has not been a saved policy for a number of years and therefore reference to this cannot be taken into consideration.

The original house as built had a volume of approximately 587m³. Over time, the volume of the existing house has increased to approximately 1,352m³ which equates to around 130%. The volume of the outbuilding to be demolished is around 54m³ and the volume of the proposed extension is approximately 33m³, which leads to a reduction in built form of 21m³. Given this reduction in built form (as well as the reasonable use of conditions which can ensure the outbuilding is demolished), it is considered the scheme would not cause adverse harm to the existing character and openness of the Metropolitan Green Belt. However, it should be caveated that further applications for a volumetric increase in built form on the site may not be looked upon favourably.

Design

The proposed extension would have a flat roof and raises no concerns in relation to design and its impact on the character and appearance of the existing building or surrounding area.

Impact on Living Conditions

The neighbour at Sunnyside has objected to the proposal stating that there would be a loss of privacy as a result of the development. The Parish Council have objected to the proposal stating that the proposed dormer windows would overlook the garden area of the adjoining neighbour, as well as stating that the 25 degree and 45 degree guidelines regard light can be achieved due to the proposal being close to the boundary.

The scheme has since been revised to remove the 'blind' dormer from the proposal, therefore there would not be any harm caused from this aspect of the proposal. The extension, whilst close to the boundary as shown on the plans, would be 11.27 metres from the adjacent dwelling and would not result in loss of light to neighbouring properties. The proposed extension would include roof lights installed into the flat roof so this part of the building would have adequate lighting. Furthermore, the extension would facilitate a utility room which in planning terms is not considered a habitable room but a functional one, which negates the argument regarding loss of light.

Based on the current plans, there is a 1.8 metre high fence which would obscure the majority of the side windows from view. When this is combined with the fact that the utility room is a functional room, it is considered that there would not be excessive harm caused to neighbours in regard to loss of privacy.

Other considerations

As part of their comments, the Parish Council and neighbour have stated that there is an ongoing boundary dispute between the applicant and neighbour. This is not something the Local Planning Authority can comment on neither become involved in and can only make a recommendation based on the plans received as part of the application submission. The Parish Council have also mentioned gate pillars with lights as part of their comments, however this is not part of the application and it would be unreasonable to consider this as part of the application.

Conclusion

For the reasons stated above, it is recommended that planning permission is granted subject to conditions.

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

***Planning Application Case Officer: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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