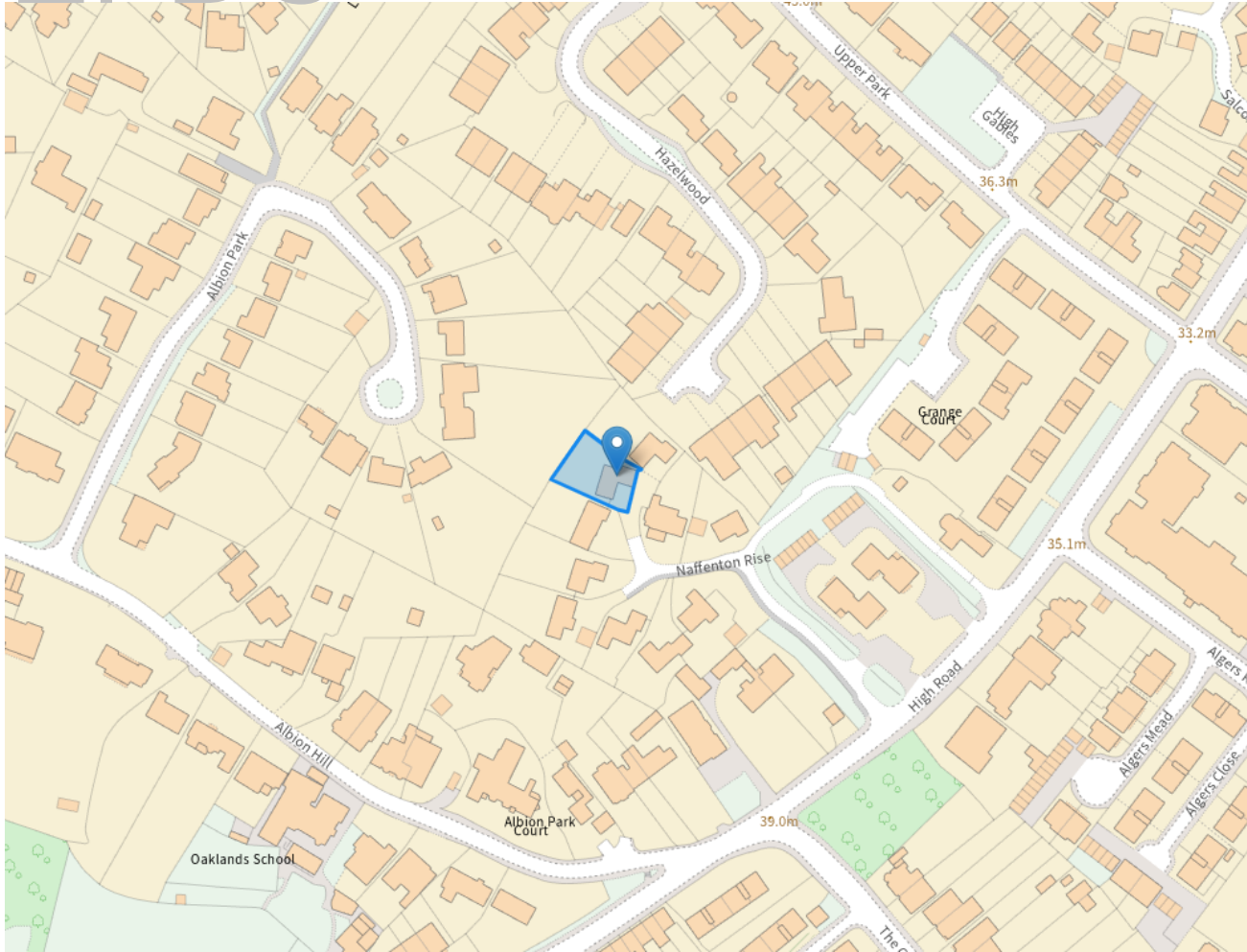




# EFDC



# EFDC

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. ©  
Crown Copyright 2013 EFDC License No:  
100018534

Application Number:	EPF/1606/22
Site Name:	7, Nafferton Rise, Loughton, IG10 1UB

Contains Royal Mail Data. © Royal Mail  
Copyright & Database Right 2013

# OFFICER REPORT

**Application Ref:** EPF/1606/22  
**Application Type:** Householder planning permission  
**Applicant:** Kevin Bradick  
**Case Officer:** Alastair Prince  
**Site Address:** 7, Nafferton Rise, Loughton, IG10 1UB  
**Proposal:** Proposed part single storey/part two storey side extension to existing dwelling.  
**Ward:** Loughton Forest  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000OG6C>  
**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:**

The application site comprises of a detached two storey dwelling house with a front and rear garden on the North side of Nafferton Rise, a residential cul-de-sac within the built-up area of Loughton. There are no Listed Buildings attributed to the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt. Protected trees are found to the rear of the site.

An application for a loft conversion with dormer windows is still being assessed by The Council at the time of writing.

## **Description of Proposal:**

Proposed part single storey/part two storey side extension to existing dwelling

## **Relevant Site History:**

EPF/1756/22 - Proposed rear dormer loft conversion to existing dwelling, with cat slide dormer and rooflights to front elevation roof – still under assessment.

EPF/1607/22 – Certificate of Lawful Development for proposed single storey side extension – Lawful.

EPF/3287/21 – Proposed single storey/part two storey side extension to existing dwelling – refuse permission:

1. The proposal, by reason of the design of the single storey extension and its close proximity to neighbours, would result in excessive harm to the living conditions of neighbours in relation to loss of outlook and loss of privacy. The proposal would be contrary to policies DBE9 of the Adopted Local Plan and Alterations (2006) and DM9 of the Epping Forest District Local Plan (Submission Version) 2017.

EPF/1141/15 - Construct a single storey side extension with roof lights. – Grant Permission (With Conditions)

## **Policies Applied:**

### 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).

The following policies within the current Development Plan are considered to be of relevance to this application:

CP1 Achieving Sustainable Development Objectives  
CP2 Protecting the Quality of the Rural and Built Environment  
DBE2 Effect on neighbouring properties  
DBE9 Loss of Amenity  
DBE10 Design of Residential extensions

### National Planning Policy Framework (NPPF) (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:
  - 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:

Paragraph 124  
Paragraph 127  
Paragraph 130  
Paragraph 131

### 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 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:

Policy Weight afforded

SP1 Presumption in Favour of Sustainable Development - Significant

DM9 High Quality Design - Significant

### **Summary of Representation:**

No. of neighbours consulted: 4 - 1 objection received

#### **8 NAFFERTON RISE – OBJECTION:**

At present, we oppose the plans for 7 Nafferton Rise in their current state, as we feel that they will lead to reduced privacy of our property and a sense of enclosure as a result of the proximity. Specific points and justifications are as follows:

1. The proposed extension wall would run half the length of our garden and is in close proximity to the fence, leading to a loss of outlook and claustrophobic atmosphere. This needs to be at least 2 metres away from the fence (rather than the proposed 1 metre) to avoid it overwhelming our garden.
2. The space on top of the ground floor extension cannot be used as a balcony nor can a future first floor extension be built, as it would be overlooking into our garden and we would suffer a loss of privacy.
3. For privacy reasons, we object to the window on the east-facing extension wall as, due to the elevation difference in our gardens, it would be overlooking into our garden and we would suffer a loss of privacy.

#### **TOWN COUNCIL – OBJECTION:**

The Committee OBJECTED to these applications on the grounds that the size and bulk of the rear dormer, use of materials and amount of glazing (which should reduce at this level, not increase) was overly dominant and out of character with the house and this part of Nafferton Rise. It would also result in additional overlooking to the gardens of neighbours.

The front dormer was not centered and added as a visual distraction to the building and Nafferton Rise.

Overall the extensions were poorly planned with no consideration given to the existing building and good design principles.

(N.B. whilst the majority of The Town Council's Objection relates to the loft conversion application still being considered by the Local Planning Authority at the time of writing – the Town Council decided to provide comments on both applications when submitting their representation)

## **Main Issues and Considerations:**

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

- Design
- Impact on the living conditions of neighbours

### Design

The Town Council have objected to the proposal stating that extensions have been poorly planned.

The proposed ground floor extension would have a flat roof and would run in a parallel fashion with the shared boundary with 8 Nafferton Rise. The two storey extension would have a gabled roof and would partially wrap around the rear and side wall of the dwelling. A pitched roof would be visible from the front elevation. The externally facing materials would match the existing dwelling.

Policy DBE10 of the Adopted Local Plan and Alterations 2006 states that a residential extension will be required to complement and, where appropriate, enhance the appearance of the street scene, existing building and the green belt. This shall be achieved by close attention to the scale, form, detail, elevations, materials, roof treatment, and fenestration of the existing building.

Policy DM9 of the Epping Forest District Local Plan (Submission Version) 2017 states that all development must achieve a high specification of design and contribute to the distinctive character and amenity of the local area. The Council will require all development proposals to be design-led and make a positive contribution to a place. Development proposals must relate positively to their locality, having regard to building heights, the form, scale and massing prevailing around the site and distinctive local architectural styles, detailing and materials.

It is considered that the design of the proposal would be acceptable. The extensions would be a sufficient distance away from the boundary so as to not cause a terracing effect and the extensions would be subservient to the host dwelling. The scheme would not be detrimental to the character of the existing building or wider area.

### Impact on Living Conditions

The neighbour at 8 Nafferton Rise has objected to the application stating concern in regard to loss of privacy and loss of outlook.

The ground floor side extension would measure 1.38m at its narrowest point and 2.89m at its widest point, 6.94m in depth and 3 metres in height. It would be approximately 1 metre away from the boundary with 8 Nafferton Rise.

The two storey rear/side extension would be 4.82 metres at its deepest point (1.7 metres protruding from the rear wall), 6.21 metres in maximum width and 7.45 metres in height. It would be approximately 3 metres away from the boundary with 8 Nafferton Rise and approximately 10.2 metres from the rear boundary.

Policy DBE9 of the Adopted Local Plan states that the Council will require that a change or intensification of use, extension or new development does not result in an excessive loss of amenity for neighbouring properties. The factors which will be taken into account are visual impact, overlooking, loss of light and noise/smell or other disturbance.

Policy DM9 of the LPSV states that development proposals must take into account the privacy and amenity of the development's users and neighbours. The Council will expect proposals to provide

adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land, avoid overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the proposed development, not result in an over-bearing or overly-enclosed form of development which materially impacts on either the outlook of occupiers of neighbouring properties or the residents of the proposed development, and address issues of vibration, noise, fumes, odour, light pollution, air quality, and microclimatic conditions likely to arise from any use or activities as a result of the development or from neighbouring uses or activities.

The extension would be a sufficient distance away from neighbouring dwellings so as to not cause harm in regard to loss of light. The proposal has been revised from the previously refused application by reducing the depth of the single storey extension from 8 metres to 6.94m at its point adjacent to the shared boundary, along with removing the side window that may have caused excessive harm in relation to overlooking.

Whilst there may still be some harm caused in relation to loss of outlook, the reduction in depth of the ground floor extension has helped to mitigate the harm caused and it is considered that the previous reason for refusal relating to loss of outlook has been overcome.

The proposal is facing directly down the rear garden and would be a sufficient distance away from neighbours so as to not cause harm to the living conditions of neighbours in regard to loss of privacy. The removal of the side window within the ground floor extension has overcome the previous reason for refusal.

It would be necessary to add a condition stating that the flat roof above the ground floor extension cannot be used as a terraced area so as to better protect the privacy of neighbouring properties.

## **Conclusion**

For the reasons above, 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: (6)**

- 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: 2353; 01, 02/A, 03, 04/H, 05/J, 06/B

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 of the existing building.

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 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.

- 5 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.

- 6 Tree protection shall be installed as shown on Hallwood Associates 'Tree Protection Plan' drawing number HWA10763\_TPP (dated 21st January 2022) 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.

**Informatives: (1)**

- 7 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.