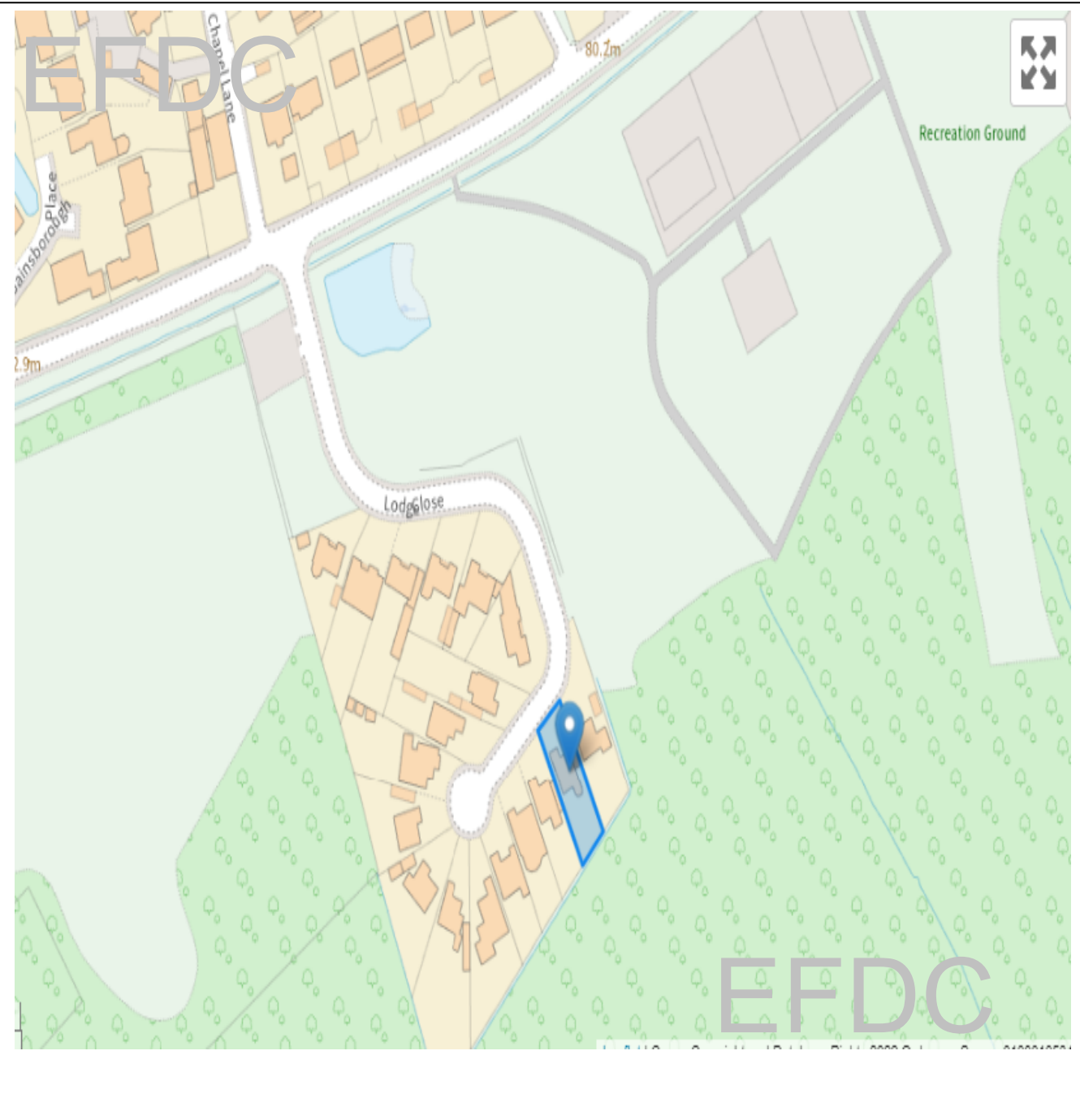




Epping Forest District Council



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Application Number:	EPF/0414/22
Site Name:	17 Lodge Close Chigwell Essex IG7 6JL

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OFFICER REPORT

Application Ref: EPF/0414/22
Application Type: Householder planning permission
Applicant: Ms Bing Zhang
Case Officer: Rhian Thorley
Site Address: 17 Lodge Close
Chigwell
Essex
IG7 6JL
Proposal: Two floor side and ground floor rear, part first floor rear extension.
Ward: Chigwell Row
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyTj>

Recommendation: Approve with Conditions

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).

This application was deferred from the previous meeting for clarification on whether the property is used as a HMO. This issue is discussed in the 'other matters' section of this report

Site and Surroundings

A site visit was carried out on 25th April 2022. The site comprises of a detached house located in the Metropolitan Green Belt. It is not listed nor in a conservation area.

Proposal

The proposal is for a two storey side extension and part-single part-two storey rear extension. The existing car port to the side, and conservatory at the rear, would be demolished to make way for the proposed extensions.

The two storey side extension forms the entire eastern flank wall on the ground floor, and the majority of the of the eastern flank wall on the first floor (it is set back 0.5m from the principal elevation of the dwelling on the first floor). The side extension extends to a depth of 1.5m, leaving a walkway between the property and its boundary line. Its eaves height matches that of the main roof, and it has an overall height of 7.8m which is 0.2 below that of the main roof ridge.

The single storey rear extension has a depth of 4m with an eaves height of 2.8m, and a sloping roof with an overall height of 3.9m.

The first-floor rear extension has a depth of 3m. Its eaves height matches that of the main roof, and an overall height of 6.2m which is 1.5m below that of the main roof ridge.

Relevant Planning History

CHI/0169/70 – Porch and car port – Granted.

EPF/0447/92 – Single and double storey front and side extensions and single storey rear extension – Granted.

EPF/0413/22 - Application for a Lawful Development certificate for a proposed ground floor rear extension; loft conversion with rear dormer and front roof lights, replacing porch roof with a pitched roof – Lawful.

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
GB2A	Development in the Green Belt
DBE9	Loss of Amenity
DBE10	Residential Extensions

National Planning Policy Framework 2021 (Framework)

The Framework 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:

Paragraphs 126, 130, 147, 148 & 149.

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

SP1	Presumption in Favour of Sustainable Development
DM4	Development in the Green Belt
DM9	High Quality Design
DM10	Housing Design and Quality

Summary of Representations

Number of neighbours Consulted: 4. 2 responses received

Site notice posted: No, not required

6 LODGE CLOSE - Objection

"Number 17 already has a person living in each room, sharing a bathroom, downstairs toilet and kitchen. Any extension would not only block out the light for number 18 and 16, but would also spoil the look of the house. It would also mean more parking of cars in the street as there are not enough space to park cars at the front of the house."

18 LODGE CLOSE - Comment

"17 Lodge Close is an HMO currently with 5/6 residents. At present in addition to the 4 bedrooms the ground floor lounge and reception room are both used as bedrooms The planning proposal expands the size of the property showing only four bedrooms. There are other areas that could be used as additional bedrooms on ground floor -lounge and reception and on first floor front area. Correct HMO safety codes must be part of planning requirement.

There are 2 Asthmatics in our family and there is a concern that a lot of building work in such close proximity may exacerbate the conditions. There is also a family member receiving treatment for prostate cancer.

The final concern is that our house is surrounded by Chigwell woods which is good but keeps our house quite dark. extensions to no17 will significantly affect our light levels."

CHIGWELL PARISH COUNCIL – Objection

"The Council OBJECTS to this application, because the proposed extension would constitute an over-development of the site and is not in keeping with the existing street scene."

CHIGWELL RESIDENTS ASSOCIATION – Objection

"Concerns:

- over development/ bulk

- loss of green space/garden area

- loss of amenity for neighbours (overlooking? Loss of light?)
- adverse visual impact”

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 Green Belt

Character and Appearance

Lodge Close is a small cul-de-sac made up of semi-detached dwellings. A number of properties on Lodge Close have been extended at the side providing a mix of forms and a varied street scene.

The proposal seeks to extend the host-dwelling to the eastern side at a depth of 1.5m. It would leave a gap of some 1m between the dwelling and its boundary with No.18. It would cover the entire flank wall at ground floor level, form part of the front elevation of the dwelling, and the majority of the flank wall at first floor level. This is considered to be an acceptable addition to the property. Its scale and form do not appear excessive in comparison to the existing building or the street scene and would not therefore constitute over-development of the site.

The rear extension is unlikely to be seen from the highway. Nonetheless, the proposal is considered to complement the rear elevation of the property.

As a whole, the proposal is considered acceptable in terms of its scale, form, detail, elevations, materials, roofing and fenestration.

Living Conditions

The main properties to consider in terms of neighbouring amenities are adjacent Nos.16 (on the western boundary) and 18 (on the eastern boundary).

No.18:

Whilst the side extension is two storeys, it is only 1.5m deep and would not extend to the boundary line (as with the existing garage). The 45 degree rule (as annotated on drawing no. 17/lodgeclose-existing) demonstrates that the impact on the occupants of No.18 in terms of loss of light would be minimal.

Whilst it is noted that similar extensions, e.g. that of No.15, are set back from the rear elevation on the first floor this is not considered necessary because the proposed extension does not extend to the boundary line as with other examples on Lodge Close.

The rear extension would replace an existing conservatory which currently obscures the 45 degree angle of sight for No.18. The proposed angle of the extension's pitched roof means that the impact on the occupants of No.18 would not considerably differ from that of the existing conservatory and it is not therefore considered detrimental to the occupants in terms of overshadowing, loss of light, overlooking, visual impact or being overbearing.

No.16:

As No.16 sits further back than the host dwelling, the ground floor rear extension would bring the host dwelling in line with No.16. This means that neither the ground floor nor first floor extension would extend further rearwards than No.16. This reduces any potential impact of overshadowing, loss of light, overlooking, visual impact or being overbearing.

Green Belt

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One of the exceptions to this are: 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. The proposal is not considered to result in disproportionate additions over and above the size of the original building and is therefore acceptable with regards to the Green Belt.

Other Matters

During the consultation period, concerns were raised around the site being used as an HMO property. The applicant and owner of the property has confirmed that the property is currently leased via an agency and has only ever been under the tenancy of one family comprising of five members. The applicant has also advised the council that, when planning permission is obtained for the enlargement of the property, she intends to use the property for her own family.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that planning permission be approved with planning 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: Rhian Thorley

Direct Line Telephone Number: 01992 564415 or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Conditions: (4)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: LOCATION PLAN; PROPOSED BLOCK PLAN; PROPOSED PLANS & ELEVATIONS; EXISTING PLANS & ELEVATIONS; EXISTING & PROPOSED STREET VIEW.

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

- 2 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).

- 3 Prior to first occupation of the building/extension hereby permitted the window in the eastern flank elevation 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 window 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.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with policy DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM 9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building as 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 of the adopted Local Plan 1998 & 2006, and Policy DM9 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.