



# Epping Forest District Council

# EFDC



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Application Number:	EPF/1478/22
Site Name:	16 Station Road Loughton IG10 4NX

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# OFFICER REPORT

**Application Ref:** EPF/1478/22  
**Application Type:** Full planning permission  
**Applicant:** John Collins  
**Case Officer:** Ian Ansell  
**Site Address:** 16, Station Road, Loughton, IG10 4NX  
**Proposal:** Proposed replacement dwelling.  
**Ward:** Loughton St. Mary's  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000O8zP>  
**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)).*

## **Description of Site:**

The site lies on the east side of Station Road and previously comprised of a two storey dwelling with attached garage. The building has been demolished following previous permission for a replacement. Trees and mature shrubs at the front and rear have at this time been retained.

The site lies in a predominantly residential location, but some other uses have been introduced reflecting the location close to High Road and Station, including a surgery opposite. Parking restrictions for the station apply along the road.

## **Description of Proposal:**

The application proposes a replacement dwelling. The application amounts to a revision to the previously approved development.

The building is two storeys with a half hip roof which includes accommodation served by a rear dormer and rooflights front and rear. The front elevation includes an off-centre gable with cat slide roof over the entrance porch. At the rear, lies a single storey projection across half the width, and a gable roof to the rear bedroom above. Overall, the house has 5 bedrooms.

A raised patio extends across the rear of the property, set off the northern boundary where a below ground heat pump is located with access from a descending staircase.

A garage is included at the front for a small car, and the frontage is available for parking. No details of external materials are included, although the elevations suggest a render finish and roof tiles.

## **Relevant History:**

EPF/2970/16 – replacement dwelling refused – loss of non-designated heritage asset, design, overbearing impact on no.18, impact of a first floor rear terrace

EPF/0110/17 – extensions to existing – approved

EPF/2615/20 – resubmission of 2017 application – approved

EPF/1656/21 – prior approval for demolition of existing dwelling – prior approval not required

EPF/0265/22 – replacement dwelling – approved subject to conditions.

**Policies Applied:**

*Adopted Local Plan:*

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
NC1	SPA's, SAC's and SSSI's
RP4	Contaminated land
U3B	Sustainable drainage systems
DBE2	Effect on neighbouring properties
DBE3	Design in urban areas
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape protection
ST6	Vehicle parking

*NPPF (July 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:

- 2 Achieving sustainable development – paragraphs 7, 8, 10, 11, 12
- 5 Delivering sufficient supply of homes – paragraphs 60, 66, 69, 74, 75, 79
- 8 Promoting healthy and safe communities – paragraphs 92, 97
- 9 Providing sustainable transport – paragraphs 104, 107, 108, 110, 111, 112
- 11 Making effective use of land – paragraphs 119, 122, 123, 124
- 12 Achieving well designed places – paragraphs 126, 130, 131, 132, 135
- 14 Meeting the challenge of climate change, flooding and coastal change – paragraphs 154, 159 – 169
- 15 Conserving and enhancing the natural environment – paragraphs 174, 175, 179 - 182, 183, 185, 186
- 16 Conserving and enhancing the historic environment – paragraphs 194, 195, 197, 199 – 205, 208

### *Epping Forest District Local Plan (Submission Version) 2017:*

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

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 MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the advanced stage of the LPSV, all policies should be afforded significant weight:

<b>No.</b>	<b>POLICY</b>
SP1	Presumption in favour of sustainable development
SP2	Spatial Development Strategy
SP7	The Natural Environment, landscape character and green infrastructure
T1	Sustainable transport choices
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM9	High Quality Design
DM10	Housing design and quality

DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

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

Date of site visit: 03 October 2022

Number of neighbours consulted: Seven

Site notice posted: No, not required

Responses received: Responses received from neighbours at 14 and 18 STATION ROAD commenting on:

- Scale of building excessive and out of character
- Increased roof height causes overshadowing
- Loss of outlook of Lopping Hall
- Overlooking from rear dormer and first floor windows
- Potential noise disturbance from plant room

Loughton Residents Association Plans Group have objected commenting on the loss of the original building on the site and object stating that the building is excessively bulky and would sit uncomfortably on its plot and be out of character with this part of Station Road. If minded to approve, conditions are requested around reuse of elements from the old building.

Parish Council: Loughton Town Council have objected on the grounds that by nature of its excessive height and bulk the proposed dwelling will sit uncomfortably on the plot, be out of character with this part of Station Road, dominating and being overbearing to the neighbouring properties. It should be set well back from both side boundaries.

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

Planning permission has already been granted for a replacement dwelling on the site. While the application falls to be determined on its own merits, comparison between the two schemes is relevant in the context of considering whether the changes are so significant as to have a materially greater impact on local character and neighbour amenity.

The building subject of the current application has the same ridge height as the previous approved scheme and is set in from the flank boundaries by the same distance. The gable end roof with a reduce gable element on the southern end has been replaced by a single roof scape with half hipped ends. Two dormers in the front roof slope have been removed. The off centre gable and cat slide flank remains but has been moved across the frontage.

The rear elevation has been simplified, including one gable and a small dormer rather than two gabled elements. The building is deeper however, projecting around 3m on the south side at two storeys and with a single storey element on the north side the same depth as an extension (also single storey) at no.14.

In light of the comparisons around the scale and elevational treatments, it is evident that the building is not excessively tall or bulky. The street elevations confirm this, the proposal fits in between the noticeably taller building to the north and the much lower, more modern building to the south. Both neighbouring properties are two storeys with accommodation in the roof space including rear dormer additions. While the proposal includes a limited crown element, this does not add substantially to the

scale or bulk in the broader setting. The elevational treatment is proportionate and varied, indicative of good design principles in an area of mixed built form and finishes,

Neighbours raise concerns about direct impacts, particularly overlooking from the rear dormer window. Such rooms in the roof are common in this location, including at both neighbouring properties and the principle of rear facing dormers is established. The building does not project forward of neighbours and does not block existing established views of nearby buildings of local interest. The building projects beyond the rear of no 18 by around 3 metres, but the development lies to the north side and no.18 is set off the boundary with a single storey garage / store adjacent to the flank. Habitable room windows are therefore set off the boundary and direct impact is therefore limited. The neighbour to the north has a substantial ground floor extension built up to the boundary projecting to the same depth as the proposed ground floor. At first floor, the new building projects around 2.5m beyond the first floor of no.14, but both 14 and the new build have single storey elements between such that the projection would not breach a 45 degree angle from any rear facing window. No 14 does have secondary windows in the side roof of the ground floor extension and in the flank of the main house above ground floor, but such windows are of secondary character.

Residents comment on the proposed plantroom, which is located below the patio level. This will serve a small domestic heat pump reducing the carbon imprint of the development overall. Such a small scale feature would not be expected to generate noise audible from adjoining residential properties. A condition can be added to that effect, with wider powers available under control of noise pollution legislation also available.

The site lies in the core EFSAC area, but as a replacement dwelling, it is recognised that off-site mitigation is not required, appropriate conditions can be included to improve on-site resilience in terms of sustainable water use and electric vehicle charging provision.

Consultations raise a number of detailed matters in relation to tree retention and protection, drainage and contamination which can be dealt with by condition.

### **Conclusion:**

Notwithstanding any comments on the building that once stood on the site, a replacement is clearly appropriate in the current circumstances. The previous approval establishes an acceptable scale of the development which the current proposals are consistent with; the height and general form fit into the gap between the existing neighbouring buildings to create a graduated roof profile. Variety in scale, mass and height is entirely consistent with the prevailing character in Station Road.

The building follows good design principles, and in officers view does not have a significant harmful effect on the amenities of the immediate neighbours.

Accordingly, the application is recommended for approval 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: Ian Ansell  
Direct Line Telephone Number: 01992 564481***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***

**Conditions: (17)**

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: 2021.079.PA.01, 02, 03, 04, 05, 06, 07A, 08A, 09A, 10A, 11A, 12A, 13A and 14A

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

3 Prior to preliminary ground works taking place, details of 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.

4 A) No work on any phase of the development (with the exception of demolition works where this is for the reason of making areas of the site available for site investigation), shall commence until an assessment of the risks posed by any contamination within that phase shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include: (1) A survey of the extent, scale and nature of contamination and (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.

B) If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place, until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. (The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act

1990). The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy RP4 of the adopted Local Plan 1998 & 2006, and policy DM21 of the Local Plan Submission Version 2017, and the NPPF.

- 5 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan, Arboricultural Method Statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents.

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.

- 6 Prior to the commencement of development other than groundworks, a Whole Life Carbon Assessment for the development shall be submitted to and approved by the Local Planning Authority. Measures recommended by the Assessment shall be incorporated into the development prior to first occupation.

Reason: In order to reduce the impact on development on the wider environment in accordance with policies CP1 and CP5 of the adopted Local Plan and Alterations, policies SP1 and DM20 of the Local Plan Submission Version 2017, and the NPPF 2021.

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

- 8 Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development,



whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. 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 so as to ensure that the details of the development of the landscaping are complementary, and to ensure a satisfactory appearance to the development, in accordance with policies CP2 and LL11 of the adopted Local Plan and Alterations 1998 & 2006, policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF.

- 9 Prior to the first use of the patio area, details of a privacy screens at both edges of the patio no lower than 1.7 metres high shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented before occupation in accordance with the approved details and so retained.

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.

- 10 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.

- 11 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.

- 12 Prior to first occupation of the development hereby approved, 1 Electric Vehicle Charging Point shall be installed and retained thereafter for use by the occupants of the site.

Reason: To help support improvements to air quality in accordance with policies T1 and DM22 of the Local Plan Submission Version 2017, and the NPPF.

- 13 Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: The District is classed as being in an area of severe water stress and the reduction of water use is therefore required in the interests of sustainability and in accordance with policy CP2 of the adopted Local Plan and Alterations 1998 & 2006, policy DM19 of the Local Plan Submission Version 2017, and the NPPF.

- 14 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.

- 15 Prior to first occupation of the building hereby permitted the windows in the flank elevations 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, and no additional windows shall be installed into the flank elevations of the building without prior consent from the Local Planning Authority through an appropriate application.

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.

- 16 The heat pump plant room hereby approved shall be maintained and operated so as to be inaudible from within any adjoining residential property.

Reason: To safeguard the amenities of adjacent properties, in accordance with policies DBE2 and DBE9 of the adopted Local Plan and Alterations 1998 & 2006, policy DM9 of the Local Plan Submission Version 2017, and the NPPF.

- 17 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, B and E of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: The 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 DBE2 and DBE9 of the adopted Local Plan 1998 & 2006, PolicyDM9 of the Local Plan Submission Version 2017, and the NPPF 2021.

**Informatives: (3)**

- 18 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.
- 20 Note: Under the Land Drainage Byelaws of this Council, Land Drainage Consent is also required before any work commences. Please contact the Land Drainage team on 01992 564000 for application forms. The grant of planning permission does not imply the automatic grant of Land Drainage Consent.
- 21 The site is at risk of surface water flooding and it is recommended that the applicant refers to the EA's flood risk standing advice. If the applicant wishes to discuss this in more detail please contact the Environmental Protection and Drainage Team.