

OFFICER REPORT

Application Ref: EPF/0210/22
Application Type: Full planning permission
Case Officer: Rhian Thorley
Site Address: Mulberry Cottage
Forest Side
Epping
CM16 4ED
Proposal: Erection of two storey side extension.
Ward: Broadley Common, Epping Upland and Nazeing;Theydon Bois
Parish: Theydon Bois
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Ny0s>
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, and the Local Council confirms it intends to attend and speak at the meeting where the application will be considered (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a two-storey detached Victorian dwelling, with a two-storey extension on the left-hand side (south) and a first-floor extension on the right-hand side to the rear (northwest). It is a locally listed building, located to the south of Forest Side in the Metropolitan Green Belt. It is not within a Conservation Area.

Proposal

The proposal is for a double storey side extension.

Pre-application advice was sought in 2020 (ref. EF\2019\ENQ\01145) to understand the possibilities for extending the property to the side and rear at two storeys. The Conservation Team undertook a site visit on the 29th of January 2020, concluding that the building was little altered when compared with Ridge House and Brackley, and therefore, any future applications considering an extension should respect its original form and layout.

The application has been amended since its initial submission in March 2022 to address the Conservation Team's objections to the proposed design, scale, density, massing and height of the extension; and the proposed design, size and placement of the openings along the front and rear of the extension. This revised application follows a previous iteration of the same scheme.

The two-storey side extension has a maximum width of 4.5m and is set in at least 1.5m from the common boundary with Theydon Towers. The eaves and ridge height are lower than that of the existing dwelling.

Relevant Planning History

EF\2019\ENQ\01145 - Retention of existing front facade, proposed two storey side and rear extensions – Pre-application advice given.

EF\2019\ENQ\01156 - Proposed two storey side & rear extensions with the retention of front façade – Pre-application advice given.

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
GB2A	Development in the Green Belt
HC13A	Local List of Buildings

National Planning Policy Framework 2021 (NPPF)

The 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 NPPF.

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

Paragraphs 147, 148 and 149; 184; 190, 192, 193 and 194.

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 the NPPF. The following policies are relevant to the determination of this application;

DM4	Green Belt
DM7	Heritage Assets
DM9	High Quality Design
DM10	Housing Design and Quality

Summary of Representations

Number of neighbours Consulted: 4. 0 responses received.

Site notice posted: No, not required.

THEYDON BOIS PARISH COUNCIL – STRONG OBJECTION (Received prior to amended plans)

Situated to the north of Theydon Bois on Forest Side in the Metropolitan Green Belt, Mulberry Cottage is a two-storey Victorian detached dwelling on a trapezoid shaped plot. The principal elevation of the house fronts on to Forest Side, and its rear boundary looks directly on to Epping Forest Special Area of Conservation. Of traditional Victorian villa design, the house is included on the Local List of Buildings of Special Architecture or Historic Interest.

The house sits comfortably within the landscape setting of its surroundings. The house has a single storey extension on its north elevation, which is set back from the principal elevation. The proposal seeks to alter the scale of the house by adding a substantial two-storey side extension with gable end pitch roof to its south elevation.

The roof design of the proposal is orientated at a right angle to the existing double pitch roof of the house. The Planning Committee feels that this gives the appearance of the roof of the extension being of greater height than that of the main roof, and that its differently angled orientation sits uncomfortably with the roof scape of the existing house. This being, in the Committee's opinion, contrary to a statement in the Design and Access Statement submitted with this application which says that "the roof is designed as a gable end extension to catch compatibility with the original house as well as the surrounding neighbourhood."

At more than 50 per cent of the size of the existing house, the proposal also appears – in the Committee’s view – to be disproportionately large and over dominant, creating the impression of being a separate building rather than a sympathetic extension that complements the scale and architecture of the existing house. The Committee takes issue with the statement in the Planning Statement submitted with this application which says: “The character and appearance of the proposed development would blend aesthetically with the host building and the wider scene ... it would be modest in scale and be a proportionate addition to the property.”

At two storeys, with a footprint of 4.6 metres wide and more than 12 metres deep, the proposal is evidently not modest in scale. It would enclose the plot on its southern side, thereby filling the visual gap that currently exists between Mulberry Cottage and the neighbouring property, Theydon Towers. Due to this infilling, the new addition would create the appearance of a cramped development, in conflict with the pattern of development in the locality. It is felt that this would also detract from the openness of the Green Belt.

In the Committee’s opinion, the appearance of the proposal does not complement that of the original house, and would represent an awkward and disproportionate addition, in terms of both its size and scale and its architectural design.

In conclusion, the proposal is considered to be of a poor quality of design, that would fail to respect and complement the form, setting and detailing of this Locally Listed house, and would thereby constitute inappropriate development in the Green Belt – contrary to the provisions of Policies DBE4, DBE10, GB2A, and GB7A of the Epping Forest District Current Local Plan, 1998 (with alterations of 2006); Policies DM 4, DM 9 and DM 10 E of the Epping Forest District New Local Plan (2011-2033) Submission Version, 2021; and the provisions of Paragraph 149 of the NPPF, 2021.

EFDC DRAINAGE TEAM – NO OBJECTION.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality;
- b) The impact on the living conditions of neighbouring properties;
- c) The impact on the Metropolitan Green Belt; and
- d) Representations received

Character and Appearance

The original scheme was not considered to respect the original form and layout of the existing building due to its inappropriately dominating frontage being unacceptable on scale and design terms.

With regards to scale, the extension’s eaves height and ridge line, along with the width, have been reduced as part of the amended scheme. The extension has also been set back from the front building line by 1m. These amendments result in the extension now appearing subordinate to the principal building and are considered acceptable to officers.

In terms of design, the original scheme appeared to be inspired by the principal building through the inclusion of quoins. In this instance however, they caused the extension to appear over-prominent and excessively decorated. This was particularly found to be the case at the rear (west) elevation, where the principal building does not include quoins. The amended scheme has removed the quoins and as such is considered to be a more sympathetic proposal to the appearance of the principal building form.

Officers also found the original scheme’s proposed placement openings at the front and rear of the extension to be unacceptable.

The opening to the front (east) of the new office space on the ground floor was considered to result in a disruptive and over-dominant feature to the front façade of the house, compromising the importance of the front door. It was also considered that the relationship of the extension to the principal building and the dwelling's relationship to the street would also be negatively affected as a result of this. This element of the proposal has been removed as part of the amended scheme, with the double doors being replaced by a single window. The continuation of the entry stairs at the front elevation was also objected to and removed from the amended scheme as a result. Similarly, the design and placement of the doors/windows to the rear (west) were found unacceptable and reduced in size as a result.

Further, the proposed use of a pair of double windows at the first-floor level at both the front and rear elevation was not considered sympathetic to the existing windows. The amended scheme proposes a traditional double-pitch roof with projecting rear dormer which is considered more subservient to the principal dwelling and more sympathetic as a result.

As a result of these changes, the amended scheme is considered acceptable by officers in terms of the design's character and appearance. This is supported by policies HC13A of the Adopted Local Plan and Alterations, policy DM7 of the Local Plan Submission Version, and paragraphs 184, 190, 192, 193 and 194 of the NPPF.

Living Conditions

The only property this proposal may impact on is Theydon Towers on the site's southern boundary. Theydon Towers is significantly larger than the host dwelling and has no windows on the adjacent flank wall. The proposed extension does not extend further forward or protrude further rearwards than Theydon Towers' front and rear elevation. As a result, the proposal would not cause material harm in terms of loss of light, loss of privacy, visual impact or be overbearing and is therefore in compliance with Policies CP7 & DBE9 of the Adopted Local Plan, Policy DM9 (H) of the Local Plan Submission Version and the NPPF.

Green Belt

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, however one of the exceptions to this is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Whilst the original property would be substantially extended as a result of the proposal, the existing extensions and the extension proposed as part of this application are set back and positioned in a way that enables them to appear proportionate. The site forms a row of detached dwellings on the outskirts of the main village and it is not considered that the proposed development would materially reduce the openness of the Green Belt, particularly given the extent at which neighbouring properties have been extended.

The proposed extension is not therefore considered to be a disproportionate addition and complies with local policies and the NPPF.

The proposal therefore complies with policies GB2A of the Adopted Local Plan and Alterations, policy DM4 of the Local Plan Submission Version (2017), and paragraphs 147, 148 and 149 of the NPPF (2021).

Representations Received

Theydon Bois Parish Council

The Parish Council objected to the application on the following grounds:

- *The roof design of the proposal is orientated at a right angle to the existing double pitch roof of the house. The Planning Committee feels that this gives the appearance of the roof of the*

extension being of greater height than that of the main roof, and that its differently angled orientation sits uncomfortably with the roof scape of the existing house. This being, in the Committee's opinion, contrary to a statement in the Design and Access Statement submitted with this application which says that "the roof is designed as a gable end extension to catch compatibility with the original house as well as the surrounding neighbourhood.

The roof design has been addressed in the amended scheme which addresses the matters raised by the Conservation Team and Parish Council.

- *At more than 50 per cent of the size of the existing house, the proposal also appears – in the Committee's view – to be disproportionately large and over dominant, creating the impression of being a separate building rather than a sympathetic extension that complements the scale and architecture of the existing house. The Committee takes issue with the statement in the Planning Statement submitted with this application which says: "The character and appearance of the proposed development would blend aesthetically with the host building and the wider scene ... it would be modest in scale and be a proportionate addition to the property.*

The extensions (existing and proposed) would exceed 50% of the size of the original dwelling, as would the extensions of many of the surrounding properties. However, as stated in the above Character & Appearance section, officers deem the amended scheme to address concerns around scale following the proposal's reduction in height and amended roof design.

- *At two storeys, with a footprint of 4.6 metres wide and more than 12 metres deep, the proposal is evidently not modest in scale. It would enclose the plot on its southern side, thereby filling the visual gap that currently exists between Mulberry Cottage and the neighbouring property, Theydon Towers. Due to this infilling, the new addition would create the appearance of a cramped development, in conflict with the pattern of development in the locality. It is felt that this would also detract from the openness of the Green Belt.*

Whilst the amended proposal has been reduced in size, it would still enclose the plot on its southern side filling the visual gap that currently exists between Mulberry Cottage and Theydon Towers. However, a number of properties in this row have been extended to this extent, and given their location and siting, this is not considered to materially reduce the openness of the Green Belt as detailed in the Green Belt section of this report.

- *In the Committee's opinion, the appearance of the proposal does not complement that of the original house, and would represent an awkward and disproportionate addition, in terms of both its size and scale and its architectural design.*

Officers deem the amended scheme to address concerns around the extension appearing disproportionate in scale and design, as detailed in the above Character & Appearance section of this report.

- *The Planning Committee of the Parish Council has raised objection to this application. We would be prepared to send a representative to an Area Planning Sub-Committee of EFDC, if this method of determination is deemed appropriate.*

EFDC Drainage Team

The applicant is proposing to dispose of surface water by existing watercourse. However, our records do not indicate a watercourse at this location. Further details are required. Please add condition SCN16 requiring approval of surface water drainage details by the Local Planning Authority prior to preliminary groundworks commencing.

No objection to planning application in principle, subject to the approval/implementation of the requirements set out above by this team.

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: Rhian Thorley

Direct Line Telephone Number: 01992 564115 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (4)

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

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: 01- 00; 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 02- 01; 02; 03; 04; 05; 06; 07; 08; 09; 10.

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

- 3 Photographed samples of the types and details of colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with policy HC10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 of the Local Plan Submission Version 2017, and the NPPF.

- 4 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with policy RP3 of the adopted Local Plan and Alterations 1998 & 2006, policies DM16 and DM18 of the Local Plan Submission Version 2017, and the NPPF.

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.