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Application Number:	EPF/3043/21
Site Name:	7 Chigwell Park Chigwell IG7 5BE
Scale of Plot:	1:1250

Report Item No: 16

APPLICATION No:	EPF/3043/21
SITE ADDRESS:	7 Chigwell Park Chigwell IG7 5BE
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Kash Mohammed
DESCRIPTION OF PROPOSAL:	Erection of an outbuilding for use as a home gym.
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=660239

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: JP028; 00, 01B, 02B, 03B, 04B, 05B, 06B, 07B
- 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 The building hereby permitted shall only be used for purposes incidental to the residential use of the main dwelling, and shall not be used for any primary residential accommodation.
- 5 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.

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:

The application site is a two storey semi detached dwelling located on the junction of Chigwell Park and Tudor Close in the residential area of Chigwell. There are no listed buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt. There are no TPO trees present on the site.

Description of Proposal:

Erection of an outbuilding for use as a home gym.

Relevant Site History:

EPF/2175/10 - Extension of existing patio at ground floor rear to a depth of 2.5 metres across the width of the house – Allowed on Appeal with Conditions

EPF/1749/10 - Retention of boundary wall at side of property, together with provision of roof light in side facing roof slope. – Grant Permission

EPF/1518/10 - Rear conservatory and raised patio area alongside - Refuse Permission

EPF/1812/09 - Retention of garage with a reduced height of 2.5m – Grant Permission (With Conditions)

EPF/0936/09 - Retention of new outbuilding in rear garden as a garage – Refuse Permission

EPF/1174/08 - Single storey rear extension, two storey side extension including roof canopy over front entrance steps. (Amendment to approval EPF/150/07) – Grant Permission (With Conditions)

EPF/0150/07 - Erection of single and two storey rear extensions, and two storey side extension – Grant Permission (With Conditions)

EPF/0099/95 - Installation of dormer to flank elevation – Refuse Permission

EPF/1213/94 - Dormer extensions to side and rear – Refuse Permission

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:

CP1	Achieving Sustainable Development Objectives
CP2	Protecting the Quality of the Rural and Built Environment
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
DBE10	Design of Residential extensions
LL10	Adequacy of Provision for Landscape Retention

National Planning Policy Framework (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	124
Paragraph	127
Paragraph	130
Paragraph	131

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 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.

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

Policy	Weight afforded
SP1 Presumption in Favour of Sustainable Development	Significant
DM5 – Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant

Summary of Representation:

No. of neighbours consulted: 3, 1 objection received

5 CHIGWELL PARK: OBJECTION – concern regarding loss of light and loss of outlook.

(N.B. comments have also been made regarding potential damage to the existing fence, however as this is not a material planning consideration this cannot be taken into account as part of his assessment.)

PARISH COUNCIL: OBJECTION - The Council objects to this application, because the proposed outbuilding would be of an excessive height negatively impact upon the amenity of its neighbours and constitutes as an overdevelopment of the existing site. If the assigned Planning Officers determine the proposal to be permissible, this committee requests that a condition be included which necessitates the structure remain ancillary to the primary building and overnight occupation or separate vehicle access is not permitted.

Main Issues and Considerations:

The main issues to consider for the assessment of this application are as follows:

Design
Impact on the Living Conditions of Neighbours

Design

The proposed outbuilding would have a shallow dual pitched roof and would be externally clad in back timber. It is considered the design of the proposal would be acceptable and would not be detrimental to the existing dwelling house or wider area. The proposal would not constitute overdevelopment as it is considered that there would be ample private amenity space remaining on the site, which includes the patio granted permission on appeal under EPF/2175/10.

Impact on Living Conditions

The Parish Council and neighbour at 5 Chigwell Park objected to the proposal stating that the development would result in harm to the living conditions of neighbours in relation to loss of light and loss of outlook.

The proposed outbuilding would be 7.9 metres in maximum width (7.3 metres in minimum width), 5.9 metres in depth and 2.35 metres from ground level to the eaves of the outbuilding and 3.2 metres in overall height. The outbuilding would be adjacent to the boundary with 5 Chigwell Park.

It is considered that due to the distance between the proposed outbuilding and the neighbouring dwelling at 5 Chigwell Park (approximately 12.4 metres), the scheme would be a sufficient distance so as not to cause excessive harm to the living conditions of neighbours in relation to loss of outlook or loss of light.

Other considerations

The Council's trees and landscaping team were consulted on the application and commented stating the proposal would involve the loss of several conifer trees and there would be limited space to plant any suitable replacements.

It should be noted that the trees in question are not protected by way of a Tree Preservation Order and can be removed at any time by the applicants without needing to notify the Local Planning Authority with no obligation to plant a replacement.

Conclusion:

For the reasons outlined above, it is recommended that planning permission is granted subject to conditions.

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: Alastair Prince
Direct Line Telephone Number: 01992 564462***

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