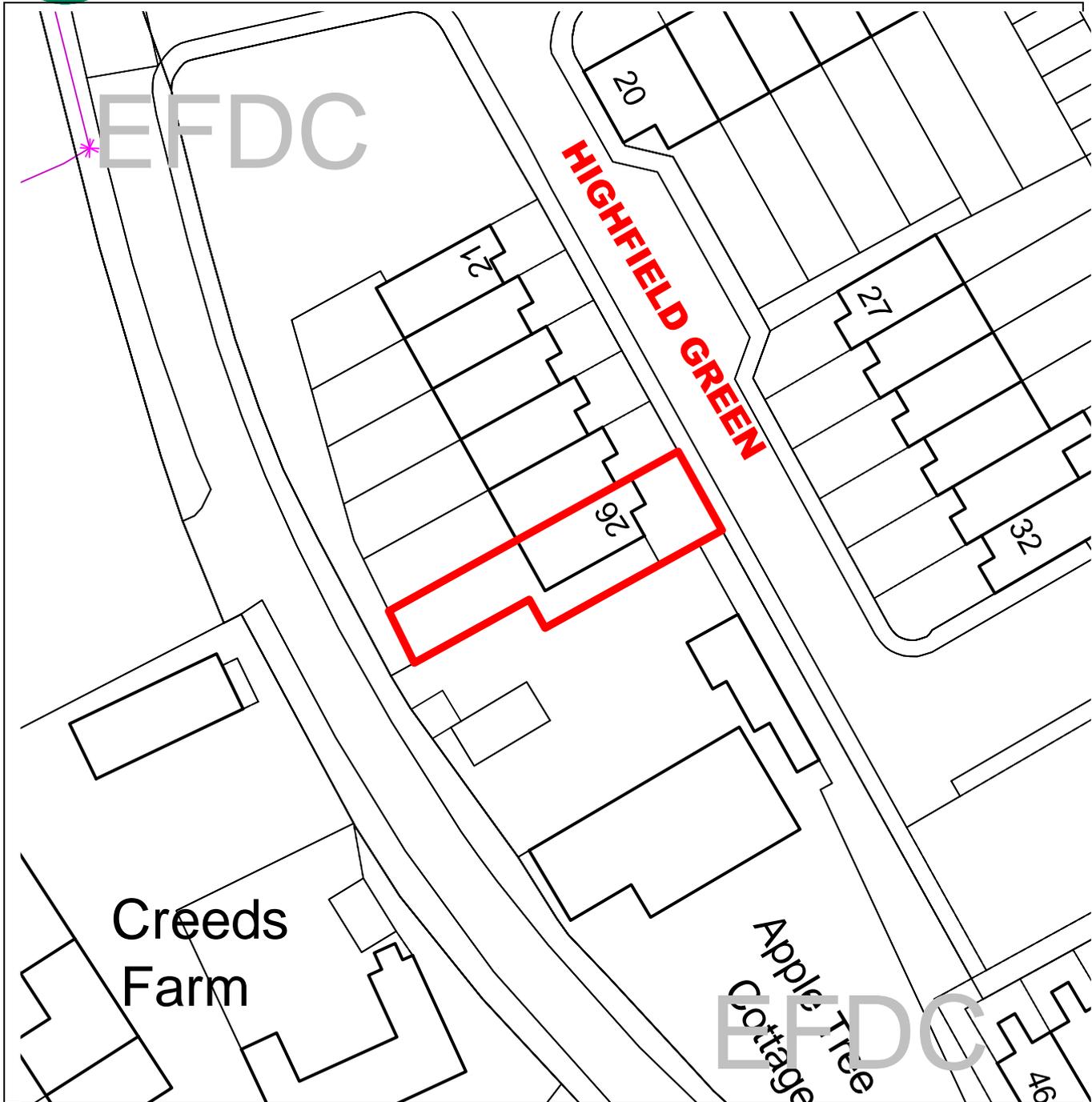




# Epping Forest District Council



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Application Number:	EPF/1781/21
Site Name:	26 Highfield Green, Epping CM16 5HD
Scale of Plot:	1:500

**Report Item No: 10**

<b>APPLICATION No:</b>	EPF/1781/21
<b>SITE ADDRESS:</b>	26 Highfield Green Epping CM16 5HD
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr and Mrs P Cogan
<b>DESCRIPTION OF PROPOSAL:</b>	Two storey side extension (Revised application to EPF/2393/20).
<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=654325](http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=654325)

**CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: 20077-001; 20077\_002; 20077\_101; 20077\_102 Rev A
- 3 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 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.
- 5 Tree protection shall be installed as shown on Moore Partners Ltd 'Tree Constraints and Protection Plan' drawing number PS/HFG/01 (dated 25th September 2020) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

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.

*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:**

No. 26 Highfield Green is a 2 storey, 3 -bed end of terrace, gable roof dwellinghouse located to the west of Highfield Green, a cul de sac comprising of 2- storey houses built in the 1960s as part of a larger redevelopment of 'Highfield', a substantial house which stands on the edge of the Bell Common Conservation Area and within the setting of the Apple Tree Cottage, a grade II listed property.

Apple Tree Cottage is recognised in the Bell Common Conservation Area Character Appraisal as one of the oldest buildings in the Conservation Area.

**Description of Proposal:**

This application is seeking consent for the construction of a 2-storey side gable roof, extension measuring a width of 2.5m, forming the depth of the main dwellinghouse with the front recessed by 0.6m and the roof set down from the main roof to provide additional living accommodation.

This current application is very similar to a previously refused application (ref. EPF/2393/20) with the only difference being that *the two-storey gable end is to be treated with "horizontal heritage style boarding with black finish"*.

**Relevant History:**

EPF/2393/20	Two storey side Extension  <i>'The proposed extension by reason of its scale and siting is considered dominant and harmful, undermining and detracting from the special historical character and significance of the grade II listed building and as such, fails to conserve and protect it contrary to policy HC6 and HC12 of the adopted Local Plan and Alterations (1998 &amp; 2006), and policy DM7 of the Submission Version Local Plan (2017), and, of the NPPF, 2019'</i>	Refused 07/04/21
EPU/0165/61	Erection of a house and garage r/o Apple Tree Cottage	Approved 20/02/1962

**Policies Applied:**

**DEVELOPMENT PLAN CONTEXT**

*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).

CP1- Achieving sustainable development objectives  
CP2 -Protecting the quality of the rural and built environment  
CP3 - New Development  
DBE2 Impact on Neighbouring Properties  
DBE9 Loss of Amenity  
DBE10 Residential Extensions  
HC6 Character, Appearance and Setting of Conservation Areas  
HC12 -Development Affecting the setting of Listed Buildings

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight

### NPPF, 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:
  - 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 126, 189 -207

### 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 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.

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:

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM7- Heritage Assets	Significant
DM9 - High Quality Design	Significant
DM10 Housing Design and Quality	Significant

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

#### **EPPING TOWN COUNCIL - OBJECTION**

- Overdevelopment of the site so close to the edge of the conservation area; Loss of amenity in terms of light and visual impact.

A Site Notice was displayed on the 13/08/21 and Advertised 15/08/21

9 neighbour consultations were undertaken, and one objection has been received from Epping Society that raise the following concerns:

- The original refusal was focused on protecting the setting of the adjacent listed building.
- The reliance on the trees to screen what is evidently an acknowledged issue is not appropriate.

### **Main Issues and Considerations:**

- Design and siting; Impact on the Listed Building
- Impact on the amenities of the adjoining properties.

## Design, Impact on the Listed Building

Local Planning Authorities are required by statute to protect buildings and structures which are of historical and architectural interest and which have been awarded listed building status.

Paragraph 194 of the NPPF states: *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional”.*

This application is very similar to the previously refused application ref. EPF/2393/20 and the conservation officer has the following comments to make on this application:

*“Grade II listed buildings are of special interest and warrant every effort being made to conserve them. The setting of a listed building is often an essential feature of its character. The significance of a heritage asset derives not only from its physical presence and historic fabric but also from its setting - the surroundings in which it is experienced. The original setting of the cottage was once open countryside and this setting has been significantly encroached upon in the last part of the 20th century through the development of the surrounding land.*

*The current planning application seeks consent to extend the end of No. 26 Highfield Green at two storeys towards the boundary of the plot, further into the setting of Apple Tree Cottage. The terrace currently presents a dominant gable end to Apple Tree Cottage, a building which is lower in height than the terrace; therefore, an extension of the building at two storeys will add further pressure onto the setting of Apple Tree Cottage. Any increase in this overbearing effect should be resisted. In terms of a way forward, a single storey addition to No. 26 Highfield Green, sensitively designed could be considered.”*

*The only difference in this current application appears to be the treatment of the two-storey gable end with “horizontal heritage style boarding with black finish”. Whilst it is acknowledged that this has been proposed to soften the gable end, it will give the appearance of an untraditionally scaled agricultural building, which would be out of character in this domestic setting and location and object to the development as it stands due to the harm it would cause to the significance of the setting of the listed building.*

Notwithstanding the above comments, it is considered that the extension is of a satisfactory distance from the Listed Building and where it is considered acceptable in design terms. The extension is also considered of a limited scale and form, proportionate and subservient in respect of the dwellinghouse and the surrounding area and where visibility would be substantially screened from the Listed Building by the existing extensive mature, dense and high trees and foliage. Furthermore, the proposed additional use of horizontal clad heritage weatherboarding to the south flank gives a softer more sensitive appearance.

The specific site circumstances of the extension when balanced against the scale of any harm or loss and, the significance of the heritage asset is where a judgement will be required and it is considered that the arguments for and against the proposed extension is considered finely balanced, but overall the harm caused to the heritage asset is moderate and would not be so significant as to justify refusal of the scheme.

## Impact on Neighbours' Amenities

The siting and separation distance of the development is not considered to give rise to any significant demonstrable harm to neighbour's living conditions in the form of light overbearing or privacy impact. The amenity of the adjoining occupiers would be maintained to an acceptable level

and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the emerging Local Plan, 2017.

The concerns of the Parish Council and Epping Society are noted. The proposed extension is considered as positively integrated with the surrounding townscape in terms of scale, massing and overall design and where appropriate conditions will be attached to any approval requesting that details of materials be submitted for consideration.

### Trees and Landscaping

The Trees and Landscape officer has no objection subject to the retention of existing trees and shrubs, and which will be conditioned at approval to ensure a satisfactory appearance in accordance policy LL10, of the adopted Local Plan 1998 & 2006 and policy DM3 and DM5 of the LPSV, 2017.

### Conclusion

For the reasons set out above, having regard to all matters raised, the development on balance, will provide additional accommodation outweighing any moderate harm whilst preserving and respecting the setting of the Listed Building and, with no demonstrable harm to the wider conservation area and is supported by policies HC6 and HC12 of the Local Plan and Alterations (1998 and 2006), policy DM7 of the Submission Version Local Plan (2017), and paragraphs 189, 194, 195, 197, 199, 200, 206 and 207 of the NPPF 2021. In light of the above considerations it is recommended that planning permission is Approved.

**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: Caroline Brown**  
**Direct Line Telephone Number: 01992 564182**

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