



# Epping Forest District Council

# EFDC



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Application Number:	EPF/1430/22
Site Name:	52 Orchard Drive, Theydon Bois, CM16 7DJ

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# OFFICER REPORT

**Application Ref:** EPF/1430/22  
**Application Type:** Removal/variation of conditions  
**Applicant:** Patrick Stroud  
**Case Officer:** Caroline Brown  
**Site Address:** 52 Orchard Drive, Theydon Bois, Epping, CM16 7DJ  
**Proposal:** Variation of condition 4 `materials' of EPF/0017/20 (Proposed two storey side and part single and two storey rear extension).  
**Ward:** Theydon Bois  
**Parish:** Theydon Bois  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O5ht>  
**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)).*

## **Description of Site:**

No. 52 is a 2-storey traditional semi-detached dwellinghouse located to the east of Orchard Drive which is residential in character within the built-up urban area of Epping. The front elevation is predominantly finished in an outer red brick.

The site lies outside of a conservation area and is not listed.

Planning permission was granted 27/02/2020 ref: EPF/0017/20 for a 2-storey side and part single and 2 storey rear extension.

## **Description of Proposal:**

Planning Permission is sought to vary condition 4 :

*'Materials to be used for the external finishes of the proposed development shall match those of the existing building, unless otherwise agreed in writing by the Local Planning Authority'.*

*Reason:- To safeguard the visual amenities of the locality, in accordance with policy DBE10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF 2019.*

The proposed alterations proposed to replace the approved\_ "red brick" external finish to a "white / cream render"

## **Relevant History:**

EPF/0017/20 - Proposed two storey side and part single and two storey rear extension.- Approved - 27/02/2020

## **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  
CP7 Urban Form and Quality  
DBE2: Effect on neighbouring properties  
DBE3 - Design in Urban Areas  
DBE9: Neighbouring residential amenity

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 14<sup>th</sup> 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 2<sup>nd</sup> 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

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

### **Consultation Carried Out and Summary of Representations Received**

THEYDON BOIS PARISH COUNCIL: OBJECTION and confirm that they will attend to speak at Plans East to object to the proposal.

- This dwelling is one of a row of four pairs of semi-detached properties (being eight in total) that form a distinctive and cohesive group, dating from the 1950s, which are sited in a highly visible location opposite the local School in one of the village's primary roads.
- Where extensions have been added to these properties, external facing materials have been of matching red brick with red vertical tile above, the utilisation of both materials being a key feature of these properties.
- The proposal to change the red brick facing material, as now indicated under EPF/1430/22 - to "white/cream render" - is not considered by the Planning Committee to be acceptable.
- The preference would be that matching red bricks should be used as per the original Condition, however, matching red brick slips would be acceptable as a compromise.
- The plans approved at the time of the grant clearly show that brick face was to be used to complement the original materials, especially on the front façade, and the Committee therefore wishes Condition 4 of the Grant of Planning Permission EPF/0017/20 to remain unvaried:

Number of neighbours consulted: 5 and no resident objections have been received:

### **Main Issues and Considerations:**

The main issues for consideration are as follows:

- Impact on the character and appearance of the property and surrounding area.
- Impact on the amenity of neighbouring residents

### **Design, Character and Appearance**

Orchard Drive comprises of residential properties uniform in character. The immediately adjoining properties to No. 52 have front red facing brick finish with red vertical tiles with other properties in Orchard Drive rendered with a white finish. The school directly opposite the property also has a partially white rendered finish.

In terms of visual appearance the proposed variation in the condition to render the front of the property and paint it white/cream is considered to be visually compatible and would not result in any harmful impact on the character or appearance of the property or surrounding area and is therefore acceptable supported by policy DBE10 of the Local Plan and Alterations, (1998-2006) and policy DM9 and DM10 of the Submission Version, 2017 and the National Planning Policy Framework, 2021 that seeks to ensure that development is of a high standard of design and layout.

The objection and comments from the Parish Council are noted. The property is not sited in a conservation area and the proposed alteration would maintain the visual character and appearance of the surrounding area and complies with local Plan policy.

Neighbouring Amenity and the form of Accommodation.

The proposed variation of condition 4 is not considered to result in any demonstrable harm to the living conditions of neighbouring properties and accords with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

Conclusion:

The proposed variation of condition 4 is considered appropriate in terms of visual character and appearance and would not create any amenity issues. Accordingly, the alteration is considered supported by 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 the vary of condition 4 be approved and the relevant conditions from the original consent be re-imposed where required and the commencement date amended to be consistent with the original permission

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (5)**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of the original decision notice (27/02/2020).

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

- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2019.251.02, 2019.251.03, 2019.251.04, 2018.251.01b

Reason: To ensure the proposal is built in accordance with the approved drawings

- 3 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.

- 4 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.

- 5 The proposed first floor window opening in the flank elevation towards no.50 Orchard Drive shall be entirely fitted with obscured glass with a minimum Level 3 obscurity and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

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 2019.

**Informatives: (1)**

- 6 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.