



Epping Forest District Council



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Application Number:	EPF/2740/19
Site Name:	4 Hill Road Theydon Bois, CM16 7LX
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/2740/19
SITE ADDRESS:	4 Hill Road Theydon Bois Epping CM16 7LX
PARISH:	Theydon Bois
WARD:	Theydon Bois
APPLICANT:	Mr & Mrs P Debenham
DESCRIPTION OF PROPOSAL:	Proposed demolition of an existing two storey & single storey side extension, subdivision of site, erection of a new detached dwelling & provision of a part two storey/part single storey rear extension to the donor property with x2 no. new vehicle crossovers for each dwelling. ** SAC CASE HELD IN ABEYANCE NOW PROGRESSING**
RECOMMENDED DECISION:	Grant Permission (Subject to Legal Agreement)

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=630455

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:
19020_P_000 REV A;
19020_P_001 REV A;
19020_P_002 REV A;
19020_P_003REV A;
19020_P_004 REV B;
19020_P_005 REV A;
19020_P_006 REV A;
19020_P_007 REV A;
19020_P_008 REV A;
19020_P_009 REV A;
19020_P_010 REV A; and
19020_P_011 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 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 Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 6 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 7 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.
- 8 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 and E of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.
- 9 Prior to any above ground works, a scheme of soft and hard landscaping and a statement of the methods, including a timetable, for its Implementation (linked to the development schedule), have been submitted to the Local Planning Authority and approved in writing. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place.
- 10 Prior to any above groundworks, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA), unless otherwise agreed in writing with the LPA. The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include details as follows:
 - Location of active charging infrastructure; and
 - Specification of charging equipment to be used.
- 11 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.

- 12 Prior to any above ground works, details of levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 13 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
- 14 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.
- B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

This application is before this Committee since the recommendation is for approval contrary to an objection from a Local Council and an objection has been received from at least one non-Councillor resident material to the planning merits of the proposal. (Pursuant to The Constitution, Part Three: Scheme of Delegation from Full Council).

Description of site

The application site lies to the north side of Hill Road within the Theydon Bois Parish, comprising an extended 2-storey semi-detached dwellinghouse. The property also accommodates an attached single storey side utility and garage including off-street parking to part of the front garden. Site levels gently slope from a west to east direction. The current host building is constructed in block and render with a tiled roof.

The residential character of Hill Road is comprised of a mix of predominantly detached and semi-detached dwelling types with different architectural styles. The site is not designated within a conservation area.

Description of Proposal

The application proposals are comprised in 2 separate parts which are:

1. Demolition of existing 2 storey side extension including utility and garage and addition of a single and part first floor extensions to rear; and
2. Erection of a new 3-bed detached two-storey dwelling adjacent to host dwelling.

With regard to the extension works to the host building, the single storey addition will extend rearwards by approximately 3m (d) by 7.5m (w). The part first floor extension is contained to the left-hand side of the host building and will measure approximately 4.5m (w) and 3m (d). The external facing elevations of these additions will be completed in painted render with matching roof tiles (first floor only).

The 3 bed-dwelling will be detached from the host dwelling and located to its side whilst maintaining both forward and rear building lines. The overall dimensions of the building are approximately 7m (w);10.8m (d) and 8.5 m (h). The eastern flank of the building will be within 0.9m (front) and 1.45m (rear) of the side garden boundary adjacent to No.2 Hill Road. The external facing elevations will be completed in brick to ground floor and painted render at first floor including tiled roof.

Each property will be provided with 2 parking bays to the front with soft landscaping to demarcate separating boundaries.

Relevant Planning History

In 1973 an outline planning application for the subdivision and erection of a detached dwellinghouse was refused under LPA Ref: EPO/0178/73 on grounds of overdevelopment and resulting lack of private amenity space for future occupiers.

Development Plan

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:

CP1	Achieving Sustainable Development Objectives
CP3	New Development
CP5	Sustainable Building
CP6	Achieving Sustainable Urban Development Patterns
CP7	Urban Form and Quality
CP9	Sustainable Transport
NC1	SPAs, SACs and SSSIs
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H9A	Lifetime Homes
DBE1	Design of New Buildings
DBE2	Effect of Neighboring Properties
DBE3	Design in Urban Areas
DBE6	Car parking in new development
DBE8	Private Amenity Space
DBE9	Loss of Amenity
DBE11	Sub-Division of Properties
LL7	Planting, Protection and Care of Trees
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscape Schemes
ST1	Location of Development
ST4	Road Safety
ST6	Vehicle Parking
I1A	Planning Obligations
U2A	Development in Flood Risk Areas
U2B	Flood Risk Assessment Zones
U3B	Sustainable Drainage Systems

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 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.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight being afforded by your officers in this particular case indicated:

POLICY	WEIGHT AFFORDED
SP1 - Presumption in Favour of Sustainable Development	Significant
SP2 - Spatial Development Strategy 2011-2033	Significant

SP7 - The Natural Environment, Landscape Character and Green and Blue Infrastructure	Significant
H1 - Housing Mix and Accommodation Types	Significant
T1 - Sustainable Transport Choices	Significant
DM1 - Habitat Protection and Improving Biodiversity	Significant
DM2 - Epping Forest SAC and the Lee Valley SPA	Significant
DM3 - Landscape Character, Ancient Landscapes and Geodiversity	Significant
DM9 - High Quality Design	Significant
DM10 – Housing Design and Quality	Significant
DM11 - Waste Recycling Facilities on New Development	Significant
DM15 - Managing and Reducing Flood Risk	Significant
DM16 - Sustainable Drainage Systems	Significant
DM18 - On Site Management of Waste Water and Water Supply	Significant
DM19 - Sustainable Water Use	Significant
DM21 - Local Environmental Impacts, Pollution and Land Contamination	Significant
DM22 - Air Quality	Significant
D1 - Delivery of Infrastructure	Significant
D3 - Utilities	Significant

National Planning Policy Framework (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: 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.

Summary of Representations

Number of neighbours consulted: 7

Number of neighbour objections received (including concerns of Theydon Bois & District Rural Preservation Society): 5

A summary of the main concerns raised are as follows:

- Existing car parking provision fewer than indicated on application form;
- Similar application to erect a dwelling in 1973 onsite was refused;
- Relationship with No.2 Hill Road would lead to a cramped form of development detrimental to the existing street scene;
- Impact on amenities of No.2 Hill Road caused by proximity of development;
- Removal of hedge on boundary with No.2 and parking surfaces to front creates a unsympathetic environment and out of keeping with the location;
- Extensions to the rear will reduce garden amenity for both properties;
- Loss of morning light to No.6 Hill Road as a result of rear extension to host building;
- If planning permission is granted, a minimum expectation is to include conditions on landscaping and removal of permitted development rights to both properties; and
- The circumstances in this application should not be compared to No.2A Hill Road

Issues and Considerations

The main issues for consideration in this case are as follows:

- Principle of sub-division of garden curtilage to provide additional housing
- Design quality
- Impact on amenities of neighbouring residents
- Parking
- Impact on EFSAC

Principle of sub-division of garden curtilage to provide additional housing

The demolition of the side extension of the host property including associated sub-division of the site in order to enable provision of an additional dwelling is considered acceptable in principle subject to other design, residential amenity and parking considerations being satisfied.

Design quality

The proposed single and part first floor extensions on the host building are considered sympathetic in terms of their scale and appearance. There are therefore no objections in this particular respect.

In terms of the new detached dwelling, it is considered that its proposed scale (height, depth and width) and siting is proportionate to the resulting plot size and will therefore not appear overcrowded/crammed. Private garden amenity of approximately 50m² would remain for the new dwelling and 60m² for the host property. Whilst it is acknowledged that the proposed garden spaces are smaller than others in the area, it is considered that the size and usability would be adequate for the respective future occupiers. With regard to appearance, the elevations will use materials that are sympathetic to the mixed nature of the street and therefore acceptable.

Officers have noted the previous outline planning application for a detached dwelling in 1973 which was refused on grounds of overdevelopment and lack of sufficient private amenity. Whilst this decision remains a relevant material consideration, officers consider that the main concerns raised are now outweighed by up-to-date planning policies and design standards that encourage support for greater housing provision in existing urban areas. Notwithstanding, it is also considered that permitted development rights should be restricted for the new dwelling specifically in terms of Classes A, B and E to ensure that any further future development and its impact on residential and visual amenities can be properly controlled.

Concerns raised in terms of removing soft landscaped areas/features to the front of the property to enable new parking areas have been remedied following a request by officers. The amended hard and soft areas illustrated on drawing no. 19020_P_004 REV.B illustrates how the spaces to the front can be successfully landscaped to maintain the integrity of the streetscene. Officers would recommend that a full landscaping condition is included on any permission that may be granted to ensure the highest quality of landscaping is secured.

Overall the proposed design quality and appearance and its impact on the existing streetscene of Hill Road are acceptable and therefore would comply with the requirements of policies DBE1, DBE4 and DBE5 of the adopted Local Plan (2008) and policies DM 9 and DM 10 of the emerging SVLP (2017).

Impact on amenities of neighbouring residents

The neighbouring properties likely to be most affected by the proposals are Nos. 2 and 6 Hill Road.

The proposed extensions to the host building on the shared rear garden boundary with No.2 Hill Road are not significant in either scale or depth that it would cause a harmful reduction in daylight, outlook or privacy.

With respect to No.6 Hill Road, the relative proximity and angle of the detached dwelling is also considered sufficient to minimise any resulting harm in terms of daylight, outlook and privacy.

Accordingly, the proposals will not have an adverse impact on the neighbouring living conditions and are therefore considered acceptable and would comply with policy DBE9 of the adopted Local Plan (2008) and policy DM 9 of the emerging SVLP (2017).

Parking

Essex County Highways initially raised concern in relation to the size of the off-street parking bays for each property. They stated that the space must meet the recommended design standards which equate to 5.5m x 2.9m. The applicant has subsequently demonstrated that 2 parking spaces, each achieving the required dimensions stated, can be adequately accommodated and therefore no objection is raised. An additional crossover will also need to be formed onto the highway to enable parking for the host dwelling. A planning condition is recommended to ensure both crossover and parking spaces are provided prior to occupation of the dwellings.

Accordingly, the impact of the proposals on the highways and parking are acceptable and therefore comply with policy ST6 of the adopted local plan (2008) and policy T 1 of the emerging SVLP (2017).

Epping Forest Special Area of Conservation (EFSAC)

Screening Assessment

This application has been screened in relation to both the recreational pressures and atmospheric pollution Pathways of Impact and concludes as follows:

a) The site lies within the Zone of Influence as identified in the Interim Approach to Managing Recreational Pressure on the Epping Forest Special Area of Conservation' (the Interim Approach) adopted by the Council on 18 October 2018 as a material consideration in the determination of planning applications. In addition, the site lies within the parish of Loughton/Buckhurst Hill/Theydon Bois (delete as appropriate). Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of recreational pressures.

b) The development has the potential to result in a net increase in traffic using roads through the EFSAC.

Consequently, the application proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures and atmospheric pollution Pathways of Impact.

Having undertaken this first stage screening assessment and reached this conclusion there is a requirement to undertake an 'Appropriate Assessment' of the application proposal in relation to both recreational pressures and atmospheric pollution.

'Appropriate Assessment'

Recreational Pressures

The application proposal has the potential to increase recreational pressures on the EFSAC. However, the Council, through the development of the Interim Approach and identification of

Infrastructure Enhancement Projects in the Council's Green Infrastructure Strategy, has provided a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes, monitoring proposals and Infrastructure Enhancement Projects specifically related to development within the parishes of Loughton, Buckhurst Hill and Theydon Bois. Consequently, this application can be assessed within the context of the Interim Approach and the Green Infrastructure Strategy. In doing so the Council has sought to take a proportionate approach to the securing of such financial contributions, and currently only seeks these from proposals for new homes within 3km of the EFSAC, as is the case with this planning application. The applicant has agreed to make a financial contribution in accordance with the Interim Approach and the Green Infrastructure Strategy. Consequently, the Council is satisfied that the application proposal would not have an adverse effect on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation.

Atmospheric Pollution

The application proposal has the potential to result in a net increase in traffic using roads through the EFSAC. However, the Council, through the development of an Interim Air Pollution Mitigation Strategy (IAPMS), has provided a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities. Consequently, this application can be assessed within the context of the IAPMS. The applicant has agreed to make a financial contribution in accordance with the IAPMS. In addition the application will be subject to planning conditions to secure measures as identified in the IAPMS. Consequently, the Council is satisfied that the application proposal would not have an adverse impact on the integrity of the EFSAC subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions.

The Council is satisfied that, subject to the satisfactory completion of a Section 106 planning obligation and the imposition of relevant planning conditions as set out above, the application proposal would not have an adverse effect on the integrity of the EFSAC and therefore complies with policy NC1 of the adopted Local Plan (2008) and policy DM 2 and DM 22 of the emerging SVLP (2017).

Miscellaneous matters

In terms of flood risk and contamination impacts the Council's respective technical teams do not object to the proposals in principle subject to appropriate planning conditions.

Conclusion

The proposals will enable the provision of an additional dwelling which in terms of its design, appearance and size is such that there will be no material adverse impact on the street scene or have a detrimental impact upon the amenities of neighbouring residents. Accordingly, it is recommended that planning permission is granted subject to planning conditions and a Section 106 Agreement to secure recreation and air pollution mitigations in relation to the Epping Forest SAC.

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: Cuma Ahmet

Or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk