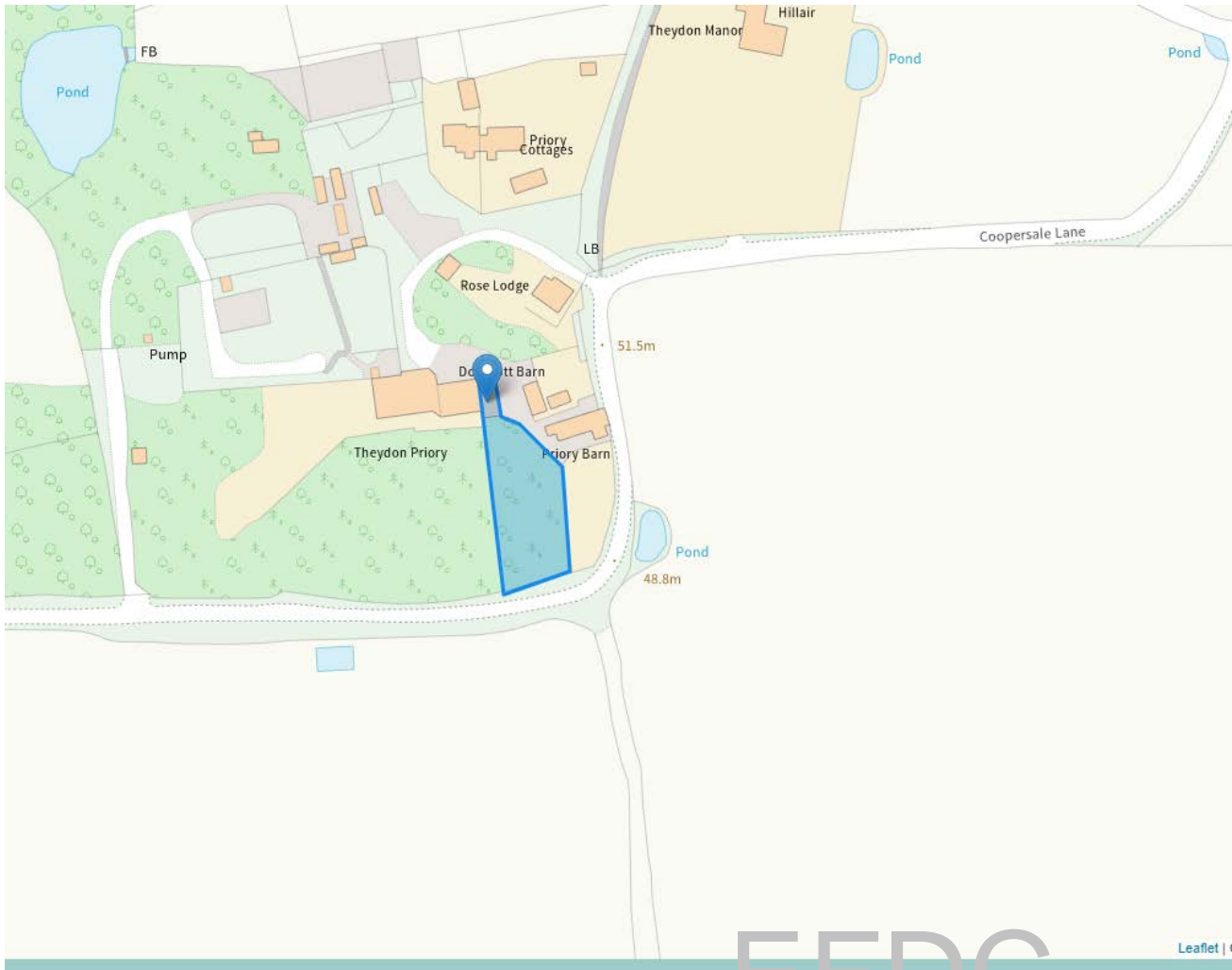




Epping Forest District Council

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Application Number:	EPF/0676/22
Site Name:	4 Theydon Priory Coopersale Lane, Theydon Garnon CM16 7NU

OFFICER REPORT

Application Ref: EPF/0676/22
Application Type: Full planning permission
Applicant: Mr Jay Sanger
Case Officer: Caroline Brown
Site Address: 4 Theydon Priory
Coopersale Lane
Theydon Garnon
Epping
CM16 7NU
Proposal: Carport on owners land.
Ward: Passingford
Parish: Theydon Garnon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000000NyxV>
Recommendation: Approve with Conditions

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than five objections are received (or in cases where less than 5 were consulted, a majority of those consulted object) on grounds material to the planning merits of the proposal (Pursuant to The Constitution, Part 3: Scheme of Delegation to Officers from Full Council).

Description of Site:

No. 4 is a two-storey dwelling located on the western side of Coopersale Lane. The property forms part of a Grade II Listed building, formerly part of a rectory of 17th century origin with later alterations. It is timber framed with red brick facing and stands at two storeys under a plain clay tiled roof.

The site also lies within the Metropolitan Green Belt and not within a conservation area.

Description of Proposal:

Permission is sought for the construction of a carport sited in the rear garden to the east boundary measuring 6.4m x 7.5m at a ridge height of 3.2m.

This application follows a refused scheme, ref. EPF/2331/21 and EPF/2339/21 where the flat roof form was deemed unacceptable.

Relevant History:

EPF/0675/22- Construction of a rear summer house- Approved

EPF/2331/21 and EPF/2339/21- Rear extension, carport and summer house and Grade II listed building consent for a rear extension, carport and summer house- Refused - 07/02/2022

The proposed development fails to conserve this Grade II Listed heritage asset and will cause harm to its special appearance and character. The proposal therefore fails to comply with policies DBE10, HC10 and HC12 of the Epping Forest Local Plan and Alterations (1998 and 2006), policies DM7 and DM10 of the Local Plan Submission Version (2017), and the NPPF (2021). -

EPF/0503/97 - Alterations to kitchen windows, small bay and french door to south elevation. – Grant Permission (with conditions).

EPF/0750/98 - Erection of garden shed. - Grant Permission (With Conditions)

EPF/1031/03 and EPF/1075/03 - Loft conversion and Grade II Listed building application for a loft conversion. - Grant Permission (With Conditions)

EPF/1364/06 and EPF/1365/06 - Erection of a side/rear conservatory and Grade II listed building application for the erection of a rear/side conservatory. – Both withdrawn

EPF/2254/06 and EPF/2255/06 - Single storey rear extension and Grade II listed building application for a single storey rear extension. - Refuse Permission and subsequently dismissed at appeal

EPF/0616/08 - Grade II listed building application to create a hole at the front of the house, closed with an air brick, to facilitate kitchen extractor and also a 50mm hole at ground level for grey water pipe. - Grant Permission (With Conditions)

EPF/1514/21 - Application for a Grade II Listed Building for proposed internal alterations and works of renovation. - Grant Permission (With Conditions)

Policies Applied:

DEVELOPMENT PLAN CONTEXT

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).

CP2: Protecting the Quality of the Rural and Built Environment

CP6 Achieving sustainable urban development patterns

CP7 Urban Form and Quality

DBE3 Design in Urban Areas

DBE9: Neighbouring residential amenity

GB2A Development within the Green Belt

GB7A Conspicuous Development

HC10 Works to Listed Buildings

HC12 Development Affecting the setting of a Listed Building

LL10 Adequate provision for landscape retention

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. On the 2nd of 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 the Inspectors final conclusion.

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 afforded to LPSV policies in accordance with paragraph 48 of Framework. The following policies below are relevant to the determination of this application.

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
SP6 Green Belt	Significant
DM4- Green Belt	Significant
DM5- Green and Blue Infrastructure	Significant
DM7- Heritage Assets	Significant
DM9 High Quality Design	Significant
DM10 Housing Design and Quality	Significant

Consultation Carried Out and Summary of Representations Received

Site Notice Displayed and application Advertised 14th July 2022

Neighbours consulted: 3:

5 objections have been received that raise the following concerns:

2 Theydon Priory:

- The carport is unnecessary and changes the aspect of the Priory. All four houses of the Priory have two designated parking spaces each.
 - The Priory has an ancient history and traditional aspect, which the neighbours are trying to preserve. Adding a modern carport as well as the other two planned developments is to the detriment of the heritage of the Priory.
- A carport suggests the owners are planning to use the summer house that is also being proposed as a separate dwelling with its own parking spaces.
- The carport will involve the uprooting of a mature willow tree that stands in the proposed area.

3 Theydon Priory:

- The building is listed and although number 4 was considered a "modern extension" and not part of the original building dating back to the 17th century, further extension work should not be added to damage the character of the heritage building. The addition of the extended kitchen (side extension), carport and summerhouse will be clearly visible across all properties and will be an eyesore, tarnishing the natural aesthetics of the area. No consideration with construction and building work of the proposed structures.

1 Theydon Priory:

- Grade II listed properties that have been preserved for many years. Anyone buying these properties knows the limitations and I feel should stick to them as all previous owners have been made to do so in the past.

Dovecote Barn Coopersale Lane:

- 4 Theydon Priory is approximately 9 metres opposite us (Dovecote Barn), and the fence leading to the garden is approximately 6-7 metres. There is only room for one vehicle to pass our front door, should any works be given approval, the disruption is right outside my front door. Access is going to be a problem for the diggers and lorries
 - A car port seems odd seeing the owner already has made an additional 2 spaces totalling to 4 parking spaces, it's been reported that the owner is a second-hand car dealer, and I am very suspicious of them storing cars should they be granted more spaces for more cars.
 - Several trees would have to be taken down unnecessarily, this will ruin and spoil the view. Theydon Priory is not a place for multiple cars to be parked, in stunning woodland and its beautiful, with nature around us.
- A carport in a garden is out of place.

Priory Barn Coopersale Lane:

- The entrance to our barn is adjacent to the proposed location of the carport, it will change the view of this end of the priory. Every couple of years we lower the height of our laurel hedge between our two gardens and when we do that the carport will undoubtedly block the light into our side room of the barn. Uprooting of a much-loved tree is unacceptable. No other house/Barn has a carport it will completely look out of place.

Main Issues and Considerations:

- The impact on the Metropolitan Green Belt
- The impact on the character and amenity of the Listed Building
- Impact on the amenities of the adjoining properties.

Impact on the Metropolitan Green Belt

The National Planning Policy Framework, (NPPF), 2021 states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green

Belts are their openness and their permanence. There is a presumption against inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 133 -149 of the NPPF states that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

Paragraph 147 states that Local Planning Authorities should have regard to the construction of new buildings as inappropriate in Green Belt. Exceptions to this are extensions or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy GB2A of the Local Plan seeks to resist inappropriate extensions to dwellings which would create a building of significantly larger or different in character when assessed against the original house.

No. 4 Theydon Priory is sited within the Metropolitan Green Belt and in terms of the additional floor space, the approved summerhouse and proposed carport would cumulatively result in some 54% increase above the original floor space and 30% in volume resulting in limited impact on the character and visual appearance of the Green Belt. The proposal is not considered to result in any significant additional material harm to the openness of the Green Belt and accords with the requirements of chapter 13 of the NPPF, Policy GB2A and GB7A of the adopted Local Plan and Alterations (2006-2008) and policy DM4 of the Local Plan (Submission Version), 2017.

Design and Impact on Listed Building

Epping Forest Local Plan Policies seeks to ensure a high quality of design and that development respects and relates to the character and context of the locality, maintaining and where possible enhancing the character of the existing area. These objectives are broadly consistent with the core principles of the NPPF that planning should seek to secure high quality design.

Proposed development affecting a designated heritage asset is expected to maintain a particularly high standard of design. The Local Planning Authority is required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to evaluate proposals to ensure that they either preserve the existing special character, appearance and setting of a designated heritage asset or, ideally, that they enhance these features.

Planning permission was refused for a similar proposal, (alongside the proposed side and summerhouse (ref. EPF/2331/21 & EPF/2339/21) in April 2022) due to the design, scale and bulk of the carport. Whilst the principle of the carport was acceptable the proposed flat roof form was deemed unacceptable. The introduction of a traditional catslide roof has reduced the roof form and bulk and overcomes the concerns previous raised and considered acceptable as it would preserve the special historic and architectural character of the listed building and is supported by the Councils Conservation Team and complies with policy HC12 of our Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of our Submission Version Local Plan (2017); and the NPPF (2021).

Neighbouring Amenity

The proposed development does not result in any significant harmful amenity implications in terms of, overlooking or privacy. Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level in accordance with the requirements of policy DBE9 of the adopted Local Plan and policy DM9 of the Local Plan submission Version, 2017.

In response to the objections received, the proposed scheme has addressed previous concerns raised and is considered to preserve the special historic and architectural character of the listed building. Appropriate conditions would ensure that the carport is only used for purposes ancillary to the dwellinghouse. Furthermore, other conditions such as hours of construction can be restricted to further protect the amenities of surrounding neighbours. Overall, the proposed use is considered to comply with the requirements of the Local Plan policies.

Trees and Landscaping

The proposal shows the removal of a contorted willow tree as it is in direct conflict with the car port. As part of the landscaping scheme, at least one replacement tree should be included within the planting proposals to ensure that there is no reduction of green infrastructure within the site. Given that the tree to be removed is described as a mature, 13metre tall tree, we would expect a minimum sized replacement tree to be an extra heavy standard (i.e., 14-16cm girth).

Trees and Landscape raise no objection subject to the attachment of conditions and a Tree Protection Plan and Method Statement' drawing number TCTC-18268-PL-03-02 (dated May 2022) to comply with policy LL10 of the adopted Local Plan 1998 & 2006, and policies DM3 and DM5 of the Local Plan Submission Version 2017, and the NPPF 2021.

Conclusion:

The proposal is considered appropriate in its context and would not result in any additional harmful impact on the openness of the Green Belt. It meets expectations both in terms of design and appearance and maintains an acceptable level of amenity to adjoining properties; other aspects in relation to landscaping are considered satisfactory and supported by the policies of the adopted Local Plan and Alterations (1998 & 2006) and the emerging Local Plan, Submission Version, 2017 and the relevant parts of the National Planning Policy Framework. In light of the above considerations, it is recommended that planning permission is approved 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: Caroline Brown

Direct Line Telephone Number: 01992 564182 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (11)

- 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: P.00.01; P.00.02; P.0106 Rev A; P.01.07 Rev A; Tree Survey Plan TCTC.18268.PL.03.02

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

- 3 The carport 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: It is essential that the carport be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with policy ST6 of the adopted Local Plan and Alterations, Policy T1 of the Local Plan Submission Version 2017, and the NPPF.

- 4 The carport hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 4 Theydon Priory .

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 and GB7A; GB2A of the adopted Local Plan 1998 & 2006, Policies DM4, DM9 and DM10 of the Local Plan Submission Version 2017, and the NPPF.

- 5 Samples of the types and details of colours of all the external finishes shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of the development, and the development shall be implemented in accordance with such approved detail.

Reason: To ensure the proposed works preserve the special architectural and historic interest of the building, in accordance with policy HC10 of the adopted Local Plan and Alterations 1998 & 2006, policy DM7 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 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.

- 9 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.

- 10 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), the carport hereby approved shall be retained as an open canopy without enclosed doors, capable of allowing the parking of cars together with any ancillary storage in connection with the residential use of the site, and shall at no time be converted into a room or used for any other purpose.

Reason:- It is essential that the garage be retained for the storage of a motor vehicle to satisfy the requirements of the Council's adopted vehicle parking standards, in accordance with the guidance contained within the National Planning Policy Framework, policy ST6 of the adopted Local Plan and Alterations, and Policy T 1 of the Epping Forest District Council Local Plan Submission Version 2017

- 11 Tree protection shall be installed as shown on Tracy Clarke Tree Consultancy 'Tree Protection Plan and Method Statement' drawing number TCTC-18268-PL-03-02 (dated May 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)

- 12 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.