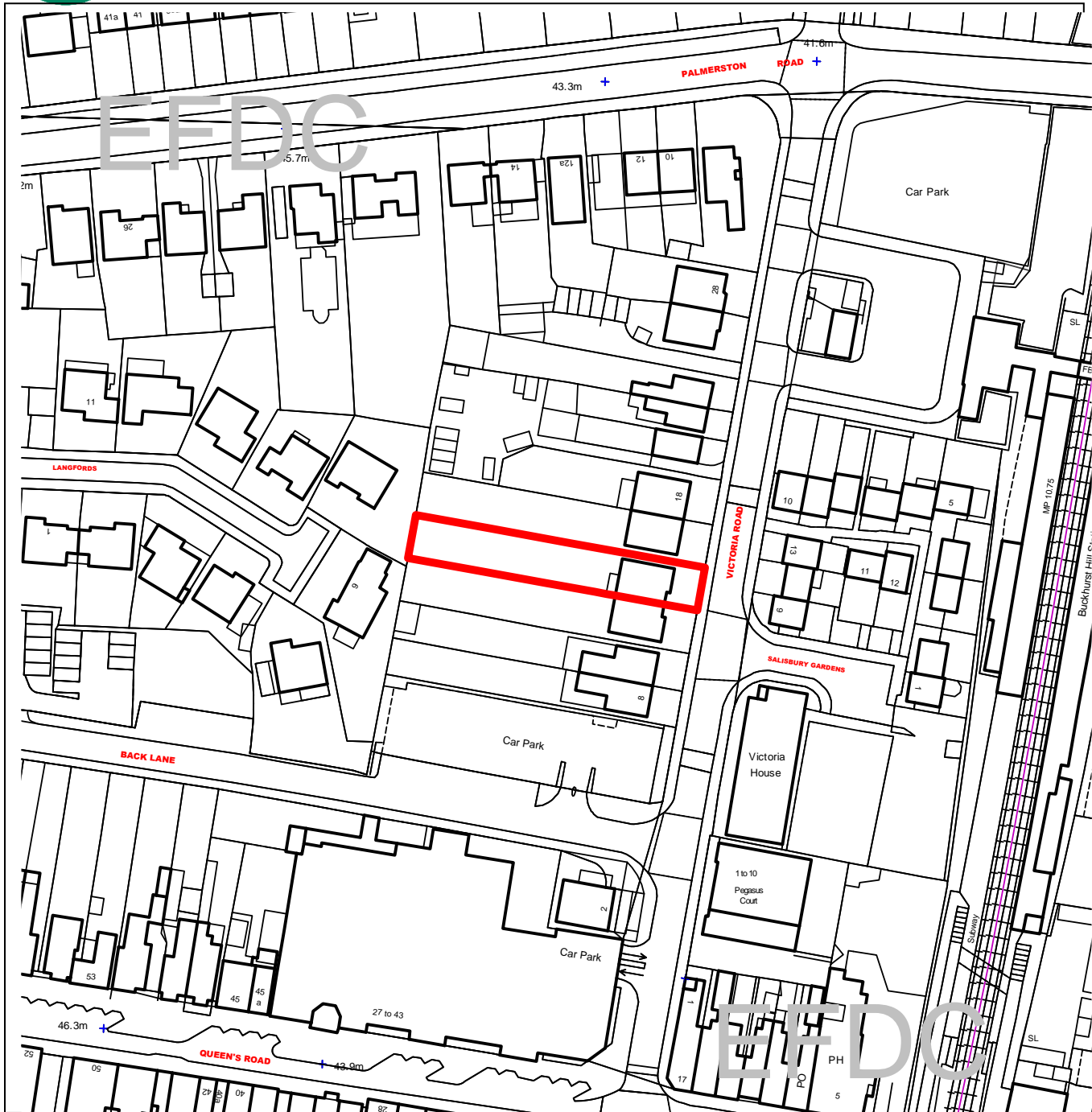




Epping Forest District Council



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Application Number:	EPF/2556/21
Site Name:	14 Victoria Road Buckhurst Hill, IG9 5ES
Scale of Plot:	1:1250

Report Item No: 14

APPLICATION No:	EPF/2556/21
SITE ADDRESS:	14 Victoria Road Buckhurst Hill IG9 5ES
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	CWR Capital Ltd
DESCRIPTION OF PROPOSAL:	Proposed single storey rear extension, change main roof to gable end & add a dormer, widen crossover to road.
RECOMMENDED DECISION:	Refuse Permission (Householder)

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=657894

REASON FOR REFUSAL

- 1 The proposal would result in an overbearing and overly enclosed form of development which has a detrimental visual impact, and which materially impacts upon the outlook of the occupiers of the neighbouring property at 12 Victoria Road. Therefore, the proposal does not comply with policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), nor with policy DM 9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 130 of the National Planning Policy Framework (2021).
- 2 The development proposal does not relate positively to the locality and it does not achieve a high specification of design. It is unsympathetic and non-complementary to the distinctive style, detailing and appearance of the existing property. As a result, the proposal is contrary to policy DBE10 of the adopted Local Plan and Alterations (1998 & 2006) and contrary to policies DM 9 and DM 10 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 124 of the National Planning Policy Framework (2019).

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

Description of Site:

14 Victoria Road is a two-storey semi-detached property which faces the highway. It is attached to 12 Victoria Road. The pair of houses likely date from the Edwardian era and neither has been previously extended. Number 14 has a long rear garden, which slopes up away from the house, and which has recently been largely cleared. The property is neither listed nor locally listed. It does not lie in a conservation area and it would benefit from maintenance and renovation works. It is situated in a built-up area in the centre of Buckhurst Hill, near the Waitrose supermarket and the Central Line underground station. There are rear extensions and rear dormers on other properties on the street, including at 16 Victoria Road.

Description of Proposal:

The proposal is a flat-roofed single storey rear extension with a hip-to-gable roof extension with the addition of a dormer, also a widening of the vehicle crossover to the road at the front. The precise dimensions of the extensions are not stated on the submitted plans, though officers measure the rear extension at circa 5.4 metres in depth and circa 3.8 metres in height from ground level to the top of a simulated-stone parapet. The proposed dormer would have a metallic finish, clad in lead / zinc. It would feature a row of five panes of glazing, with each pane circa 2 metres in height.

Planning History:

EPF/1293/21 - Proposed single storey rear extension, change of main roof to gable end and add rear dormer – Refuse Permission.

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
LL7	Planting, Protection and Care of Trees
LL10	Adequacy for the Provision of Landscape Retention

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, 134

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 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 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.

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM1 Habitat Protection and Improving Biodiversity	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received:

Site visit: 02/12/21

BUCKHURST HILL PARISH COUNCIL have no objection to the application.

Essex County Council Highways division emailed the case officer stating that they would not be concerned with the proposed widening of the dropped kerb.

EFDC Tree and Landscape Officers raise no objection to this application.

Five neighbours were consulted.

12 VICTORIA ROAD have objected to the application expressing concern regarding loss of light to the living room at the back of their property, which has a window close to the boundary with number 14. They note that the applicants have submitted a 'Daylight and Sunlight' assessment. However, they argue that the report by 'Point 2', the applicant's Daylight and Sunlight surveyors, does not show the impact of the proposed development as experienced at 12 Victoria Road, as no internal survey was undertaken at 12 Victoria Road. They state '*The report has been based on number 14's property.*' They also state, '*We will have no light in our living room as we are already encroached by number 10's development. If a further extension were granted, we will be hemmed in on all sides. We do not have a rear extension, all of the other neighbours do, so they are not affected in the same way as us.*'

12 Victoria Road also object to the dormer and hip-to-gable extension to the roof on the grounds of overlooking and loss of privacy due to the proposed rear glazing. They state that '*The lead zinc cladding is also out of keeping with the design of the two houses and is not traditional.*' They are also unhappy that trees have been removed from the rear garden since the previously refused planning application and they have concerns regarding party wall matters and in relation to the structural impacts of works at number 14 on their property. They note the application to widen the crossover on the driveway and do not object to this, but '*would ask that our wall is not impacted by this*'.

Issues and 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, landscaping and biodiversity.

Character and appearance

One of the reasons for the refusal of the previous application read as follows:

The proposed installation of a window into the front of the gable in the existing primary elevation of this property would unbalance the symmetry of the pair of semi-detached houses. This would be detrimental to the appearance of the street scene and detrimental to the character and appearance of the existing dwellinghouse. Considered as a whole, the development proposal does not relate positively to the locality and it does not achieve a high specification of design. It is unsympathetic and non-complementary to the distinctive style, detailing and fenestration of the existing property. As a result, the proposal is contrary to policy DBE10 of the adopted Local Plan and Alterations (1998 & 2006) and contrary to policies DM 9 and DM 10 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 124 of the National Planning Policy Framework (2019).

The window that was previously proposed for the front gable of the property has been removed from the plans submitted with this application. Whilst the awkward window in the front gable was specifically referred to as being detrimental to the appearance of the street scene, the reason for refusal does go on to highlight that "*considered as a whole, the development proposal does not relate positively to the locality and it does not achieve a high specification of design*". Officers are still not convinced that the design of the flat-roofed rear extension, which is both relatively deep and high, and also boxy, bulky and lacking in refinement, could be considered to be an extension of high-quality design. Similarly, it is not clear that the proposed dormer would improve the overall external appearance of the existing property, although it would also not be seen from the street. The proposed hip-to-gable extension would still unbalance the pair of semi-detached houses. Officers are of the view that the proposal is still unsympathetic and non-complementary to the

distinctive style of the existing property, although the property in question is not listed or locally listed. It may also be the case that the proposed metallic cladding is out of keeping with the style of the existing property. Very little information has been provided regarding the specification of the materials that will be used on this development.

On the other hand, hip-to-gable roof extensions are relatively common in the vicinity of this property and it is expected that a hip-to-gable extension and dormer could be achieved through permitted development anyway. This is not to say that such roof level extensions should be approved by planning permission if they are not of an acceptable standard of design, simply that any 'fall-back position' should be given due consideration. Number 16 has a rear extension of a similar depth and height that was achieved through an application for Prior Approval for a larger home extension, rather than through planning permission. Officers consider that the above stated reason for refusal has been partially overcome as the revised scheme is not thought to be detrimental to the appearance of the street scene, however the other concerns regarding the appearance of the extensions as a whole remain.

Living conditions of neighbours and existing occupiers

Two of the reasons for refusal of application EPF/1293/21 related to the impact of the proposal on the amenity and living conditions of neighbours.

The second reason for refusal was as follows:

Due to the significant amount of glazing proposed, the rear dormer would result in overlooking to the rear gardens of neighbours at 12 and 16 Victoria Road. This would be detrimental to the privacy of these neighbours, contrary to policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), and contrary to policy DM 9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 127 of the National Planning Policy Framework (2019).

The officer visited the site on 02/12/21 and looked out over the gardens of the neighbouring properties from a first floor window. The overlooking of the garden at number 16 was felt to be slightly more problematic than the overlooking of the garden at number 12. This is because, from above, the trees and hedges in the garden at number 12 obscure more of their garden from view from number 14, providing some cover and privacy, whereas the garden at number 16 is more open. However, were neighbours or future neighbours at number 12 to decide to cut back some of the foliage in their garden their space may be more harmfully overlooked from the dormer windows. There is a question as to whether the view from the second floor would result in more harmful overlooking and the windows proposed are particularly large at circa 2 metres in height and circa 4 metres in width of glazing. The windows would overlook the gardens of neighbours to a degree, however having seen the view from the first floor, officers now consider that the harm to neighbours living conditions as a result of the dormer would be lesser than first thought. Again, it is felt pertinent to consider that the dormer and hip-to-gable roof extension could likely be achieved through permitted development.

The first reason for refusal of EPF/1293/21 was as follows:

Application of the 45-degree rule demonstrates that the proposed rear extension would result in loss of daylight / sunlight to ground floor rear windows at 12 Victoria Road, which would be detrimental to the amenity of these neighbours. It would also produce an enclosed form of development impacting upon the outlook of these neighbours. Therefore, the proposal does not comply with policy DBE9 of the adopted Local Plan and Alterations (1998 & 2006), nor with policy DM 9 of the Local Plan Submission Version (2017). The proposal is not in accordance with paragraph 127 of the National Planning Policy Framework (2019).

Applying the 45-degree rule once again to the currently proposed rear extension it is clearly demonstrated (see for example, the submitted block plan) that the extension could result in loss of daylight / sunlight to the ground floor rear living room window(s) at 12 Victoria Road which is closest to the boundary with number 14. The height of the proposed extension is circa 3.8 metres and the extension would run right up to the boundary with number 12, building to a point that is higher than the top of the window in question.

With the intention of countering this reason for refusal, the applicants have submitted a Daylight and Sunlight Assessment report produced by surveyors at the 'Point 2' consultancy. The report references the BRE document entitled 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011.' The report states, 'the BRE guidelines are not mandatory, though local planning authorities and planning inspectors will consider the suitability of a proposed scheme for a site within the context of BRE guidance.' The conclusion of this report states, 'Our assessment indicates that none of the windows and associated rooms will experience any noticeable alterations of either sunlight or daylight and that the light levels within this property will remain fully compliant with the BRE guidelines.'

However, the daylight analysis also shows a 12.71% loss of daylight to the living room window at the rear of 12 Victoria Road (see report page 15). Officers are also not convinced that the key window in question at number 12 has been accurately represented on the model of that property in the submitted report. For example, there is a window in a rear door shown as W2 (see drawing number P2834/WM/01 01 in the Daylight/Sunlight Assessment) which is to the right of the key window W1 (that is the side closest to number 10). However, looking at the back of 12 Victoria Road, it is clear that the door at the back is in fact positioned on the side closest to the boundary with number 14. As the drawing of this window is an inaccurate representation, it is fair to question why this is the case.

Furthermore, paragraph 2.2.14 of 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice 2011' (page 8) states *'For domestic extensions which adjoin the front or rear of a house, a quick method can be used to assess the diffuse skylight impact on the house next door. It only applies where the nearest side of the extension is perpendicular to the window (Figure 16).'* Therefore, this quick method can be applied to the proposed rear extension at 14 Victoria Road, in accordance with the BRE Guide to Good Practice. Paragraph 2.2.15 states, *'Figure 17 illustrates the application of the '45 degree approach'. Take the elevation of the window wall and draw diagonally down at an angle of 45 degrees away from the near top corner of the extension...Then take the plan and draw diagonally back at an angle of 45 degrees towards the window wall from the end of the extension. If the centre of a main window on the next door property lies on the extension side of both of these 45 degree lines then the extension may well cause a significant reduction in the skylight received by the window.'* This is the test that the Local Planning Authority commonly applies in such cases, yet it is not felt that this test has been directly addressed in the methodology produced in the report produced by 'Point 2'. Rather, the consultants have applied alternative tests and they conclude that in terms of daylight 'All 8 windows maintain Vertical Sky Component (VSC) of greater than 27% post redevelopment of 14 Victoria Road (the lowest value being to window W1/10 at 28.5%), thus in accordance with the BRE Guidelines enough skylight will continue to reach the neighbouring windows and any alterations of skylight will be unnoticeable.' Simply put, their argument is that the remaining daylight / sunlight will be adequate or even good. However, given that the 45-degree approach has not been directly addressed the officer is not wholly convinced by these findings. On the other hand, the applicants have commissioned a professional report to argue their case with regard to daylight / sunlight, which is to their credit.

Looking again at the previous reason for refusal, it is considered to be clear that the currently proposed rear extension (circa 5.4 metres in depth and circa 3.8 metres in height, building up to the boundary with number 12) would still produce an enclosed form of development for the neighbours

at number 12, especially considering that they are already partly enclosed by a large rear extension at number 10.

Local Plan Submission Version (2017) policy DM9 H (iii) states:

'Development proposals must take account of the privacy and amenity of the development's users and neighbours. The Council will expect proposals to: not result in an overbearing or overly enclosed form of development which materially impacts on either the outlook of the occupiers of neighbouring properties or the residents of the proposed development.'

Having visited the site, officers consider that the proposed rear extension would produce an overbearing and an overly enclosed form of development, particularly given the existing rear extension at number 10, which would materially impact on the outlook of the neighbours at number 12. Officers consider that number 12 are right to feel like they would be 'hemmed in' by development. It is acknowledged that some of the planting in the garden at number 12 somewhat limits their own outlook, but there is no reason that this planting could not be removed at any time. Policy DBE9 of the adopted Local Plan requires that development should not have a visual impact that would result in an excessive loss of amenity for neighbouring properties. Officers conclude that the proposal would have a visual impact that would result in an excessive loss of amenity for the neighbours at number 12.

Trees, landscaping and biodiversity

The fourth reason that application EPF/1293/21 was refused is as follows:

The development proposal makes inadequate provision for the retention of trees on site and would therefore be harmful to biodiversity contrary to policy LL1 of the Epping Forest District Council Local Plan and Alterations (1998 & 2006), contrary to policy DM5 of the Local Plan Submission Version (2017) and contrary to paragraph 175 of the National Planning Policy Framework (2019).

Since the previous refusal, rather than submitting information in relation to the retention of trees, the applicants have cleared trees and shrubs from their garden. Although it looked like some of these trees and shrubs were well established, they were not legally protected. Therefore, this is considered to be a valid response to the above reason for refusal. However, it is noted that the re-submitted application does nothing to demonstrate that biodiversity net gain will be delivered on site. At the same time, the Tree and Landscape officer has not objected to this application and therefore it is considered that the above reason for refusal has been sufficiently overcome.

Conclusion

This is a finely balanced case. On the one hand, the proposed development is very similar to a dormer and rear extension that exists at 16 Victoria Road. On the other hand, that development was not achieved by planning permission but through permitted development via lawful development certificate and Prior Approval applications. As well as the different planning approach, there is a different context on this site. The neighbour at number 12 has not extended to the rear, is already enclosed by development at the back of 10 Victoria Road, and will be further enclosed at their boundary by this proposed development.

Overall, because the development proposal does not relate positively to the locality and it does not achieve a high specification of design and since the proposed rear extension would produce an overbearing and overly enclosed form of development that would have a visual and material impact upon the amenity of these neighbours, it is recommended that planning permission is refused.

Officers consider that there is a way forward for the applicants in using their permitted development rights. It is suggested that they could instead apply for a lawful development certificate for a similar rear extension of three metres in depth, as well as a hip-to-gable and dormer roof extension. Thereby, there is an opportunity to further develop and renovate the property.

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: David Maguire

Direct Line Telephone Number: 01992 564000 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk