



# Epping Forest District Council



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Application Number:	EPF/2243/21
Site Name:	46 Russell Road Buckhurst Hill IG9 5QE
Scale of Plot:	1:1250

**Report Item No: 12**

<b>APPLICATION No:</b>	EPF/2243/21
<b>SITE ADDRESS:</b>	46 Russell Road Buckhurst Hill IG9 5QE
<b>PARISH:</b>	Buckhurst Hill
<b>WARD:</b>	Buckhurst Hill West
<b>APPLICANT:</b>	Mr Paul Halama
<b>DESCRIPTION OF PROPOSAL:</b>	Retention of first floor side/front and roof extension with x3 front rooflights, alteration to existing rear box dormer (set in by 800mm from outside edge), and alterations to existing two storey rear extension (comprising a 3m ground floor with balcony, and 4m lower ground floor) (Revised scheme to EPF/0339/21).
<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/NIM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=656417](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=656417)

**CONDITIONS**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: PH/RD001, PH/RD002, PH/RD003, PH/RD004, PH/RD005, PH/RD007, PH/RD008, PH/RD009, PH/RD010, PH/RD011, PH/RD012.
- 2 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.
- 3 Prior to the first use of the balcony, privacy screens no less than 1.7 metres high shall be installed at both edges of the balcony and shall be permanently retained in that condition.
- 4 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.
- 5 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.
- 6 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, B, C & E of Part 1 to schedule 2 shall be undertaken without the prior written agreement of the Local Planning Authority.

*This application is before this Committee since it has been 'called in' by Councillor Heap (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).*

### **Site and Surroundings**

The site comprises of a semi-detached house, located within a built-up area of Buckhurst Hill. It is not listed nor in a conservation area. Land levels drop to the North-east and South of the site.

### **Proposal**

*Retention of first floor side/front and roof extension with x3 front rooflights, alteration to existing rear box dormer (set in by 800mm from outside edge), and alterations to existing two storey rear extension (comprising a 3m ground floor with balcony, and 4m lower ground floor)*

This is a revised scheme to EPF/0339/21 and the main amendment is alterations to the existing two storey rear extension now comprising of a 3m deep ground floor with 1m balcony, and a 4m deep lower ground floor.

It should be noted that planning consent has been granted for the retention and alteration of the two storey side extension and roof extension under EPF/0339/21. Therefore, whilst these elements form part of this application, since they already have planning consent the assessment focuses on the rear extension only.

### **Relevant Planning History**

EPF/2016/15 - Hip to gable roof extension with 1no.rear dormer window, Juliet balcony and 2no. front facing roof lights to facilitate a loft conversion. Single storey rear extension. Relocation of existing external steps from the south east to the south west of the site – Approved

EPF/1974/18 - New rear extension to lower ground floor, ground floor and side extension to side first floor and second floor (loft) – Refused

ENF/0556/18 - Works started, not as approved – Enforcement notice served & upheld by the Planning Inspectorate.

EPF/0339/21 - Retention of first floor side/front and roof extension with x3 front rooflights, and alteration to existing rear box dormer (set in by 800mm from outside edge) – Approved by Area Plans South Planning Committee on 22/04/2021.

EPF/1267/21 - Application for approval of details reserved by condition 1 'Building Operations' on EPF/0339/21 – Details 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
CP7	Urban Form and Quality
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**, 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

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

### **Summary of Representations**

Number of neighbours consulted: 19. 2 response(s) received

44 RUSSELL ROAD – Support

38 RUSSELL ROAD – Objection – Summarised as;

- Loss of light;
- Out of character;
- Overbearing; and
- Over dominant.

BUCKHURST HILL PARISH COUNCIL – No objection

### **Planning Considerations**

The main issues for consideration in this case are:

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

#### *Character and Appearance*

The extension works as currently viewed on site/started are subject to an extant enforcement notice. This notice was appealed and dismissed by the Planning Inspectorate due to the combined harm from the extensions. It is for this reason that later planning applications to retain the development 'as built' have been refused or rejected.

In April 2021 planning consent was granted for the retention of the two storey side extension and the reduction, but otherwise retention, of the rear box dormer and other roof works.

These proposed works are not seeking to retain the rear extension as previously proposed or as built but rather are a reduced addition measuring 4m at lower ground floor and 3m at ground floor.

The proposed works to the rear are similar to that recently approved by Members for 44 Russell Road under EPF/1563/20 and given that much of the bulk and massing of the existing two storey rear extension has been reduced, and with the changes to the rear box dormer, it is now considered that the cumulative extensions are of a size, scale and design that, on balance, is

considered acceptable. Thus, the proposal has overcome the previous concerns raised by the Council and the Planning Inspectorate.

Accordingly, the proposal is considered to comply with policies CP2 and DBE10 of the LP, Policy DM9 of the LPSV, and Paragraphs 126 and 130 of the Framework.

### *Living Conditions*

The proposed development will have no material impact to the occupiers of both No's 44 and 48 Russell Road, in terms of loss of light, loss of privacy, overbearing and visual impact that warrants a reason for refusal.

With regards to the impacts on numbers 6, 8 & 10 Westbury Road. The common boundary with No. 6 is sited some 20 metres away from the rear elevation of the host house, and some 30 metres away to the rear elevation of No. 6. No's 8 & 10 although they are not physically attached to the site boundary, their rear elevations are sited some 30metres away. So, there is no impact to No's 6, 8 & 10 Westbury Road, in terms of loss of privacy from harmful overlooking that would justify 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 130 (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: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)