



Epping Forest District Council

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| Application Number: | EPF/0770/22 |
| Site Name: | 67 Hemnall Street Epping CM16 4LZ |
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OFFICER REPORT

Application Ref: EPF/0770/22
Application Type: Full planning permission
Applicant: Mr Alan Curbishley
Case Officer: Alastair Prince
Site Address: 67 Hemnall Street
Epping
Essex
CM16 4LZ
Proposal: Proposed outbuilding.
Ward: Epping Hemnall
Parish: Epping
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000Nyyy>
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 site is a detached two storey dwelling located on the Southern side of Hemnall Street in the urban area of Epping. There are no Listed Buildings on the site and it is not within a Conservation Area. The site is not within the Metropolitan Green Belt. TPO protected trees exist on the site.

Description of Proposal:

Proposed outbuilding.

Relevant Site History:

EPF/0536/21 - Demolition of existing dwelling and erection of a two storey detached dwelling – Grant Permission (With Conditions)

EPF/2372/20 - Double storey front, side and rear extensions including Juliet balconies to rear and internal alterations. - Withdrawn

Policies Applied:

CP1 - Achieving sustainable development objectives
CP2 - Quality of rural and built environment
CP3 - New development
DBE2 - Effect on neighbouring properties
DBE8 - Private amenity space
DBE9 - Loss of amenity
DBE10 – Design of residential extensions
ST1 - Location of development
ST6 - Vehicle parking
LL10 - Adequacy of provision for landscape retention

National Planning Policy Framework (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 (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. The appointed Inspector has indicated an intention to provide advice to the Council by 12th July 2019; this advice will be given without prejudice to the Inspector's 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:

SP1 - Presumption in Favour of Sustainable Development
DM9 - High quality design

Summary of Representation:

No. of neighbours consulted: 10, 4 objections received.

65 HEMNALL STREET – OBJECTION – the proposal would cause harm to living conditions in regard to overbearing development

69 HEMNALL STREET – OBJECTION – development is too large and would be used for extra accommodation. Unclear as to how rainwater/ foul water shall be managed.

18 THEYDON PLACE – OBJECTION – scale of development out of keeping with the site.

17 THEYDON PLACE – OBJECTION – Development out of scale with surrounding properties and overbearing. Development would result in less open space

The Epping Society – OBJECTION – the development would be detrimental to the amenity of neighbouring properties.

TOWN COUNCIL – OBJECTION:

Committee OBJECT to this application

The proposed outbuilding will result in a loss of amenity for neighbouring properties, as it is too high and overbearing. This would result in a loss of natural light and overshadowing of the neighbouring gardens. The design of the outbuilding does not complement the setting, particularly as the building will be clearly visible to neighbouring properties due to its bulk and scale.

The orientation of the building on the site will exacerbate the issues highlighted above and consideration should be given to its position and orientation to minimise any negative effects on immediate neighbours.

Epping Town Council confirm they will attend and speak at Plans East to object to this proposal.

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
Trees and Landscaping
Land Drainage
Contaminated Land

Design

The majority of neighbouring objectors, the Town Council and the Epping Society have objected to the proposal stating that the development would be out of keeping with the surrounding area.

The proposal would involve the erection of a detached outbuilding outlined in an 'L' shape with a flat roof.

There is no strict design pattern found along Hemnall Street and, whilst the site is close to a Conservation Area, it is not within one and therefore does not need to adhere to any specific design principles in regard to preserving or enhancing the character and appearance of the area. The design of the outbuilding is a common one found within urban areas and it is considered that the scale, design and external materials would not be out of keeping with the surrounding area.

Impact on Living Conditions

Several neighbours and the Town Council have objected to the application stating that the scheme would cause harm to the living conditions of neighbouring properties in regard to loss of light, loss of visual outlook.

The proposed store element of the outbuilding would be 7 metres in width, 3.6 metres in depth and 3 metres in overall height. The proposal would be approximately 1 metre from the boundary with 65 Hemnall Street (approximately 12.7 metres from that dwelling) and 6.82 metres from the boundary with 69 Hemnall Street (approximately 19 metres from that dwelling). The rear elevation would be 1.25 metres from the rear boundary.

The proposed open covered area of the outbuilding would be 3.67 metres in width, 4 metres in depth and 3 metres in height. It would be approximately 1 metre from the boundary with 65 Hemnall Street (approximately 8 metres from that dwelling and 10 metres from the boundary with 69 Hemnall Street (approximately 17 metres from that dwelling)

Due to the modest size, bulk and scale of the proposed development, as well as its significant distance to the neighbouring dwellings, it is concluded that there will not be significant harm to their living conditions.

Other considerations

It has been suggested by neighbours that the development shall be utilised for extra accommodation. It is possible to add conditions restricting the use of the outbuilding to a purely incidental capacity to the host dwelling and its use as a separate accommodation would, in any event, would require planning permission in its own right.

Concern has also been raised in regard to the disposal of foul and rainwater. It is considered that conditions can be added to require details of how foul and surface water can be managed.

Conclusion:

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

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: 101/B, 102/A

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 specified in the submitted application form.

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 outbuilding 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 Prior to preliminary ground works taking place, details of foul and 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.

- 6 The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 67 Hemnall Street, Epping, CM16 4LZ.

Reason: The development does not satisfy the standards considered acceptable by the Local Planning Authority for a separate unit of accommodation, in accordance with policy DBE1 of the adopted Local Plan 1998 & 2006, Policies DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

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.