

# Report to District Development Management Committee



**Epping Forest  
District Council**

**Report Reference:** EPF/1186/21  
**Date of meeting:** 01 Sept 2021

**Address:** Forestside, Baldwins Hill, Loughton, IG10 1SD  
**Subject:** Single storey rear extension and new roof lights to existing side return.

**Responsible Officer:** Muhammad Rahman (01992 564415)

**Committee Secretary:** Gary Woodhall (01992 564470)

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***This application is before this Committee since it is an application that is submitted by or on behalf of a District Councillor (Pursuant to Article 10 of The Constitution).***

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the following conditions

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 035-EX-01, 035-PL-01 and 035-PL-02.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 3 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.

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 4 Tree protection shall be implemented prior to the commencement of development activities (including demolition), and the methodology for development (including supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and Tree protection shall be installed as shown on Moore Partners Ltd drawing number MH/FS/01 dated 1st June

2021 unless the Local Planning Authority gives its prior written approval to any alterations.

Reason: To safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development, in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, the NPPF 2019, and Section 197 of the Town and Country Planning Act 1990 (as amended).

- 5 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.

Reason:- To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 6 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF 2019.

- 7 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.

Reason:- To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the

adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF 2019.

### **Site and Surroundings**

The site comprises of a detached house, located within a built-up area of Loughton. It is not listed nor in a conservation area or the green belt. A preserved tree lies to the rear of the site.

### **Proposal**

The proposal is for a single storey rear extension and new roof lights to existing side return.

### **Relevant Planning History**

EPF/0462/19 – Application for a Lawful Development Certificate for a proposed loft dormer forming a loft conversion for a master suite – Lawful

EPF/1016/19 - Single storey side extension - Approved

### **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
DBE9	Loss of Amenity
DBE10	Design of Residential Extensions

*National Planning Policy Framework 2021 (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 126, 130

#### *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 14<sup>th</sup> 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 2<sup>nd</sup> 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.

Following the Examination Hearing Sessions for the emerging Local Plan, the Council has prepared a number of changes, known as Main Modifications (MM), to the Epping Forest District Local Plan Submission Version (2017) to address issues of soundness and/or legal compliance identified by the Inspector. These are put forward without prejudice to the Inspector's final conclusions on the Plan, and the consultation will run for 10 weeks from noon on Thursday 15 July 2021 to 5pm on Thursday 23 September 2021.

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.

<b>Policy</b>	<b>Weight afforded</b>
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

#### **Summary of Representations**

Number of neighbours consulted: 1. 1 response(s) received

PORTLAND HOUSE – Objection – Summarised as;

- Loss of light;
- Overshadowing; and
- Overbearing and visual impact.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application on the grounds that due to the location of the property, adjoining the Forest, the glass roof lanterns on the single storey rear extension, along with the roof lights on the right-hand side of the side return (abutting the forest) would cause light pollution, resulting in a detrimental effect on the wildlife of the forest and its habitat. If the glass could be modified to prevent light pollution in the Forest, and protect the wildlife and its natural habitat, members would be willing to waive this objection.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbouring properties; and
- c) Trees and landscaping.

#### **Character and Appearance**

The proposed works are considered to be of a size, scale and design that is acceptable and will have a neutral impact to the appearance of the existing building. Also, given the siting of the proposal to the rear of the site, it would not be visible from any public areas in connection with the CA, so there would be no material impact to the setting of the CA. There is sufficient space to the rear of the garden, and front, so, the proposed extension would not amount to harmful overdevelopment of the site.

Accordingly, the proposal is considered to comply with Policies CP2 and DBE10 of the LP, Policies DM9 (D) and DM10 of the LPSV, and Paragraphs 126 and 130 of the Framework.

#### **Living Conditions**

Given the orientation of the host house facing Northwest, the differing land levels, and the limited size and scale of the proposal, it is considered that there would be a limited impact to the living conditions of the adjacent neighbour in terms of loss of light, overshadowing, overbearing and visual impact that warrants a reason for refusal. The concerns regarding the light pollution are noted, however such levels of light are common within urban areas.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with policies CP7 and DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

#### **Trees and Landscaping**

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

## **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:  
[contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***