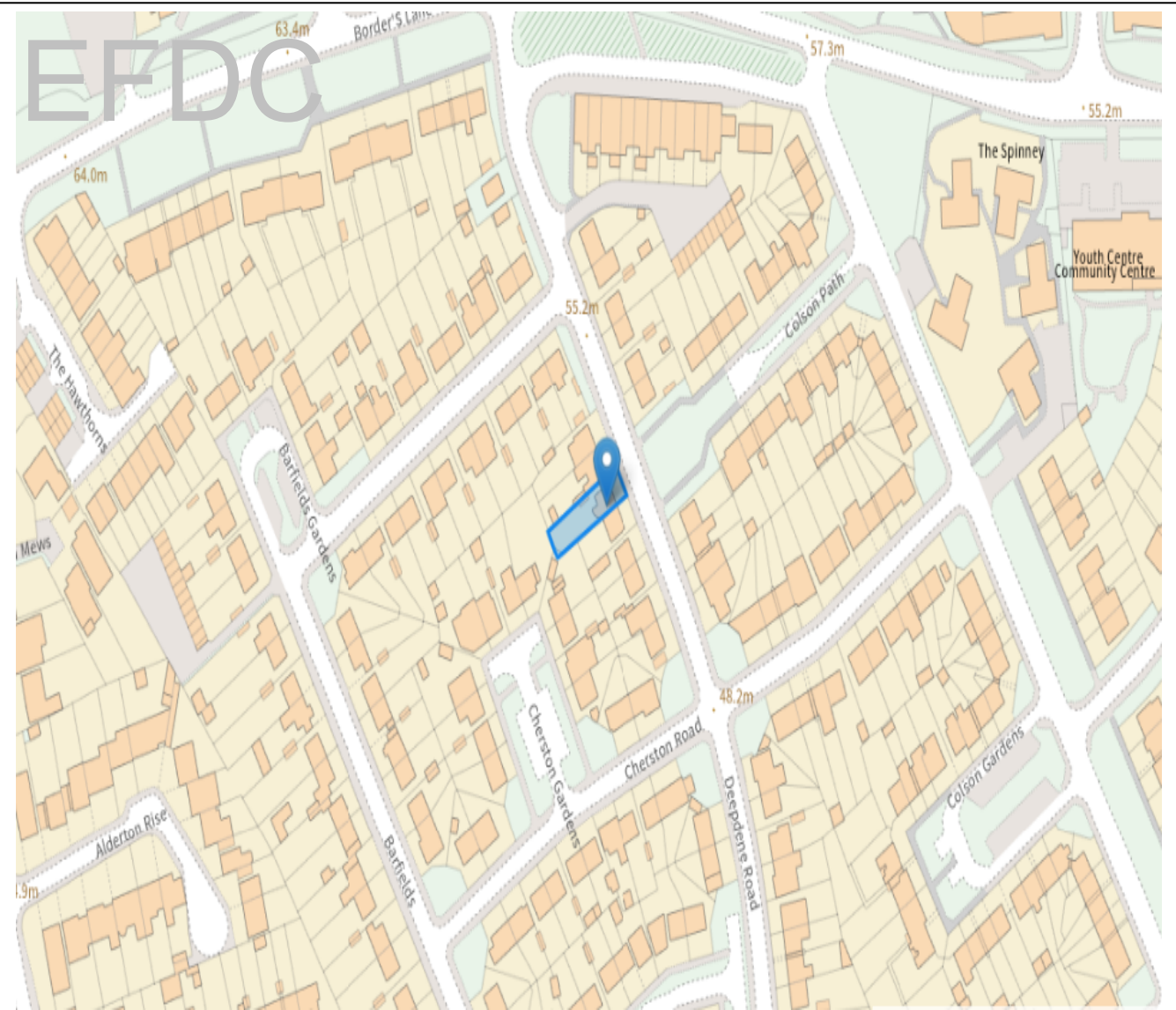




Epping Forest District Council



EFDC

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Application Number:	EPF/0826/22
Site Name:	71 Deepdene Road Loughton IG10 3PH

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OFFICER REPORT

Application Ref: EPF/0826/22
Application Type: Full planning permission
Applicant: Mr Ramazan Jakupi
Case Officer: Kie Farrell
Site Address: 71 Deepdene Road
Loughton
IG10 3PH
Proposal: Demolition of existing pre-fab house and replacement of a new dwelling house.
Ward: Loughton Alderton
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyZr>

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:

71 Deepdene Road is a semi-detached, two-storey, 3 bedroom property, attached to number 69. A small conservatory has been added at the rear. It is located within the built-up area of Loughton.

An outbuilding has recently been constructed in the rear garden (EPF/2998/21).

The site is not within a conservation area nor is it a listed building.

Description of Proposal:

Demolition of existing pre-fab house and replacement of a new dwelling house.

- 3 bedroom, 5 person house proposed.
- Same ridge and eaves height as existing house
- Front building line as existing except for addition of front porch
- Wider than existing house but 1m gap to side boundary retained
- 3m deeper at ground floor rear than existing
- Existing garden size reduced as a result outbuilding currently under construction and 3m deep ground floor rear extension proposed
- Cream buff brick proposed facing material
- Existing off-street parking for 1 or 2 cars retained

On 16th June 2022 an additional drawing was received (1597/07 – Site Plan as Existing and Proposed) which shows the proposed development and rear garden area.

Relevant Planning History (031246):

EPF/3202/21

Demolition of existing pre-fab house and replacement of a new traditional energy efficient dwelling

Refused 17.02.2022

Reasons for refusal:

1. The two storey rear projection of the proposed replacement dwelling by reason of its design, scale and depth would appear as an disproportionate and incongruous element which fails to complement or enhance the appearance of the 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.
2. The two storey rear projection of the proposed replacement dwelling by reason of its design, scale and depth would appear overbearing and visually intrusive when viewed from the rear facing windows and gardens of the immediate neighbouring properties No. 69 and 73 Deepdene Road 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.
3. The proposed development would provide insufficient useable amenity space for future occupiers resulting in a poor quality of accommodation for future occupiers contrary to policies DBE8 of the adopted Local Plan 1998 & 2006, policies DM10 of the Local Plan Submission Version 2017 and the NPPF 2021.

EPF/1879/21

Application to determine if Prior Approval is required for a Larger Home Extension measuring 6.00 metres, height to eaves of 3.00 metres & a maximum height of 3.00 metres.

Prior Approval Required and Refused 12.08.2021.

Reason for refusal: *Based on the application of the 45-degree rule, the proposed development would harm the living conditions of neighbours at number 69 by unacceptably reducing the daylight / sunlight entering their ground floor rear windows. The proposal would also result in an overbearing and overly enclosed form of development that would materially impact upon the outlook of occupiers at the adjoining property. As such, this proposal is contrary to policy DBE9 of the Adopted Local Plan (1998 & 2006), to policy DM9 (H) of the Local Plan Submission Version (2017) and to paragraph 130 (f) of the NPPF (2021).*

EPF/2998/21

Application for a Lawful Development certificate for a proposed new outbuilding at the rear of the garden.

Lawful 03.02.2022.

Policies Applied:

Epping Forest Local Plan and Alterations 1998/2006

- CP1 – Achieving Sustainable Development Objectives
- CP2 – Protecting the Quality of the Rural and Built Environment
- CP3 – New Development
- CP4 – Energy Conservation
- CP5 – Sustainable Building
- CP6 – Achieving Sustainable Urban Development Patterns
- CP7 – Urban Form and Quality
- DBE1 – Design of New Buildings
- DBE2 – Effect on Neighbouring Properties
- DBE3 - Design in Urban Areas
- DBE6 – Parking in New Developments

DBE8 – Private Amenity Space
DBE9 – Excessive Loss of Amenity to Neighbouring Properties
ST1 – Location of Development
ST2 – Accessibility of Development
ST4 – Road Safety
ST6 – Vehicle Parking
H2A – Previously Developed Land
H3A – Housing Density
H4A – Dwelling Mix
LL10 Adequacy of Provision for Landscape Retention
LL11 Landscaping Schemes
U1 Infrastructure Adequacy
RP4 Contaminated Land
I1A Planning Obligations

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
H1: Housing mix and accommodation types
DM2: Epping Forest SAC and Lee Valley SPA
DM9: High Quality Design
DM10: Housing design and quality
DM11: Waste Recycling facilities in New Development
DM16: Sustainable Drainage Systems

Consultation Carried Out and Summary of Representations Received:

Loughton Town Council: Objection:

"The Committee OBJECTED to this application on the grounds that the materials used will be out of keeping with the current neighbouring properties in the road and will be detrimental to the street scene.

The porch extension would appear incongruous to the property, causing a negative impact on the street scene.

10 neighbours consulted: 2 responses received comprising 2 objections:

69 Deepdene Road:

"Letter ID - 1177138 not recognised above.

71 and 69 are next door to each other, semi-detached properties sharing a wall. Both are BISF properties. The houses are built on a sloped road, sloping downwards so 71 is higher than 69.

I object to the application to reconstruct 71 to a brick built fabrication. The weight of bricks against my steel framed BISF house on a sloped road will be significant. There is no assessment by the applicant as to the impact it will have. The surrounding properties on this side of the road are BISF. The brick construction will be completely out of place with the other houses on this side of the road. The houses on the opposite side of the road are brick built from the outset, they have not been changed from a BISF house to a brick built one. My property will be significantly affected by the demolition and construction as it shares a wall with 71.

This is a repeat application, I raised the same concerns previously and none of them have been addressed by the applicant, they have essentially submitted the same application again in the hope

there will be no objection! I have grave concerns about the proposed plans for the reasons I have stated.

I object to the rear extension as it will have a detrimental impact on the natural light into the garden of 69 and the privacy of my tenants.

In addition, I have concerns about the impact of the applicant's plans on drainage. My tenant advises construction work is being undertaken in the garden. Previous works undertaken by neighbouring properties have resulted in blocked drains for 69 and required emergency callouts.

This is a repeat application. Previously the environmental and drainage team required further information as to how surface water will be disposed of. I cannot see that this issue has been addressed in the current application.”

73 Deepdene Road:

“I’m not objecting to the build however I’m Objecting to the time they work on this property currently they have been working 6-7 days a week from 7am till late drilling banging and making noise. Also taking over the road with lorries cars and mess

They have already built and oversized dwelling in garden which seems to be to live in.

There has to be a cut off point as to time and days worked in this property.”

Officer response to objections

Loughton Town Council – The proposed materials are acceptable in the context of the immediate surrounding area where a variety of facing materials are evident. Other nearby dwellings feature a front porch and therefore feature would not be incongruous.

69 Deepdene Road – Construction methodology is not a material planning consideration. The two storey rear element has been reduced to single storey and will not harmfully impact the residential amenity of the occupiers of No. 69. Surface water drainage details will be the subject of a planning condition.

73 Deepdene Road – These comments appear to relate to the construction of the outbuilding. A standard construction working hours condition will be added in the event that this application for a replacement dwelling is approved.

EFDC Land Drainage:

“The applicant is proposing to dispose of surface water by sustainable drainage system. 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.”

EFDC Contaminated Land:

“I have screened readily available records held by the Council for this site including our GIS database and aerial photographs. From the records I can see the site has no acknowledged potentially contaminated land.

As this proposal is for demolition, development and subsequent residential land use - a sensitive land use, it is necessary to investigate all potential land contaminative issues.

I have reviewed the documents submitted on behalf of this application and I have noted that no contaminated land assessment has been submitted for this application to date. In line with Essex Contaminated Land Consortium Land Affected by Contamination Guidance and National Planning Guidance, the applicant is advised to submit a Phase 1 and as necessary a Phase 2 and a Detailed Remediation Scheme produced by a National Planning Policy Framework defined "Competent Person" with any application made to develop the site.

Due to the sensitive nature of the proposed residential use, I recommend that the land contamination condition NSCN57 be attached to any approval. Once a contaminated land assessment document has been received and reviewed the attached condition will be considered for discharge."

Issues and Considerations:

The main issues to consider relate to Design, Character and Appearance, Residential Amenity, Quality of Accommodation and Highways Safety/Parking.

Design, Character and Appearance

The two storey rear projection previously proposed under refused application EPF/3202/21 has now been removed.

The main difference between the existing and proposed houses is the proposed single storey rear extension proposed as part of the replacement dwelling.

The proposed house would also be slightly wider and would be constructed from brick.

Single storey rear extensions are commonly found on nearby neighbouring houses and as such the proposed 3m deep single storey rear element would not be unacceptable in its own right as an extension to the existing house. It is therefore also acceptable as part of the replacement dwelling.

Other nearby dwellings feature front porches. The front porch element is considered to be an acceptable addition in design, character and appearance terms.

A weathered cream buff brick is proposed as the primary facing material along with a smooth grey Marley Ashmore roof tile and Anthracite Grey aluminum windows. The proposed material are considered to be acceptable in the context of the immediate surrounding dwelling where a wide variety of facing materials are evident.

The proposed replacement dwelling is now considered to be acceptable in design, character and appearance terms.

Residential Amenity

The previously proposed two storey rear element that was considered to have a have an overbearing and harmful impact on the visual amenity of both immediate neighbouring properties (69 and 73) has now been removed and reduced to a single storey rear element.

The proposed replacement dwelling is now considered to be acceptable in terms of impact on the residential amenity of the neighbouring properties.

Quality of Accommodation

A 3 bed, 5 person dwelling over 2 storeys is required to be a minimum of 93 sq m floor area to comply with the National Residential Space Standards.

The proposed dwelling has a GIA of 110 sq m which exceed the minimum requirement.

All habitable rooms would benefit from acceptable levels of light and outlook.

Adopted Policy DBE8 states that new residential developments will be expected to provide private amenity space of a size shape and nature which enables reasonable use.

Whilst the size of the original rear garden has been reduced by the recently built outbuilding and would be reduced further by the proposed single storey rear element, a rear garden area of approximately 80 sq m would remain and this is considered to be sufficient amenity space for the proposed dwelling.

Overall, the quality of accommodation is considered to be acceptable.

Highway Safety/Parking

The existing off street parking for 1 or 2 cars on the front drive would be retained.

Sustainability:

The applicant is proposing Solar PV on the roof of the replacement dwelling in order to reduce carbon emissions and electricity need.

The provision of the Solar PV array will be secured by planning condition.

Epping Forest SAC

Replacement dwellings are not considered to have any additional impact on the integrity of the EFSAC, both in terms of recreational pressure and air pollution, as there would be no increase in visitors to the Epping Forest, nor an increase in vehicle movements above what is currently achievable with the existing dwelling. Therefore, as competent authority, the Council is satisfied that the proposed development complies with the Habitats Regulations 2017, policy DM2 and DM22 of the LPSV and paragraph 175 of the Framework.

Conclusion:

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: (13)

- 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:

Drawing 1597/00 – Site Location Plan

Drawing 1597/01 – Block Plan as Existing and Proposed

Drawing 1597/02 – Floor Plans as Existing

Drawing 1597/03 – Elevations and Sections as Existing

Drawing 1597/04 – Floor Plans as Proposed

Drawing 1597/05 – Elevations and Sections as Proposed

Drawing 1597/06 – Street Elevation as Existing and Proposed

Drawing 1597/07 – Site Plan as Existing and Proposed

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 specified on the approved plans and documents, 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 of the adopted Local Plan 1998 & 2006, and Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 4 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.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policies RP5A and DBE9 of the adopted Local Plan 1998 & 2006, and policies DM9 and DM 21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

Reason: To avoid the deposit of material on the public highway in the interests of highway safety, in accordance with policy ST4 of the adopted Local Plan and Alterations 1998 & 2006, policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 6 Access to the flat roof 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.

- 7 Prior to first occupation of the building hereby permitted the window in the flank elevation at first floor level facing No. 73 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.

- 8 Prior to any above groundworks, a strategy to facilitate super-fast broadband for future occupants of the site shall have been submitted to and approved in writing by the Local Planning Authority (LPA). The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the LPA that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure the development contributes to supporting improved digital connectivity throughout the district and supports the wider aims and objectives for reducing car-led air pollution, improving the health and wellbeing of residents and visitors including the EFSAC, in accordance with policy CP1 of the adopted Local Plan 1998 & 2006, Policies D5, DM2, DM9, DM10 & DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 9 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.

- 10 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 11 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B, C, D, E and F of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The ensure further consideration is given with regards to the effect on the character and appearance of the area and living conditions on adjoining properties, in accordance with policy DBE9 of the adopted Local Plan 1998 & 2006, Policy DM9of the Local Plan Submission Version 2017, and the NPPF 2021.

- 13 The photovoltaic panels as shown on drawing number 1597/05 shall be installed prior to first occupation of the development hereby approved and then retained in perpetuity. Reason: in the interests of promoting sustainable and renewable energy in accordance with policy DM 20 of the Epping Forest Local Plan (Submission version) 2019 and with the objectives of the NPPF.

Informatives: (1)

- 14 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.