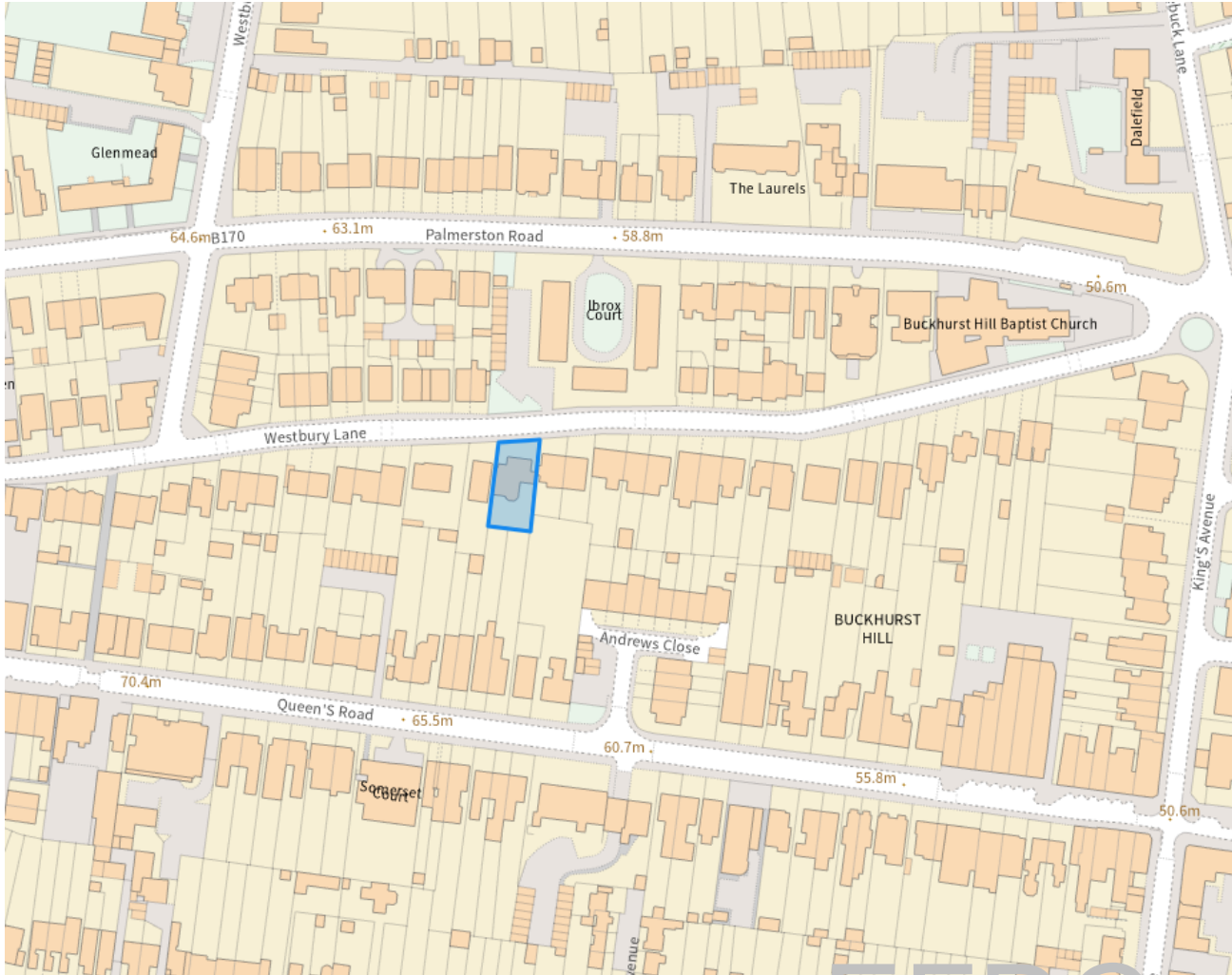




# EFDC



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Application Number:	EPF/1414/22
Site Name:	40 Westbury Lane, Buckhurst Hill, IG9 5PL

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# OFFICER REPORT

**Application Ref:** EPF/1414/22  
**Application Type:** Householder planning permission  
**Applicant:** Roger and Breda Fry  
**Case Officer:** Muhammad Rahman  
**Site Address:** 40 Westbury Lane, Buckhurst Hill, IG9 5PL  
**Proposal:** Retention of flat roof rear dormer, new pitched roof to front porch, additional roof lights, and external alterations including new materials & fenestration (Revised scheme to approved consent EPF/0166/21).  
**Ward:** Buckhurst Hill West  
**Parish:** Buckhurst Hill  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O4dw>  
**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).*

## **Site and Surroundings**

The site comprises of a detached house, located within a built-up area of Buckhurst Hill. Westbury lane is a hill road and the land levels slope downwards to the East. It is not listed nor in a conservation area, nor are there any protected trees on/adjacent the site.

## **Proposal**

The proposal is for the retention of flat roof rear dormer, new pitched roof to front porch, additional roof lights, and external alterations including new materials & fenestration (Revised scheme to approved consent EPF/0166/21).

Revised plans were submitted following concerns raised regarding inaccurate plans and all parties were consulted on them.

The application is mostly retrospective, in that there are unauthorised elements that are to be retained as part of this application along with those proposed, and officers are satisfied that the plans accurately represent the works carried out on site.

## **Relevant Planning History**

EPF/1754/01 - Part one, part two storey side extension, single storey rear extension and conservatory at rear - Approved with Conditions

EPF/1523/20 - Two storey side and rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room - Refused

EPF/2773/20 - Two storey side and reduced rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room. (Revised application to EPF/1523/20) - Refused

EPF/0166/21 - Two storey side and rear extensions with extended pitched roof including a roof room. Alterations to front drive and enlarged crossover. External alterations. Removal of existing conservatory and utility room. (Revised application to EPF/2773/20) - Approved with Conditions

## **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  
CP7 Urban Form & Quality  
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;
- 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

### 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;

DM9 High Quality Design

### **Summary of Representations**

Number of neighbours Consulted: 14. 2 response(s) received  
 Site notice posted: No, not required

Following the re-consultation exercise the objections received were the same as the initial comments.

36 & 38 WESTBURY LANE – Objections – Summarised as:

- Out of Character;
- Loss of light; and
- Overbearing/Visual impact.

BUCKHURST HILL PARISH COUNCIL – During the first round of consultation the Parish did not object to the scheme, however, the following objections were received following the second round of consultations;

- Overdevelopment of site. Overbearing on the adjacent properties.
- It is noted there is a minor amendment on this revised application and Therefore it's requested a decision is deferred to the Planning Officer to Consider this amendment is satisfactory to overcome the previous refusal and Conditions laid upon the previous application by committee.
- This development had been built in contravention of the approved plans and Prior conditions.

### **Planning Considerations**

The main issues for consideration in this case are:

- a. The impact on the character and appearance of the locality; and
- b. The impact on the living conditions of neighbouring properties.

## Character and Appearance

Westbury Lane varies in building typology, architecture and plot sizes, so in this regard there is no uniformity. On this note, the proposed works including those elements to be retained would not be out of character within this street or the wider locality, including the proposed external finishes. All the works appear as subservient extensions/additions which complements the appearance of the existing building.

On that basis, the proposal would not have a harmful effect to the character and appearance of the area.

## Living Conditions

Officers note the land levels slope downwards to the east, so No. 38 and onwards would sit on a lower ground level than the host house.

Given the visual gap from the common boundary with No. 38, the orientation of the host house facing north, the scale of the works proposed, it is considered that there would be a limited impact to their living conditions, in terms of loss of light, overshadowing, overbearing and visual impact, however, it is insufficient to warrant reason for refusal.

No. 36 is sited a significant distance away from the host house, so the impact to their amenities is less so than No. 38.

No. 42 sits on a higher ground level and together with the visual gap from the common boundary, there would be no material impact to their amenities.

Overall, comparing the retained & proposed works against what has been granted permission under EPF/0166/21, officers do not consider that it would lead to unacceptable living conditions for both neighbouring properties on either side, including that of No. 36, that warrants a reason for refusal.

Therefore, the proposed development safeguards the living conditions of neighbouring amenities, in compliance with Policies CP7 & DBE9 of the LP, Policy DM9 (H) of the LPSV and Paragraph 130 (f) of the Framework.

## Other Considerations

Whilst the previous approved scheme had a couple tree conditions attached to it, including tree protection measures, however, the building is near completion, so, in this instance an alternative condition requiring details of proposed landscaping & retained trees has been added.

## Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that conditional planning permission be granted.

**If you wish to discuss the contents of this report item please contact the case officer by 2pm on the day of the meeting at the latest.**

**Case Officer: Muhammad Rahman | [mrahman@eppingforestdc.gov.uk](mailto:mrahman@eppingforestdc.gov.uk). If no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)**

**Conditions: (8)**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: MDP.WL/01, MDP.WL/022 Rev B, and MDP.WL/33 Rev B.

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

- 2 Within 3 months of the date of this decision notice, details of the proposed landscaping of the site, including retained landscaping (trees/hedges) and other natural features and the proposed times of planting (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. 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, 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 and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 3 Prior to first occupation of the extensions 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 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.

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.

- 5 Access to the flat roofs over the single storey extensions 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.

- 6 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.

- 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 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, AA & B 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 character and appearance of the area and living conditions on adjoining properties, in accordance with policies CP2, CP7, DBE9 & DBE10 of the adopted Local Plan 1998 & 2006, Policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

**Informatives: (3)**

- 9 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.
- 10 The applicant is advised to note that in certain soil conditions, particularly in areas with known springs, subterranean development can impact on groundwater flows and levels. This form of development has been known to block or redirect natural groundwater flows, causing subsidence, instability, saturation and/or flooding where this was not previously occurring. If your proposed development leads to these effects on neighbouring properties and structures, you could be liable for civil litigation. You are advised to thoroughly investigate the hydrological and flooding implications of your proposed development.

- 11 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/ near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.