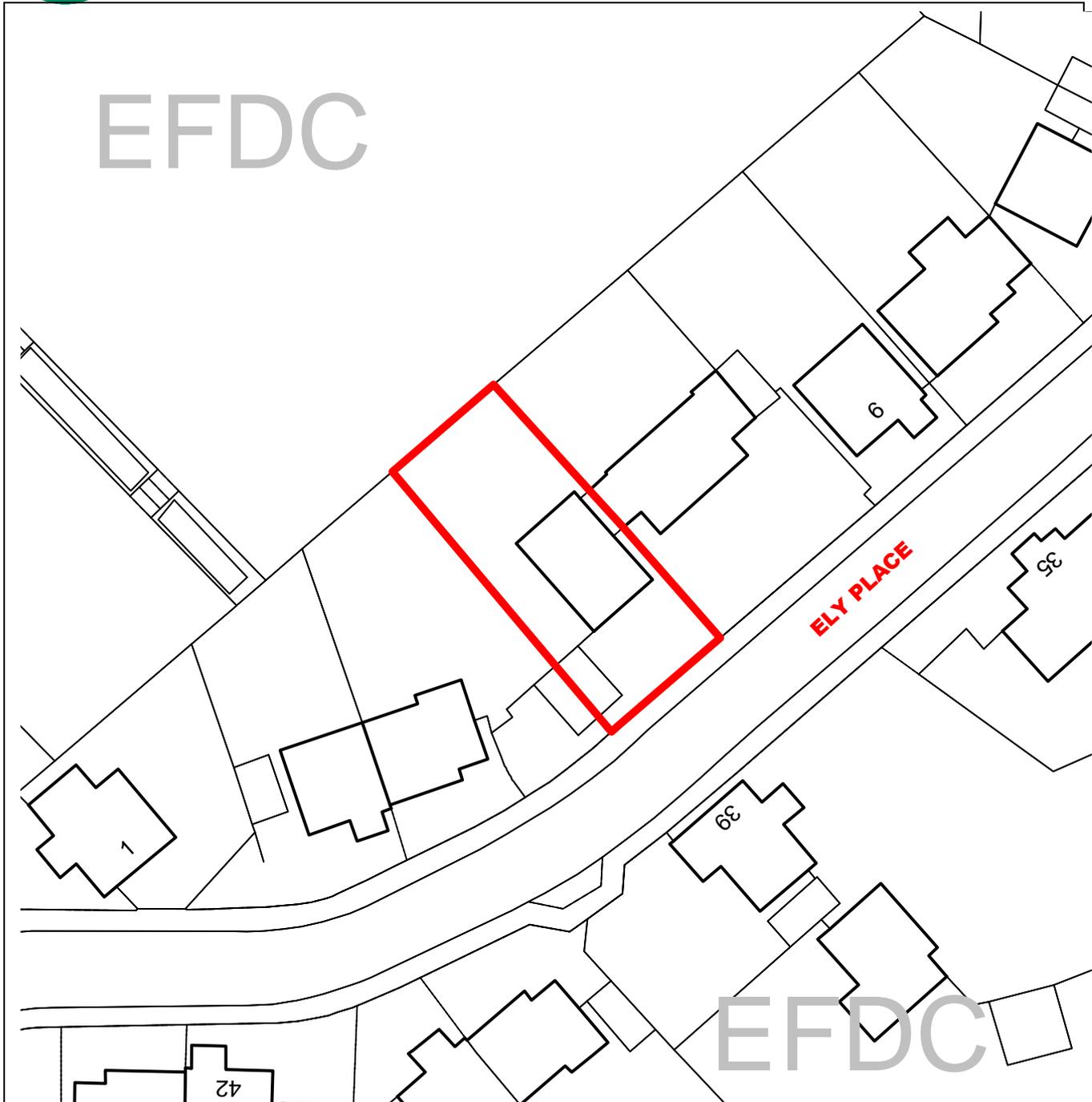




# Epping Forest District Council



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Application Number:	EPF/1972/21
Site Name:	4 Ely Place Chigwell IG8 8AG
Scale of Plot:	1:500

**Report Item No: 9**

<b>APPLICATION No:</b>	EPF/1972/21
<b>SITE ADDRESS:</b>	4 Ely Place Chigwell IG8 8AG
<b>PARISH:</b>	Chigwell
<b>WARD:</b>	Chigwell Village
<b>APPLICANT:</b>	Dr Mohhmad Islam
<b>DESCRIPTION OF PROPOSAL:</b>	Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).
<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=655074](http://planpub.eppingforestdc.gov.uk/NIM_websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=655074)

**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:  
  
Location and Site Plan  
Drawing No. 1 Rev A - Proposed Floor Plans and Sections  
Drawing No. 2 Rev A - Existing Floor Plans and Existing and Proposed Side and Rear Elevations  
Drawing No. 3 Rev A - Existing and Proposed Front Elevations  
Arboricultural Impact Assessment, July 2021  
Letter from Arboricultural Solutions, 5th October 2021.
- 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 or those specified on the approved plans, or those specified in the submitted application form, unless otherwise agreed in writing by the Local Planning Authority.
- 4 Prior to first occupation of the extension hereby permitted the windows in the flank elevations at first floor level (facing No. 3 and 5 Ely Place), shall have been fitted with obscure glass with a minimum privacy level 3 obscurity, and no part of that/those window[s] that is less than 1.7 metres above the internal floor level of the room in which it is installed shall be capable of being opened. Once installed the obscure glass shall be retained thereafter.

- 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.
- 6 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents unless the Local Planning Authority gives its written consent to any variation.

*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)*

**Additional Information:**

This application was deferred from Area Planning Sub-Committee South on 03 November 2021 for a Site Visit, which will have taken place prior to this meeting.

In addition, concerns were raised by Members regarding incorrectly labelled plans. As such, an amended plan has been provided correctly identifying the proposed rear extension.

**Description of Site:**

Ely Place is a relatively long cul de sac that provides access to the residential dwellings in this built up part of Chigwell Parish. No. 4 Ely Place is a two storey detached house located on the northern side of the cul de sac.

There is an Oak tree protected by a Tree Preservation Order (TPO) to the front of the building and another TPO protected Oak in the rear garden of the immediate neighbour No. 3.

There is a detached double garage building in front of the existing house, one of which belongs to the subject property No. 4.

The site is not within a conservation area.

**Description of Proposal:**

The original description of development was:

*Proposed first floor side extension, repositioning of front entrance door, downlighting to front elevation and first floor landing window. (Revised application to EPF/1386/21)*

The description of development was changed on 15/10/21 with the agreement of the applicant's agent to more accurately describe the proposed development to the following:

***Proposed first floor side extension, repositioning of front entrance door, front porch and canopy and first floor landing window. (Revised application to EPF/1386/21).***

The application proposes the following elements:

First floor side extension measuring approximately 4m wide and 7m deep (above footprint of existing single storey side extension).

Front porch measuring approximately 2.5m wide and 1m deep

Front canopy over porch and across front elevation measuring approximately 6m wide and 1m deep.

A new first floor window is proposed in the flank elevation facing No. 5. This would serve the landing / staircase.

A new ground floor dining room window to the front elevation.

**Relevant Planning History:**

**No. 4 Ely Place:**

EPF/1386/21 - Proposed first floor side extension, repositioning of front entrance door, downlighting to front elevation and first floor landing window.  
Withdrawn 23/06/2021.

**No. 5 Ely Place (neighbouring property):**

EPF/1589/17 - Front ground floor extension  
Refused 31/07/2017

Reason for refusal:

*"The proposed development, by reason of its siting in close proximity to a preserved tree of significant public amenity value, would be likely to give rise to conditions that would result in the loss of the tree and consequently cause significant harm to the visual amenity of the locality, contrary to the provisions of Policy LL10 of the adopted Local Plan 1998 and Alterations 2006 and Guidance in the NPPF."*

Allowed at appeal 19/07/2017:

*"4. In the front garden of the appeal property there is a Hornbeam tree, which is the subject of a Tree Preservation Order (TPO). Whilst the tree is not as high as other nearby trees, and therefore is not seen throughout much of the cul-de-sac, it nevertheless makes an important contribution to the leafy character of the area.*

*5. The Council raise no concern that the proposed works would directly affect the protected tree. Whilst they acknowledge that there would be an impact on the calculated root area of the tree, this would only be very minimal and within acceptable tolerances. Their concern is that the protected tree would impact upon the side/roof of the extension, which would adversely affect the living conditions of the occupants of the dwelling and that this would lead to pressure to lop the tree or even remove it. The crown of the tree has been the subject of regular maintenance, with applications for tree works being submitted to the Council approximately every four years, and the*

Council are concerned that the proposed extension would increase the regularity of the maintenance works.

6. The extension would bring the ground floor forward building line of the dwelling closer to the tree. I note that the eastern most window would serve a living room, which is already served by a similar sized window, although the proposal would involve the subdivision of the existing living room into two rooms, the smaller portion being served by the proposed window. The other window would serve the hall, which currently is only served by the light received through the side light of the front door. Whilst I appreciate that the tree would reduce the level of light entering the living room, given the size of the tree, the height of its crown and its south easterly orientation, I do not consider that the loss of light would be so significant that it would result in any greater need to maintain the tree that is already experienced or require the removal of the tree. In any event the Council would retain control over any future proposal for works to the protected tree.

7. I find therefore that the proposal would not significantly harm the character or appearance of the area. As such, it would comply with saved Policy LL10 of the Epping Forest District Adopted Local Plan and Alterations 2006, which seeks to protect trees. It was also accord with the design objectives of the National Planning Policy Framework.”

### **Policies Applied:**

*Epping Forest Local Plan and Alterations 1998/2006*

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

*National Planning Policy Framework (NPPF) (July 2021)*

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:
- c)
  - 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.

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

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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.

The appointed Inspector issued her initial advice on 2 August 2019 and since then, the Council has undertaken further work to address the actions identified by the Inspector. This has led to the production of a number of proposed changes to the Local Plan Submission Version 2017 (known as the Schedule of Main Modifications) and additional supporting documents associated with the Main Modifications. These are to address issues of soundness and/or legal compliance identified by the Inspector.

The Main Modifications include changes to some of the supporting text and Policies within the Plan, deletion and amendment to some site allocations, updated Housing Supply data to March 2020, along with associated changes to the mapping contained within the Plan.

The Main Modifications are put forward without prejudice to the Inspector's final conclusions on the Plan. Following the close of the consultation (ends 23<sup>rd</sup> September 2021), the representations will be passed to the Inspector for her consideration before the publication of the Inspector's final report.

The following policies in the LPSV are considered to be of relevance to the determination of this application:

DM9 – High Quality Design  
DM10 – Housing Design and Quality.

### **Consultation Carried Out and Summary of Representations Received:**

Chigwell Parish Council: Objection:

“The Council OBJECTS to this application because the proposed development would be detrimental to the host building and result in over-looking into the adjacent property, thereby adversely affecting the amenity space of the neighbour.”

4 neighbours consulted: 2 responses received comprising 1 objection and 1 neutral comment.

3 Ely Place (Objection):

- Concerns regarding overdevelopment, overbearing visual impact, loss of daylight and sunlight to garden / overshadowing, impact on TPO Oak Tree, subsidence arising from proposed extension.

5 Ely Place (Comment):

- Concerns regarding proposed downward landing light casting light onto rear garden or ground floor toilet window.

### **Issues and Considerations:**

The main issues to consider relate to Character and Appearance, Residential Amenity and Impact on Protected Trees.

#### Character and Appearance

The proposed first floor side extension and front porch/canopy are considered to be suitable proportionate additions which are in keeping with the design of the existing house.

The proposed extensions do not represent overdevelopment, particularly in the context of recently approved extensions to nearby properties.

It is considered that the proposal would not have a harmful impact on the design, character or appearance of the site or surrounding area and is therefore acceptable in this respect.

#### Residential Amenity

No 3:

The proposed first floor side extension would be added above the existing footprint of the ground floor side extension as such it would have a limited impact on the visual and residential amenity of the occupiers of the immediate neighbouring property No. 3.

Furthermore, there is a good separation distance between the proposed extension and the flank elevation of No. 3 with screening provided by the TPO protected Oak Tree in No. 3's garden.

Due to the position of No 3's rear garden to the south of the proposed extension it is not considered that any harmful loss of light or overshadowing will arise.

A first floor window is proposed to the flank wall facing No. 3. This will serve a bathroom and will be conditioned to be obscure glazed. The proposed window replaces the existing bathroom window that will be covered by the proposed first floor side extension.

No. 5:

A new first floor window is proposed in the flank elevation facing No. 5. This would serve the landing / staircase and will be conditioned to be obscure glazed.

It is not considered that light from the landing/ staircase emerging from the proposed flank window would have a harmful impact on No 5's living conditions.

The proposed porch/canopy extension would not have a harmful impact on No. 5.

The proposed extensions are considered to be acceptable in terms of impact on visual and residential amenity of both immediate neighbours and any other nearby residential properties.

### Trees and Landscaping

Following initial concerns raised by the Tree and Landscape Officer, a letter from Arboricultural Solutions was received of 5<sup>th</sup> October.

Whilst concerns of the Tree Officer are noted, the appeal decision relating to the neighbouring property No. 5 is a material consideration in this case and it is not considered that a reason for refusal based on future pressure to lop the protected Oak Trees could be sustained at appeal.

The proposal is considered to be acceptable in terms of impact on Trees and Landscape, subject to the conditions recommended by the Tree Officer.

### Response to objections

The concerns raised by the Parish Council and the immediate neighbours No. 3 and No. 5 have been addressed in the above report.

### **Conclusion:**

The proposed development is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval 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: Kie Farrell Telephone Number: 01992 564248.**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**