

OFFICER REPORT

Application Ref: EPF/0519/22
Application Type: Full planning permission
Case Officer: Kie Farrell
Site Address: 42 Church Hill
Loughton
IG10 1LA
Proposal: Demolition of existing single storey lean-to and erection of a single storey side & rear extension.
Ward: Loughton St. John's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyIf>
Recommendation: Approve with Conditions

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 proposal is one of a semi-detached pair of attractive "L" shaped Victorian/Edwardian dwellings on Church Hill. The lean to on the attached neighbouring house comes out the same depth as the lean to on the proposal building. The immediate area is made up of a mix of dwelling styles with the dominant style older housing. Gardens are long and narrow.

Not in a Conservation Area. Not listed.

Description of Proposal:

Demolition of existing single storey lean-to & erection of a single storey side & rear extension.

This is resubmission following refusal of EPF/2655/21.

The proposal is to demolish a small lean to projection on the rear of the dwelling and replace it with a larger extension. The proposal would square off the rear elevation and extend 3.00m (reduced from 4.27m as proposed under refused application EPF/2655/21) past the depth of the existing lean to element of the subject property and the attached neighbouring property No. 40.

The structure would have a flat roof with projecting rooflights (infill element pitched roof).

Relevant History:

Planning History – Application property No 42:

EF\2022\ENQ\00061

Post-app advice issued 28.02.2022.

EPF/2655/21

Demolition of existing single storey lean-to & erection of a single storey side & rear extension.

Refused 29.11.21.

Reasons for refusal:

1. *The proposed extension by reason of its design, scale and excessive depth, appears as an disproportionate and incongruous addition and fails to complement or enhance the appearance of the existing dwelling and surrounding area contrary to policies CP2, CP7 & DBE10 of the adopted Local Plan 1998 & 2006, policies DM9 & DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.*
1. *The proposed extension by reason of its design, scale and excessive depth would appear overbearing and visually intrusive when viewed from the rear garden of the attached neighbouring property No. 40 Church Hill resulting in a loss of residential amenity. As such the proposal fails to safeguard the living conditions of the occupiers of this neighbouring property contrary to policies CP7 & DBE9 of the adopted Local Plan 1998 & 2006, policy DM9 (H) of the Local Plan Submission Version 2017 and the NPPF 2021.*

EPF/1464/10

Demolition of rear lean-to extension and construction of new single storey full width extension.

Approved 15th September 2010.

Not implemented.

EPF/0913/10

Certificate of lawful development for proposed removal of rear lean-to and construction of a new single storey extension.

Not Lawful 15.07.2010 (Proposal would extend beyond the rear wall of the original dwellinghouse by more than 3 metres).

Planning History - Attached Neighbouring property No 40:

EPF/2245/09

Demolition of existing rear building and erection of single storey rear extension.

Approved 27.1.10

Not implemented.

Policies Applied:

Epping Forest Local Plan and Alterations 1998/2006

CP2 – Protecting the quality of the rural and built environment

DBE9 – Loss of amenity

DBE10 – Residential extensions

National Planning Policy Framework (NPPF) (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:
- c)
 - 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.

Epping Forest District Local Plan Submission Version (LPSV) (2017)

On 14 December 2017, full Council resolved that the Epping Forest Local Plan Submission Version 2017 be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

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 (ended 23rd 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:

SP1 Presumption in Favour of Sustainable Development
DM9 – High Quality Design
DM10 – Housing Design and Quality.

Consultation Carried Out and Summary of Representations Received:

Loughton Town Council: Objection:

Late comments received 26.04.2022:

The Committee OBJECTED to this application on the grounds that the proposed extension by reason of its design, scale and excessive depth was an overdevelopment of the site and would have an adverse effect on the neighbours at number 44 Church Hill

4 neighbours consulted: 2 responses received comprising 1 objection and one 'comment' as follows:

44 Church Hill (Objection):

"We object strongly to the proposed development of a side & rear extension to 42 Church Hill IG101LA. The extension would be visually intrusive in its height & proximity to our property at No 44 Church Hill. The design of the extension wall would greatly impact the light & view from our kitchen/diner where we eat our meals and have done for the past 41 years. It is the width and height we mostly object to. The latest renewed application only reduces the length from 10 metres to 8.5 metres but the height and width remain the same. We have a similar sized wall at 10ft 6in on the extension at No 46 which is also incongruous and out of character to these charming Victorian Villas. To have another plain high brick wall at No42 would greatly upset us & make us feel that we are living in a tunnel. We spend a lot of time in our garden & think it important to preserve the character to the rear of these houses. This extension would be sadly visually intrusive."

40 Church Hill (Comment):

"Referring to the revised planning application, I note that the depth of the proposed extension has been reduced, however I still have concerns regarding the scale and design of the building. As noted in the council's refusal, the plans for the extension remain overbearing and intrusive, largely owing to the height of the structure. I agree with the council's feedback and fear that the height and scale of the planned building would negatively impact my enjoyment of my home and particularly my garden. I believe my living conditions would be seriously affected by the disproportionate and out of keeping design. It doesn't feel very sympathetic to our existing Edwardian period properties.

I have other concerns that I wish to raise again, initially submitted in response to the original planning application. I don't believe that these have been addressed. These are as follows:

I need assurances that the works will protect my property from damp, using sympathetic lead flashing between my roof and the proposed wall. This is a priority and I need to know how the architect plans to address this.

In relation to the support of the party wall. I would like clarity over the proposed wall type, along with confirmation of its adequacy under point load. I would suggest the need for a secondary wall, to protect the party wall and my property. Under no circumstances do I support any damage or undermining of the integrity of my party wall.

I note there is no detail regarding the depth of the proposed excavations for the footings, also detailed surveys need to be carried out in relation to the existing foundations and any potential undermining of my foundations or utilities eg. water/ sewer. I do not anticipate any intrusion into my property, be it via shared walls or in the garden, which includes my fence and landscaping.

I would like these concerns to be addressed in an open and constructive manner."

Issues and Considerations:

The main issues to consider relate to Character and Appearance and Residential Amenity.

Character and Appearance

The depth of existing single storey 'lean to' element to both No 42 and No 40 is approximately 2.7m.

As detailed in the Planning History section below, in 2010 planning permission was granted for single storey rear extensions to the subject property (1.5m deeper than existing lean to) and to the attached neighbour No. 40 (1m deeper than existing lean to). Neither of these permissions have been implemented.

The design and form of the extension proposed by this post app is similar to that previously approved in 2010 and at 3m deep (past the existing lean to), the proposed depth falls between the refused EPF/2655/21 scheme (4.27m past the existing lean to) and the previously approved 2010 scheme (1.5m past the existing lean to).

The proposed extension would infill the existing void created by the L shape of the building in a wraparound form to a depth of 10m from the shallowest part of the rear elevation.

Although the flat roof design is not ideal, the structure would be unseen from the street and the roof form itself does not represent a reason for refusal.

The reduction in depth now proposed is considered sufficient to overcome previous concerns and the proposed extension can now be considered to be a suitable, proportionate addition.

Overall the proposed development is now considered to be acceptable in design, character and appearance terms and in accordance with policies CP2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

Residential Amenity

No 44:

Separation will be maintained in the form of the existing side alleyway and it is not considered that the proposed extension would have a harmful impact on the visual or residential amenities of the occupiers of No 44.

No 40 (attached neighbour):

The proposed extension would extend 3m (reduced from 4.27m) beyond the depth of No. 40's lean to projection along the boundary into the rear garden.

The parapet wall on this side of the extension has also been reduced compared to the previously refused scheme, reducing the height of the extension along the boundary, mitigating the impact on the occupiers of No. 40.

The reduction in depth and height along the boundary are considered to be sufficient to overcome the previous reason for refusal.

Now acceptable in terms of impact on residential amenity.

The proposal complies with policies DBE2, DBE9 and DBE10 from the *Local Plan and Alterations (LP) (1998 & 2006)*, policies DM9 and DM10 from the *Epping Forest District Local Plan Submission Version (LPSV) (2017)* and the NPPF.

Conclusion:

The proposed extension is considered to comply with relevant Local Plan policies and the guidance set out in the NPPF and the application is therefore recommended for approval 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: Kie Farrell Telephone Number: 01992 564248.

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

Conditions: (4)

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.

Reason:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans:

Drawing No. ksd/21/57/01 - Existing Site and Location Plan

Drawing No. ksd/21/57/02 Rev A - Proposed Site Plan

Drawing No. ksd/21/57/03 Rev A - Existing and Proposed Ground Floor Plans

Drawing No. ksd/21/57/04 Rev B - Existing and Proposed Roof Plans

Drawing No. ksd/21/57/05 - Existing and Proposed Rear Elevation

Drawing No. ksd/21/57/06 Rev B - Existing and Proposed Side Elevations (as viewed from No. 44)

Drawing No. ksd/21/57/07 Rev B - Existing and Proposed Side Elevations (as viewed from No. 40)

Drawing No. ksd/21/57/08 Rev A - Existing and Proposed Sections.

Reason: For the avoidance of doubt and to ensure the proposal is built in accordance with the approved plans.

- 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 [or those specified on the approved plans, or those specified in the submitted application form].

Reason: To ensure a satisfactory appearance in the interests of visual amenity of the area, in accordance with policy DBE10 [or DBE1 if structure is not a residential extension] of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 4 Access to the flat roof over the 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.

Reason: To safeguard the privacy of adjacent properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

Informatives: (1)

- 5 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.