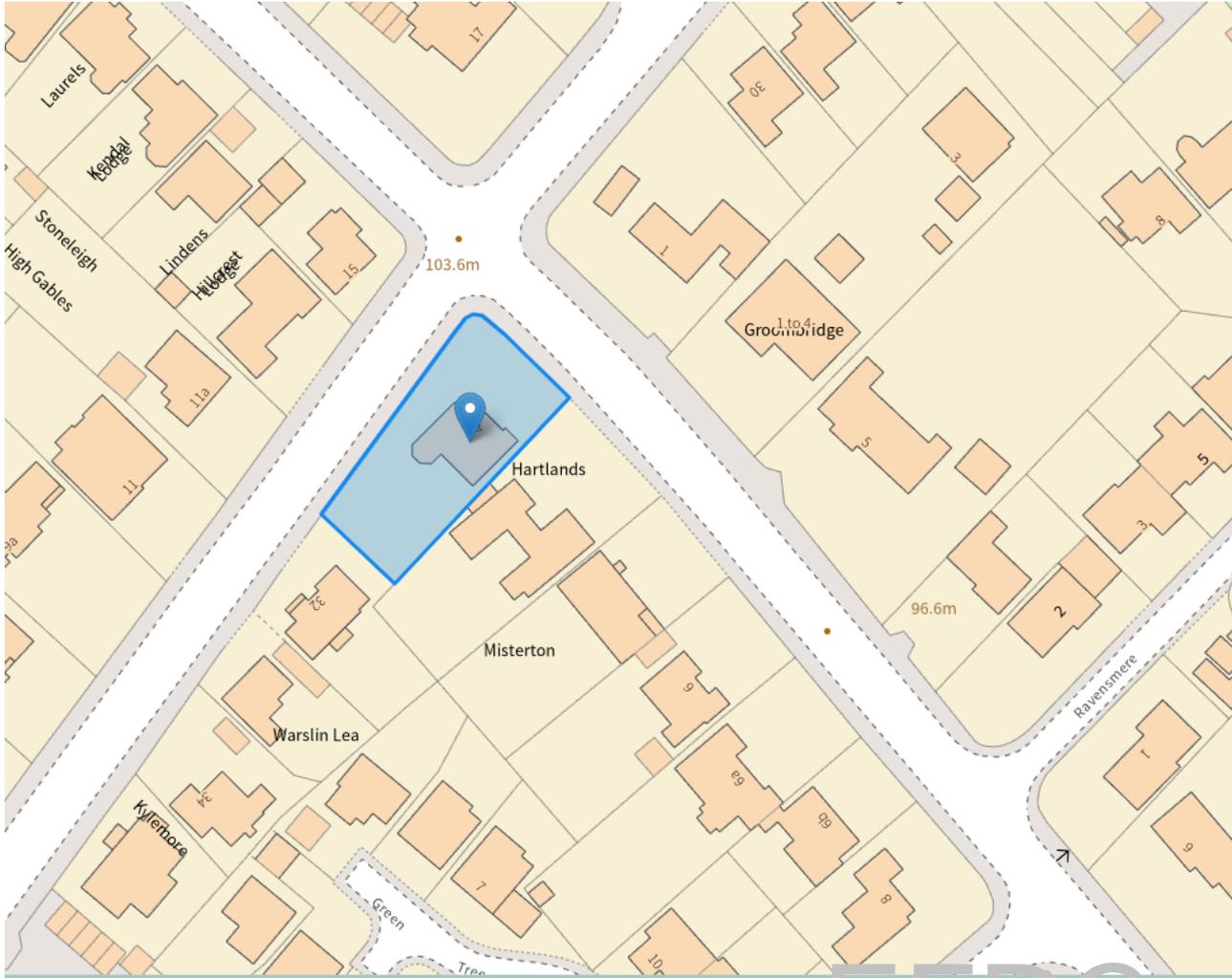




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Application Number:	EPF/3050/21
Site Name:	4 Kendal Avenue Epping, CM16 4PN

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OFFICER REPORT

Application Ref: EPF/3050/21
Application Type: Full planning permission
Applicant: Mr Virk
Case Officer: Caroline Brown
Site Address: 4 Kendal Avenue
Epping
CM16 4PN
Proposal: Demolition of existing dwelling and construction of a new dwelling.
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NxJo>
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 an objection has been received from at least one non-Councillor resident material to the planning merits of the proposal. (Pursuant to The Constitution, Part Three: Scheme of Delegation from Full Council).

Description of Site:

No.4 comprises of a 2-storey traditional hip roof detached dwellinghouse located to the west of Kendal Avenue, a corner site adjacent to Hartland Road which is residential in character defined by predominantly detached houses with some flat developments. The properties vary in design, size, age and spacing and well set back from the highway.

The site is within the built-up urban area of Epping and in walking distance of the Town Centre. The site lies outside of a conservation area and is not listed.

Ground levels around the site rise to the northwest and fall to the southeast. The Lime and Sycamore Trees sited to the front of the site are protected by Tree Preservation Orders.

Description of Proposal:

Permission is sought for the demolition of the existing dwellinghouse and the erection of 2 storey 5 bed detached dwelling involving rooms in the roof with side and rear dormers. The existing vehicle access to the north boundary of the site is to be removed.

Relevant History:

EPF/2206/19 - demolition of the existing detached house and replacement with a highly detailed new mansion building containing 6 apartments following refusal of a 5, 2 bedrooms flats, unit proposal.- Refused - 06/11/2019

EPF/1348/18 - Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 5, 2 bedrooms flats, with allocated parking, cycle store and bin store. Refused Permission on 13/08/2018.

Dismissed on appeal Appeal 29th March 2019 Ref APP/J1535/W/18/3215517

EPF/2335/17 – Demolition of existing 4 bed house. Construction of 3 storey block of flats consisting of 6 no. 2 bedroom flats. Allocated parking. Cycle store. Bin store. Refused Permission on 25/10/2017 for the following reason:

- Due to its excessive height and its width fronting onto Hartland Road, and design detailing including the provision of narrow 3 storey gable features, which intrude into the roof, the proposed development will result in a prominent and incongruous feature in the street scene, entirely out of scale and keeping with the prevailing pattern of development in the locality, and harmful to the character and visual amenity of the area. This unsympathetic change is exacerbated by the significant prominence and visibility of the site in the street scene. The proposal is therefore contrary to policies DBE1, CP2(iv) and CP7 of the Adopted Local Plan and with paragraph 17 of the National Planning Policy Framework which seeks to secure high quality design.

EPF/1401/17 - Demolition of existing dwelling house and erection of a new build project consisting of 5 flats. Refused permission on for the following reasons:

- 1.The development due to its excessive height, bulk, scale and density amounts to overdevelopment of the site, out of keeping with and harmful to the character and visual amenity of the area and the street scene, contrary to policies CP7 and DBE1 of the adopted Local Plan and Alterations.

- 2. The introduction of a car lift in close proximity to the adjacent residential property will result in noise and disturbance to the residents of that property, resulting in excessive harm to residential amenity contrary to policy DBE9 of the adopted Local Plan and Alterations.

EPF/0924/13 - Demolition of conservatory, erection of two storey side extension and single storey rear extension, loft conversion and internal alterations. Grant Permission with Conditions on 27/06/13

Policies Applied:

DEVELOPMENT PLAN CONTEXT

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).

- CP1: Achieving Sustainable Development Objectives
- CP2: Protecting the Quality of the Rural and Built Environment
- CP3: New Development
- CP6 Achieving sustainable urban development patterns
- CP7 Urban Form and Quality
- CP9- Sustainable Transport
- DBE1: New Buildings
- DBE2: Effect on neighbouring properties
- DBE3 - Design in Urban Areas
- DBE6 - Car parking in new development
- DBE8: Private amenity space
- DBE9: Neighbouring residential amenity
- LL10: Adequacy of provision for landscape retention
- LL11 Landscaping schemes
- ST1: Location of development
- ST6: Parking provision
- H2A: Previously developed land

H3A Housing Density

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.

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 of 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 the Inspectors final conclusion.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application.

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
SP7 - The Natural Environment, Landscape Character and Green and Blue	Significant Significant
H1 Housing mix and accommodation types	Significant
T1 Sustainable transport choices	Significant
DM2 Epping Forest SAC and the Lee Valley SPA	Significant
DM5 Green and Blue Infrastructure	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant
DM 11 Waste recycling facilities on new developments	Significant
DM16 Sustainable drainage systems	Significant
DM18 On site management of wastewater and water supply	Significant
DM19 - Sustainable Water Use	Significant
DM20 - Low Carbon and Renewable Energy	Significant
DM21 Local environmental impacts, pollution and land Contamination	Significant Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

EPPING TOWN COUNCIL: OBJECT and confirm that they will attend to speak at Plans East to object to the proposal

- Loss of a large attractive family house
- over development of the site in terms of height and bulk, the bulk would be overbearing and an overly dominant effect on the street scene.

-
Number of neighbours consulted: 18 and 9 objections have been received that raise the following concerns:

11 Hartland Road -

- Whilst it is different to the many previous applications, several of the issues still remain, most notably the increase in bulk on this prominent corner. The height and breadth of the building would be very overbearing.

- Please also note the recent refusal at 32 Hartland Road, next door to this property, due to the 'bulky and dominant' front gable.

8 Ambleside -

- The size and scale of the proposed new house is out of proportion to the plot and to existing houses in the area. over development.
- The junction is a black spot re road traffic accidents and this proposal does nothing to improve access to the property.

Hillcrest Lodge Hartland Road:

- The house in question is a very nice, large family home. The proposed demolition and redevelopment are grossly out of proportion with other surrounding properties and would spoil the street scene. This application feels as though it could be modified to flats if and when permission was granted.

30 Buckingham Road –

- over development of the site. Out of keeping with the area. Also looks like a route to get permission and then vary to convert to flats as this has been sought before. The current house is a lovely family home and should not be demolished.

Misterton Kendal Avenue:

- The proposed development is over dominant for the site. The design is over-bearing and out-of-scale in terms of appearance and out of keeping with the street scene.
- Overbearing on neighbouring properties due to its size, bulk and scale.
- contravenes policy H3A (density), policy DBE9 amenity) & DBE2 (effects on neighbours) CP2 & CP7.
- Previous refused applications at this address seem to be similar in size and scale to this latest proposed development (EPF/3050/21), albeit previous applications were for a residential flat building containing 5 or 6 flats.

5 Kendal Avenue:

- over dominant for the site, in a corner plot, one of the smaller plots on Kendal Avenue overbearing on both heartland road and Kendal Avenue
- out of keeping with the street scene.
- This proposal seems to be of a similar scale to previous applications for 6 flats what was rejected.

Flat 4 17 The Oaks Kendal Avenue

- object to the tearing down a perfectly good and fitting property, to replace it with what can only be described as a mansion, which is too big and unsuitable for the location, which is directly across the Hartland Road / Kendal Avenue crossroads from my flat.

Epping Society-

- This is one of a number application for what is essentially another unacceptably large building and proposes a design that still is an overdevelopment of the site; too large and fails to respect the scale of the surroundings and the setting.
- The site is directly on the crossroad of Hartland Road and Kendal Avenue Consequently, there are long views of the site from all four approaches and create a property that dominates the area.
- The demolition of a perfectly sound and in-keeping property is unacceptable.
- The carbon emissions generated in the demolition of the existing dwelling and
- construction of a new dwelling will have an unacceptable climate impact.

June Windrow -

- The proposal is far too large for the site and not in keeping with surrounding properties – a property that size needs to be on a much larger plot.

Main Issues and Considerations:

The main issues for consideration in this case are as follows:

- The principle of the development.
- Impact on the character and appearance of the site and surrounding area.
- Impact on the amenity of neighbouring residents.
- Impact on existing trees and Landscaping
- Parking and highway safety.

Principle of Development

The application site comprises previously developed land and therefore in principle could be suitable for redevelopment subject to satisfying all other relevant policies of the adopted and emerging Local Plan.

Design, Character and Appearance

Kendal Avenue is principally made up of two storey detached dwellings that vary in design, width and form. The design and appearance of the proposed development is of significant merit with the siting and design similar to what presently exists. Whilst the footprint of the building has increased to the north and rear, the flank elevations of the property are well set in, between 2.3 - 3.7m from the north boundary and between 1.3-1.5m from the south boundary which maintains the spaciousness around the property. The increase in the depth of the property is balanced against the width which is also well set in from the side boundaries, between 2.3m- 4.6m.

Overall, it is considered that the that the scale and form of the dwellinghouse fits comfortably within the size of the plot and in design terms, the scale and bulk of the development is considered visually compatible with neighbouring properties and the streetscape. Accordingly, the proposed redevelopment of the site complies with policies CP1, CP2, DBE3, DBE10 of the adopted Local Plan (2008); policies SP1, SP2, DM9, DM10 of the emerging SVLP (2017) and the National Planning Framework which advocates for the presumption in favour of sustainable development.

Neighbouring Amenity and the form of Accommodation.

The closest property is Hartlands, sited to the south of the proposed development which is a large dwellinghouse with a low roof and eaves, but which forms the full width of the plot and extends significantly deep into the rear. Planning permission has been approved for 2, 2 storey 4 -bed houses with rooms in the roof on this site in 2021 ref: EPF/1376/19. The siting of the dwellinghouse which is well set in from the side boundaries would ensure that there are no significant harmful amenity implications in terms of loss of light, outlook, overlooking or privacy. The proposed south flank first floor windows are to give light to ensembles and conditioned to be obscure glazed and non-openable above a height of 1.7m from the internal floor height of the room to prevent any overlooking or loss of privacy. The proposed rooflights are modest in size and sited high in the south roof slopes so as not to result in any overlooking.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Comments on Representations Received.

The concerns of the Parish Council and neighbouring properties are noted. The proposed development provides a quality, sustainable residential dwelling that respects the overall scale, height and relationship to the plot boundaries and to the surrounding built form. Previous refused applications on the site were for flatted development and substantially much larger in scale and bulk. This proposal is a domestic

dwellinghouse not too dissimilar to the design and character of what presently exists but with an additional recessed 2 storey side and rear extensions and dormer windows.

Parking and Highway

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject the attachment of conditions to ensure that the proposal is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, policies ST2, ST4 & ST6 of the Local Plan and policy T1 of the Local Plan Submission Version 2017.

Trees and landscape

No objection. The development complies with the requirements of policy LL10 of the Local Plan and DM5 of the of the Local Plan Submission Version 2017, and the NPPF 2021 subject to conditions which are considered reasonable and necessary.

Land Drainage

The applicant is proposing to dispose of surface water by sustainable drainage system. No objection subject to 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.

The Council's Land Drainage engineer requests details of surface water drainage to be submitted for consideration in accordance with policy U2B of the Local Plan which are considered reasonable and necessary.

Epping Forest Special Area of Conservation

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:

It is concluded that the proposal is an efficient use of the land, sufficiently maintaining the character, appearance of development in Kendal Avenue and surrounding area and would not result in any amenity implications on neighbouring dwellings; other aspects in relation to parking/highway safety and landscaping are considered satisfactory subject to the imposition of conditions. The application is considered to be in accordance with the adopted Local Plan and Alterations (1998-2006) and the emerging Local Plan, Submission Version, 2017 and the National Planning Policy Framework.

In the light of the above considerations, it is recommended that planning permission is approved 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: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (15)

- 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: 2612 - 01; 02; 03; 04B; 05 B

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

- 3 Prior to first occupation of the building/extension hereby permitted the window(s) in the flank elevation(s) 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/those window[s] 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 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.

- 5 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.

- 6 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 7 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.

- 8 Prior to the first occupation of the development the existing access of Hartland Road shall be permanently closed off incorporating the reinstatement of the footway and kerbing to full height.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety

- 9 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.

- 10 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 11 If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 as well as to safeguard the amenity of the existing trees, shrubs or hedges and to ensure a satisfactory appearance to the development, in accordance with policies LL10 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 12 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted, or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Tree protection shall be installed as shown on Moore Partners 'Tree Protection Plan' drawing number MP/4KA/02 (dated 3rd December 2021) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.

Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, and to enable full and proper consideration be given to the impact of the proposed development on existing trees / hedges, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development in accordance with policy LL10 of the adopted Local Plan 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

- 14 Prior to any above ground works, documentary and photographic details of the type and colours of the external finishes of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance in the interests of visual amenity, in accordance with policy DBE1 [+ DBE4 when located in the Green Belt] of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 15 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.

Informatives: (2)

- 16 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.
- 17 All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org