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Application Number:	EPF/2079/21
Site Name:	19 Great Owl Road Chigwell IG7 6AL
Scale of Plot:	1:1250

Report Item No: 14

APPLICATION No:	EPF/2079/21
SITE ADDRESS:	19 Great Owl Road Chigwell IG7 6AL
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Hassan Raza
DESCRIPTION OF PROPOSAL:	Proposed double storey front/side extension/single storey, part double storey rear extension/alteration to the existing roof & new brick slip finish to the existing wall.
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=655597

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:
- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form.
- 4 Access to the flat roof over the single storey 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.
- 5 Prior to first occupation of the 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. Once installed the obscure glass shall be retained thereafter.

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)).

Description of Site:

The application site is 19 Great Owl Road a detached two storey dwelling located on the north side of Great Owl Road within the built-up area of Chigwell. The property has a very long rear garden which backs onto open fields which are within the Metropolitan Green Belt. The property has a central ridge and gable ends. The property sides onto the rear gardens of properties in Chester

Road and is at a lower level than the properties in Chester Road by approximately 1.2m. The site is not within a Conservation Area.

Description of Proposal:

The application seeks consent for a proposed double storey front and side extension and single storey part two storey rear extension, alterations to the existing roof and new brick slip finish to the existing wall. The house will in effect be remodelled with an 8m deep single storey rear extension, 1.8m deep single storey front extension, 4m deep first floor set in from site boundary with 41 Chester Road by 5.5m, 2.4m first floor side extension above existing ground floor closest to No. 18, 1.8m increasing to 3m first floor front extension and a crown roof to accommodate accommodation within the second floor.

This application follows a similar application for demolition of the existing house and erection of new house that was refused and subsequently dismissed on appeal due to the impact on the neighbours amenities. This application is for extensions only and has been reduced in scale in order to overcome the previous reason for refusal.

Relevant History:

EPF/3046/19 - Demolition of existing house & replacement with a three storey single dwelling house – Refused and dismissed at appeal

EPF/0827/22 - Application for a Lawful Development Certificate for a Proposed double storey rear extension – Concurrent application

Policies Applied:

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).

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

DBE1 – Design of new buildings

DBE8 – Private amenity space

DBE9 – Loss of amenity

ST06 – Vehicle Parking

LL10 – Adequacy of provision for landscape retention

Submission Version Local Plan (2017)

Policy		Weight
DM2	Epping Forest SAC and the Lee Valley SPA	Significant
DM9	High Quality Design	Significant
DM10	Housing Design and Quality	Significant
DM22	Air Quality	Significant
T1	Sustainable Transport Choices	Significant

Consultation Carried Out and Summary of Representations Received

Number of neighbours consulted: 15

41 CHESTER ROAD – Strong Objection –

The proposed side profile as viewed from our home is more than doubled. This will be overbearing, Overlooking: the proposed development includes 2 windows facing our home where none currently exist, higher than previously refused scheme, Loss of daylight/sunlight:

The proposed development will block the westerly horizon cutting off the afternoon and evening sunlight available to the rear of our home and garden. Noise and disturbance during construction

CHIGWELL PARISH COUNCIL: The Council **OBJECTS** to this application because the proposed structure would appear overbearing and are of an excessive scale.

Main Issues and Considerations:

Design

The design of the proposal results in a contemporary appearance particularly to the front elevation which has a prominent heavily glazed front gable projection. To the rear the proposal is more traditional with a hipped roof, but retaining contemporary elements such as the large windows. It is a fairly individual design, however does not disrupt the appearance of the street given the mix of properties along Great Owl Road, many of which have been re-built or significantly extended over time (most notably No. 17).

The proposals are set in from the side boundaries by a minimum of 1m and although the proposal includes alterations to the roof, the maximum height of the proposal remains as existing.

The proposal results in a deep property, however this is not dissimilar to others on the road and given the deep garden is considered proportionate to the application site.

The Planning Inspector previously concluded that “*having regard to the established character of the immediate context of the appeal site, which includes the approach from Chester Road to the east, I consider that the overall scale and modern design of the dwelling would not be inappropriate*”. The design of the dwelling is largely unaltered from the previous proposal, with the exception of some reductions to the rear, and as such is considered acceptable given the above.

Impact on Amenity

The proposed dwelling will be located within 1m of the shared boundary with No.18 Great Owl Road. No.18 has been extended at two storey and this proposed scheme will not extend only marginally beyond the rear of No. 18 at two storey. The single storey rear element will extend 2m beyond the rear, however given this is single storey, set in from the boundary with a maximum height of 3.5m it is not considered that the proposal will result in any excessive impact on the amenity currently enjoyed by the occupiers of No. 18.

With regards to the properties on Chester Road, 41 and 43 back onto the side of the application site with the rear garden of No. 41 fully backing on to the application site and existing property. The impact on these neighbours was the sole reason that the previous appeal was dismissed, with the Planning Inspectorate stating that “*the first floor and roof elements would be visible above the boundary fence, introducing a much greater mass of built form than the existing dwelling as a result of the much longer flank elevation. I do not consider that its impact would be mitigated to any significant degree by the roof design sloping away from the boundary with a hipped rear element, the overall mass of which would still be evident. This would be a visually intrusive built form that would appear overbearing and oppressive*”.

The main change between these proposed extensions and the previously proposed replacement building is that the first floor rear projection has been stepped away from the boundaries with the dwellings in Chester Road. Whilst the outlook for No. 41 will be continue to be altered with the addition of the 4m first floor rear extension, this part of the proposal would be set away from the shared boundary with No. 41 by some 5.5m which is considered to mitigate any excessive impact

in terms of an overbearing addition. The property will be extended at first floor to the front also by 1.8m and this will be inline with the existing flank wall. However, this is set in from the boundary by 1m and given the fairly modest addition to the front is not considered to result in an excessive impacts.

Cumulatively, the outlook will be altered for No. 41, but given that more than a third of the width of the garden of 41 Chester Road will not have a flank wall within 1m this is considered a welcome improvement and is considered to overcome the Inspectors previous concerns for the new dwelling application (full appeal decision copied below) which was considered to be overbearing to the occupants of No. 41. Setting the first floor rear element some 5.5m away from the flank wall adjacent to No. 41 Chester Road, mitigates against the proposal being overbearing. It will still be visible but at a much greater distance.

Hipped roofs are proposed to the side and rear which removes excessive bulk and depth at roof level which is welcome.

In terms of loss of sunlight given the location of the proposal to the west of Chester Road, afternoon/evening sunlight will be lost given the orientation, however this is not considered so excessive to justify a refusal given the set back from the shared boundary and the depth of the existing gardens.

Two rooflights are proposed on the flank roof, these can be conditioned to be obscured glazed to avoid any perception of overlooking, though given that they are the roof slope any actual overlooking would be difficult.

Bi-fold doors/windows are shown at first floor but these do not access any balcony areas (and this can be conditioned as such) and are not considered to give rise to any additional overlooking above that of regular windows.

Although a large proposal it is considered that given the above, on balance the proposal will not result in such excessive harm to the amenity of No. 41 to justify a refusal.

Conclusion:

Given the above discussion, it is recommended that on balance given the amenity considerations 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: Marie-Claire Tovey

Direct Line Telephone Number: 01992 564414

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



Appeal Decision

Site visit made on 4 May 2021

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/J1535/W/20/3259897

19 Great Owl Road, Chigwell, IG7 6AL.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Syed Hassan Raza against the decision of Epping Forest District Council.
 - The application Ref EPF/3046/19, dated 9 January 2020, was refused by notice dated 26 August 2020.
 - The development proposed is demolition of existing house and replacement with three storey single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the adjoining properties.

Reasons

3. The appeal site comprises a long narrow plot and is located in a residential road comprising of detached dwellings of varying age and design. The existing dwelling is a relatively modest two storey detached modern dwelling with single-storey attached garage to the side set back from the road frontage.

Character and appearance

4. The dwelling on the appeal site is located in a fairly prominent slightly elevated position above the road, it being the first along the northern side at its eastern end. In approaching from Chester Road to the east, the front and side elevations of the dwelling are visible. The new dwelling would be considerably larger than the existing dwelling, extending across most of the width of the plot and to a depth of around twice that of the existing dwelling.
5. However, having regard to the established character of the immediate context of the appeal site, which includes the approach from Chester Road to the east, I consider that the overall scale and modern design of the dwelling would not be inappropriate.
6. There are a variety of sizes and designs of dwellings within the immediate street scene, which include some new and extended dwellings of considerable scale and size. Whilst in the context of Great Owl Road, these are largely viewed as part of the frontage of the street scene, the properties which lie at the junction with Chester Road also form part of the immediate approach to the

site. Both these properties have long flank elevations facing onto the road which have a direct impact on the character of the street scene. The proposed dwelling will be set back from the road frontage of Great Owl Road and whilst the upper part of the long flank elevation will be visible in the street scene, having regard to the above, I do not consider that it will be incongruous in this context.

7. I find that the proposal would accord with Policies DBE1 and DBE3 of the Epping Forest Local Plan and Alterations (1998) (LP) which require new buildings to respect their setting in terms of scale, proportions, siting, massing, height orientation and roof-line, with sympathetic detailing and materials and to create functional, attractive spaces. It would also accord with policy DM9 of the Epping Forest District Local Plan (Submission Version) (2017) (eLP), to which I attach some weight given the stage reached by this emerging plan.

Living Conditions

8. The east boundary of the appeal site is contiguous with the rear boundary of a number of dwellings along Chester Road. The proposed dwelling would be sited close to the rear boundaries of nos. 39 to 43, though I consider that number 41 would be the most directly affected. It would introduce a two storey, long flank elevation along the whole of the rear boundary of this property, set in around one metre from it. It is proposed to excavate the appeal site so that the dwelling would be set below the level of this garden and its overall height would be below that of the existing dwelling.
9. Notwithstanding the above, the first floor and roof elements would be visible above the boundary fence, introducing a much greater mass of built form than the existing dwelling as a result of the much longer flank elevation. I do not consider that its impact would be mitigated to any significant degree by the roof design sloping away from the boundary with a hipped rear element, the overall mass of which would still be evident. This would be a visually intrusive built form that would appear overbearing and oppressive.
10. Having regard to the reasonably long rear garden and resultant separation between the buildings themselves, there would be no direct overshadowing of or significant loss of light to the dwelling itself at number 41 or the patio area which lies immediately to the rear of it. In addition, the proposed windows in the flank could be conditioned to require obscure glazing and fixed elements so as to prevent any loss of privacy.
11. However, given the impact as set out above, there would be a significant loss of outlook and thereby a detrimental impact on the enjoyment of the property overall.
12. I therefore find that the proposal would be harmful to the living conditions of the occupiers of the adjoining property, 41 Chester Road. This would be contrary to LP policies DBE2 and DBE9 which seek to prevent buildings which have a detrimental effect on existing neighbouring properties in either amenity or functional terms or which result in an excessive loss of amenity for neighbouring properties in terms of, amongst other things, visual impact and loss of light. There would also be conflict with eLP Policy DM9 which takes a similar approach and to which some weight can be given.

Conclusions

13. I have noted the appellants comments regarding the consideration of the proposal by the Council including that the recommendation of officers was not accepted by members of the planning committee. However, I have made my decision on the basis of my assessment of the particular site circumstances, finding that whilst there would be no harm to character and appearance, there would be significant harm to the living conditions of the occupiers of a neighbouring property, leading to a conflict with the development plan overall. I do not consider that there are any other material considerations that lead me to reach a different conclusion than that set out above.
14. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR