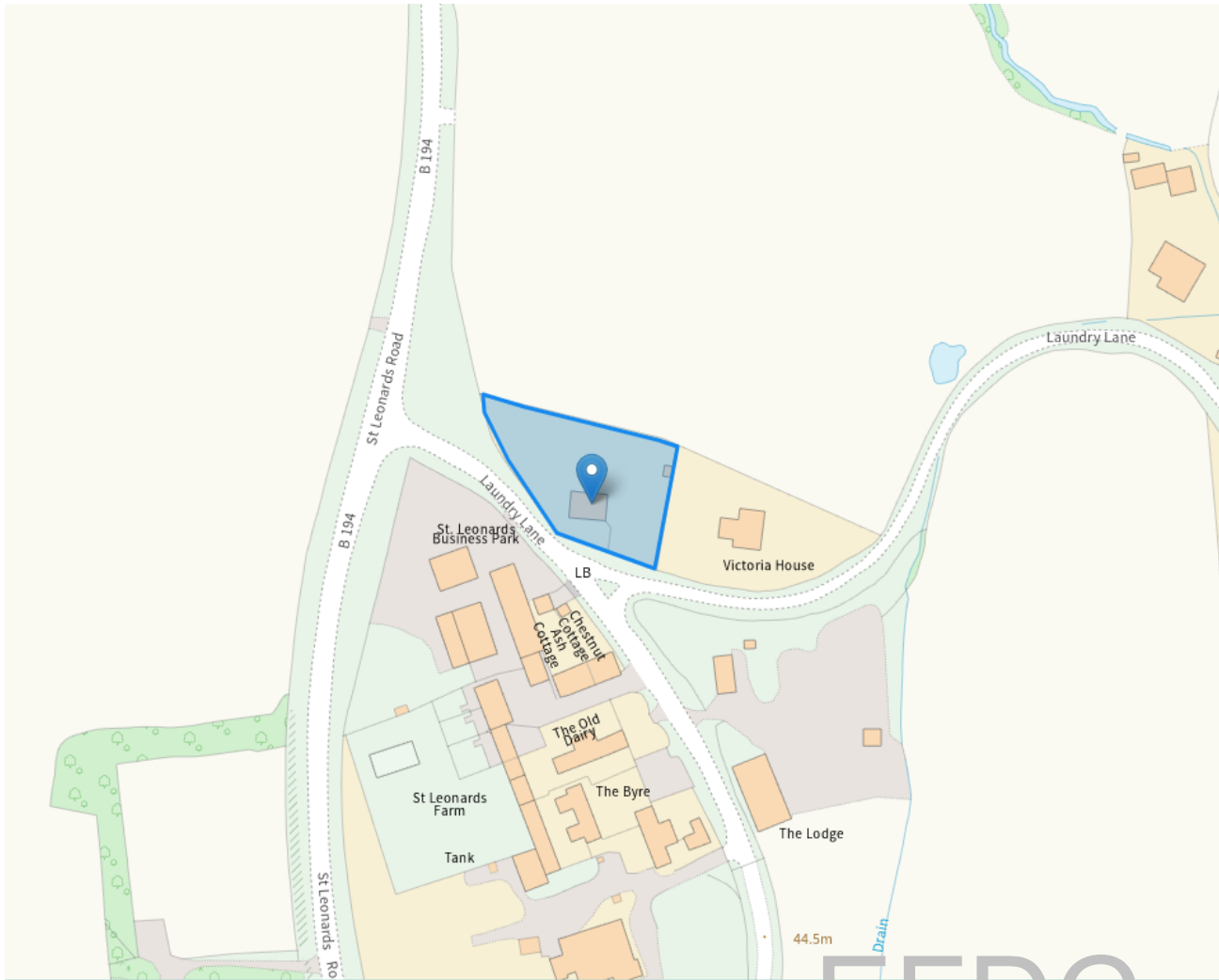




# EFDC



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Application Number:	EPF/1205/22
Site Name:	Garden House Laundry Lane, Nazeing EN9 2DY

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# OFFICER REPORT

**Application Ref:** EPF/1205/22  
**Application Type:** Full planning permission  
**Applicant:** Mrs L Atkinson  
**Case Officer:** Alastair Prince  
**Site Address:** Garden House  
Laundry Lane  
Nazeing  
Waltham Abbey  
EN9 2DY  
**Proposal:** Proposed new detached cart lodge structure.  
**Ward:** Lower Nazeing  
**Parish:** Nazeing  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NzMC>

**Recommendation:** Approve with Conditions

*This application is before this committee since less than five neighbours were consulted and the majority of these have objected (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council)*

## **Description of Site:**

The site consists of a detached dwelling located on the northern side of Laundry Lane, close to its junction with St Leonards Road. The site has a large plot including a sizeable side garden. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. It is wholly within the Metropolitan Green Belt.

## **Description of Proposal:**

Consent is being sought for the erection of a detached outbuilding with a dual-pitched roof located toward the front of the site, with the intention of using this structure as a car port and store. The building would be 9.8 metres in width, 5.92 metres in depth and 4 metres in height. The development has been implemented but not completed.

## **Relevant Site History:**

EPF/1230/20 - Reserved matters application for demolition of existing garage and erection of dwelling using existing site access. Grant Permission (With Conditions)

EPF/1171/20 - Application for Outline Planning Permission for a new dwelling, renewal of Outline Planning Permission EPF/1149/17 (All matters reserved) - Grant Permission (With Conditions)

EPF/0018/18 – First floor extension to building – Grant Permission (With Conditions)

EPF/1149/17 - Outline planning application for demolition of existing garage (118 sqm) plus demolished former garage (46 sqm) totaling 164 sqm to be replaced by new dwelling - siting to be agreed. Existing access to site to be used. Grant Permission (With Conditions)

EPF/1626/86 – Single storey extensions – Grant Permission

**Policies Applied:**

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

DBE4 – Design in the Green Belt

DBE9 – Loss of Amenity

DBE10 - Residential Extensions

GB2A – Development in the Green Belt

GB7A - Conspicuous Development

**NPPF:**

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) 2017

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 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.

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:

SP7 – The Natural Environment, Landscape Character and Green Infrastructure - Significant

DM4 – Green Belt - Significant

DM9 – High Quality Design - Significant

DM10 - Housing Design and Quality - Significant

### **Summary of Representation**

No. of neighbours consulted: 3, 2 Objections Received, 1 support received

CHESTNUT COTTAGE – OBJECTION: Development would cause harm to the openness of the Green Belt, harm to living conditions in relation to loss of visual outlook. Concern regarding potential for turning the building into an annexe.

ASH COTTAGE – OBJECTION: Development would cause harm to the character of the area. Concern regarding potential for turning the building into an annexe.

VICTORIA HOUSE – SUPPORT

PARISH COUNCIL: No Comment at time of writing

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

The main issues to consider for the assessment of this application are as follows:

Development within the Green Belt  
Design  
Impact on the Living Conditions of Neighbours

#### **Green Belt**

The neighbour at Chestnut Cottage has objected to the proposal stating the development would cause harm to the openness of the Green Belt.

The site is located within the Metropolitan Green Belt. The National Planning Policy Framework states that new buildings in the Green Belt are inappropriate, with a number of exceptions. One exception is any addition should not be a disproportionate addition in terms of increase in volume to the original dwelling.

The original dwelling had a volume of approximately 454.64m<sup>3</sup>. The dwelling has been extended over time, with those additions resulting in an increase in built form of approximately 57% over and above the original dwelling. The proposed outbuilding would have a volume of approximately 232.06m<sup>3</sup>, which would take the amount of built form on the site to over 100% of the volume of the original dwelling. The development in this case would not be considered a limited extension within the Green Belt.

In addition, the dwelling previously benefitted from outbuildings that were demolished and 'traded off' for the erection of a new dwelling within the previous side garden (Victoria House). Whilst permitted development rights were removed as part of the planning application, this was at Reserved Matters stage and the application site only enclosed the plot of the new dwelling. As such, no permitted development rights were removed from Garden House and therefore there exists a realistic fallback position that outbuildings could be erected elsewhere on the site.

Within the lifetime of this application, the applicants have agreed in writing to formally relinquish Permitted Development Rights relating to Class A, Class B and Class E, which would allow the local planning authority to manage any further increase in built form on this site. If Permitted Development Rights remain intact, then the occupiers of the site would be able to greatly increase built form without the need for formal planning permission, as Permitted Development is assessed using strict criteria set out within the General Permitted Development Order (within which Green Belt is not part of this assessment). By formally relinquishing these rights and affording more control to the Local Planning Authority in regard to future development that can be undertaken on the site, it is considered that this would constitute Very Special Circumstances and would therefore be appropriate development within the Green Belt.

### Design

The neighbour at Ash Cottage has objected to the proposal stating the development would be out of keeping with the character of the area.

The proposed outbuilding would benefit from a dual pitched roof and includes timber weather boarding and eternite slate as external materials. The design is relatively conventional and raises no concerns in regard to appearance within this location, however as no further material details have been provided it is considered that a condition requesting further details in relation to materials be added to any planning approval.

### Living Conditions of Neighbours

The neighbour at Chestnut Cottage has objected to the proposal stating that the development would cause harm to the living conditions in relation to loss of outlook.

The outbuilding would be situated approximately 24 metres away from the boundary with Chestnut Cottage at the nearest point. Laundry Lane is also sited between the application site and these neighbours, which reduces any harm to neighbouring properties by a significant degree. It is considered the outbuilding would be a sufficient distance away from neighbouring properties so as to not cause harm to the living conditions of neighbours in regard to loss of light, loss of visual outlook or loss of privacy.

### Other Considerations

Neighbours at Chestnut Cottage and Ash Cottage have objected to the proposal regarding the loss of Green Belt views and querying whether the building would be turned into a residential annexe in future.

There are no rights afforded to the 'loss of a view' in planning law or policy and this element of the objections cannot be given material weight in the application's assessment. If the Local Planning Authority are minded to grant permission, it would be reasonable to add a condition restricting the use of the outbuilding.

### Conclusion

For the above reasons it is recommended that planning permission is granted 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: Alastair Prince**  
**Direct Line Telephone Number: 01992 564462**

**or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto: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: 7100; 1, 2, Block Plan, Location Plan

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

- 2 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 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 3 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 Class A, B and E of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the openness of the Green Belt, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM4 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The outbuilding hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors along with incidental storage and for no other purposes.

Reason: To protect against alternative use of the outbuilding that may be contrary to Green Belt policy, in accordance with policy GB2A of the adopted Local Plan 1998 & 2006, Policy DM4 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.