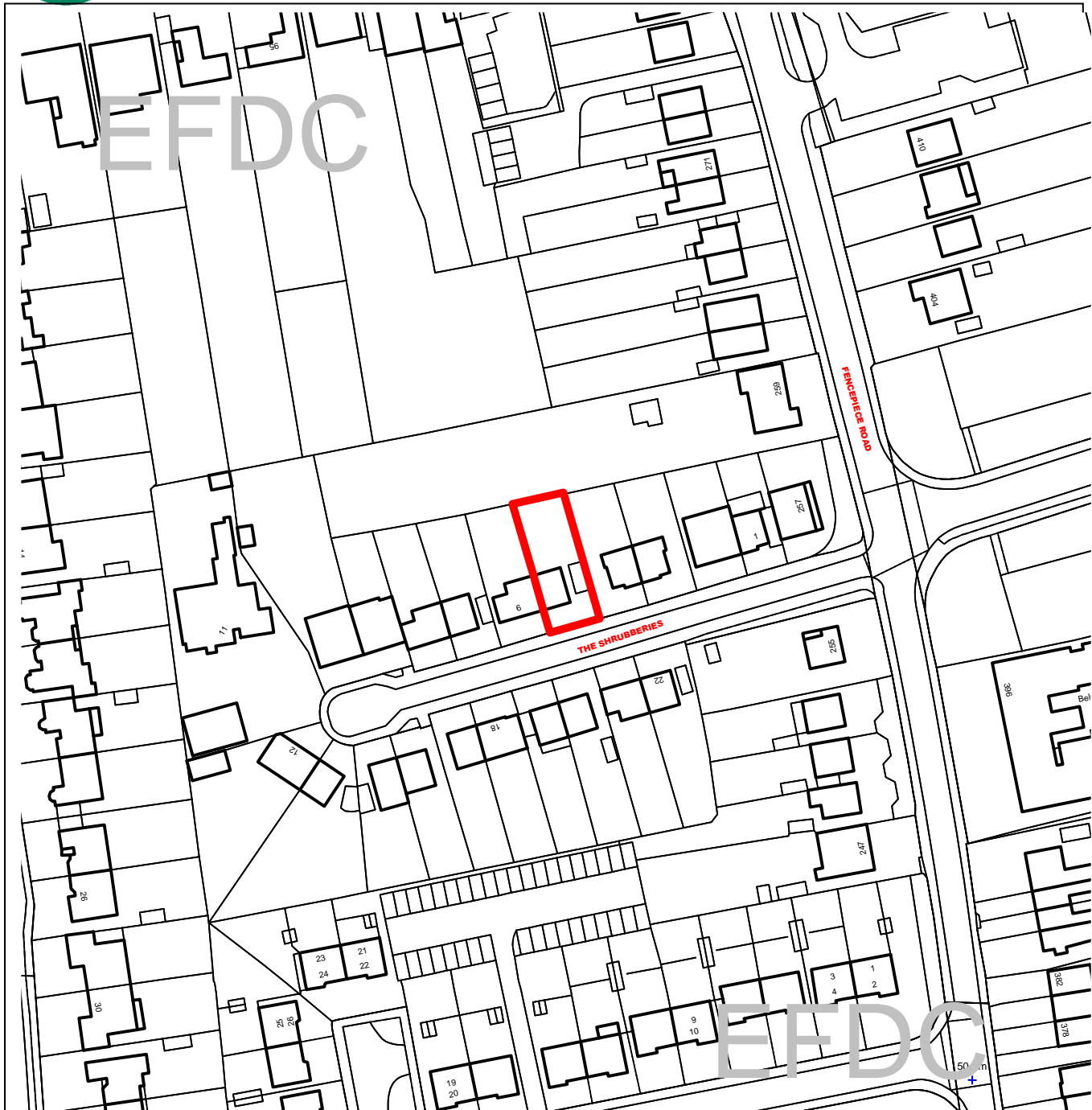




Epping Forest District Council



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Application Number:	EPF/2358/21
Site Name:	5 The Shrubberies Chigwell IG7 5DU
Scale of Plot:	1:1250

Report Item No: 12

APPLICATION No:	EPF/2358/21
SITE ADDRESS:	5 The Shrubberies Chigwell IG7 5DU
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Humza Shaikh
DESCRIPTION OF PROPOSAL:	Proposed double storey side and rear extension (amended scheme to EPF/0122/18).
RECOMMENDED DECISION:	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=656881

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 Plan, LIVARCH/5TS/101 Rev B, LIVARCH/5TS/102 Rev B, LIVARCH/5TS/103 Rev B, LIVARCH/5TS/104 Rev B, LIVARCH/5TS/105 Rev B, LIVARCH/5TS/106 Rev B, LIVARCH/5TS/107 Rev B, LIVARCH/5TS/108 Rev B, and LIVARCH/5TS/109 Rev A.
- 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.
- 4 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) at first floor level and above, 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 Access to the flat roof over the single storey rear extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a seating area, roof garden, terrace, patio or similar amenity area.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and at least one non-councillor resident, on planning grounds material to the application (Pursuant to The Constitution, Part 3: 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 Chigwell. It is not listed nor in a conservation area.

Proposal

The proposal is for a two-storey side and part single-part two storey rear extension (amended scheme to EPF/0122/18). The application has been amended since its initial submission to include the loft conversion which has recently been constructed (and found lawful under EPF/2349/21), and all parties were reconsulted on them.

The existing garage would be demolished to make way for the proposed extensions. The part single storey rear extension has a depth of some 3.5m, with an eaves height of 2.55m, and an overall height of 3.4m. The part first-floor rear extension has a depth of some 3m and matches the same eaves and ridge height as the main roof.

The two-storey side extension has a width of some 3.7m with a set in of a 1m from the common boundary with No.4. The eaves and ridge height match the same as the main roof.

Relevant Planning History

EPF/0122/18 - Proposed double storey side and rear extension – Approved

EPF/2301/20 - Prior approval for an additional second floor to enlarge the existing dwelling house – Refused

EPF/2349/21 - Certificate of lawful development for a proposed hip to gable roof extension and rear dormer window in connection with a loft conversion, roof lights to front - Lawful

Development Plan Context

Local Plan & 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 & Quality
DBE9	Loss of Amenity
DBE10	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 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.

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 Main Modifications, the **highest weight** should be accorded to LPSV policies in accordance with paragraph 48 of Framework. The following policies are relevant to the determination of this application;

DM9 High Quality Design

Summary of Representations

Number of neighbours Consulted: 6. 2 response(s) received
Site notice posted: No, not required

CHIGWELL RESIDENTS ASSOCIATION & 5 THE SHRUBBERIES – Objections - Summarised as;

- Not in keeping;
- Visual impact;
- Damage to host building & Street Scene;
- Overdevelopment;
- Overlooking; and
- Loss of parking/garage.

CHIGWELL PARISH COUNCIL – The Council objects to this application, because this extension could cause an undesirable terracing effect and would result in the loss of parking amenity.

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

A similar scheme was approved under EPF/0122/18, and it is considered that the proposed development is considered to be of a size, scale and design that is acceptable and complements the appearance of the existing building, the street scene and wider area. There is a visual gap of 1m from the common boundary with No.4, so there would be no terracing effect. There is also sufficient space to the front and rear of the host building, so the proposed works would not amount to harmful overdevelopment of the site, and as mentioned above a similar scheme was approved previously.

There is sufficient space to park two cars on the driveway, so the loss of garage is acceptable. It should be noted that this matter was also found acceptable in the previous approved scheme.

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 living conditions of both neighbouring properties, in terms of loss of light, loss of privacy, overbearing and visual impact, than that was approved previously, and also one that warrants 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