



Epping Forest District Council



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Application Number:	EPF/1399/23
Site Name:	39 Albion Hill IG10 4RD

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OFFICER REPORT

Application Ref: EPF/1399/23
Application Type: Householder planning permission
Applicant: Mr P Giordano
Case Officer: Muhammad Rahman
Site Address: 39, Albion Hill, Loughton, IG10 4RD
Proposal: Application for landscaping scheme including outdoor swimming pool, decking, and grass terraces, in pursuant with approved application EPF/0277/20
Ward: Loughton Forest
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001WeGX>
Recommendation: Approve with Conditions

This application is before this Committee since it has been 'called in' by Councillor Baldwin and 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 which has been newly extended/altered, located within a built-up area of Loughton. It is not listed nor in a conservation area or a flood zone. Protected trees lie within the site.

Proposal

The proposal is for landscaping scheme including outdoor swimming pool, decking, and grass terraces.

For clarity, this application is limited to the above works only. The outstanding matters with regards to the host building currently being investigated under ENF/0088/21 are to be assessed via a separate application. As such Members are considering whether the landscaping works to the front inc the rear swimming pool is acceptable in terms of impact on character & impact on neighbouring amenities, not the unauthorised works to the host building.

Relevant Planning History

EPF/1925/19 - Proposed two storey rear extension with internal alterations - Withdrawn

EPF/0277/20 - Proposed rear single storey extension; amendment to part of roof to add x3 no. new dormers with internal alterations.(Revised application to EPF/1925/19) - Approved with Conditions & Implemented.

EPF/0225/21 - Non-Material Amendment to EPF/0277/20 (Partial rear roof slope amendment to incorporate with the change of eaves height) - Approved

EPF/3130/21 - Retention of single storey side & part single storey front extension with flat roof to be used as a terrace area. Swimming pool to the rear of the property - Withdrawn

Relevant Enforcement History

ENF/0339/20 - Works without planning permission - EPF/0277/20 not as plans extn and changes to roof. that part of house now demolished and footing closer to neighbours than plans – Closed

ENF/0010/21 - Works without planning permission - Lack of tree protection and raising of land levels within front garden over trees rooting area see EPF/0277/20 - Closed

ENF/0030/21 - Works without planning permission - Erection of wall at 1st floor level to create terrace and boundary wall not on plans EPF/0277/20 - Closed

ENF/0088/21 - Works without planning permission - Removal of trees, groundworks, additional windows, balcony, flat roof and additional room added to front of property - In Progress

Development Plan Context

Epping Forest Local Plan 2011-2033 (2023);

On 9 February 2023, the council received the Inspector's Report on the Examination of the Epping Forest District Local Plan 2011 to 2033. The Inspector's Report concludes that subject to the Main Modifications set out in the appendix to the report, the Epping Forest District Local Plan 2011 to 2033 satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework and is capable of adoption. The proposed adoption of the Epping Forest District Local Plan 2011 to 2033 was considered at an Extraordinary Meeting of the Council held on 6 March 2023 and formally adopted by the Council.

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

DM3 Landscape Character
DM5 Green and Blue Infrastructure
DM9 High Quality Design

National Planning Policy Framework 2021 (Framework):
Paragraphs 126 & 130

Summary of Representations

Number of neighbours Consulted: 6. 3 response(s) received.
Site notice posted: No, not required.

3, 4 & 5 HIGH VIEW CLOSE – Objections – Summarised as:

- Noise & General Disturbance from Pool;
- Impact on Trees & Landscaping; and
- Other comments not related to proposal.

LOUGHTON TOWN COUNCIL – The Committee NOTED the contents of a letter of objection.

Members deplored the retrospective nature of this application and the applicant's complete disregard for the planning approval conditions imposed under EPF/0277/20 to protect the amenity of the occupants of neighbouring properties.

The Committee OBJECTED to this application on the grounds that the pool was located too close to neighbouring properties affecting their amenity causing noise pollution; it had also resulted in an

overdevelopment of the site. Members believed Enforcement action should be taken for the removal of the pool.

The Committee expressed concern that any proposed levelling of the site of this property should not be to the detriment of any neighbouring properties, resulting in either overlooking or flood risk.

Planning Considerations

The proposed works to the front garden complements the setting of the host house and does not appear harmful within the street scene or wider locality. Partial screening is provided by the existing trees and landscaping. No design concerns are raised from the rear swimming pool.

Members will note that permitted development rights are still intact, so the proposed swimming, in Officers view is Lawful under Class E of the General Permitted Development Order 2015 (as amended) and does not require planning permission, although it has been included as part of this application. The concerns raised regarding protentional noise disturbance form the use of the swimming pool are unsubstantiated and how different is it from occupants using the garden for recreational purposes i.e., children playing, barbeques, social events, parties etc.

No harm is envisaged on the amenities of No.37A Albion Hill from the proposed works to the front garden, in terms of loss of privacy or visual impact.

Concerns has been raised with regards to the loss of some trees. The site will be enhanced with new landscaping to mitigate for the previous removal of trees from the site and this intends to make a positive contribution to the landscape character. The Councils Tree Officer has reviewed the submitted information and is satisfied with the revised landscaping scheme. As such there are no valid reasons to refuse in this regard.

Officers consider a timeframe of 4 months from the date of the decision notice to be a reasonable time period to complete the proposed planting. Traditionally recognised planting season in the UK is between October until March, so 4 months gives ample opportunity, should consent be granted by Members in August.

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, or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Case Officer: Muhammad Rahman | mrahman@eppignforestdc.gov.uk

Conditions: (4)

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, 1362 / 10, and TCTC-18544-PL-01 Rev A.

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

- 2 Within 4 months of the date of the decision notice, or such other period as agreed, in writing, with the Local Planning Authority, the Hard and soft landscaping scheme shall be implemented as shown on Tracy Clarke Tree Consultancy 'Landscape masterplan' drawing number 'TCTC-18544-PL-01 Rev A' (dated February 2023); and the accompanying planting schedule. 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 3 Within 4 months of the date of the decision notice, or such other period as agreed, in writing, with the LPA, the methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports and as shown on Appendix B3 to the Arb Report - Tracy Clarke Tree Consultancy 'Arboricultural Method Statement (Landscape operations)' drawing number TCTC-18544-PL-03 (dated December 2022).

Reason: To comply with requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 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 requirements of 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 DM3 & DM5 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

Informatives: (1)

- 5 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.