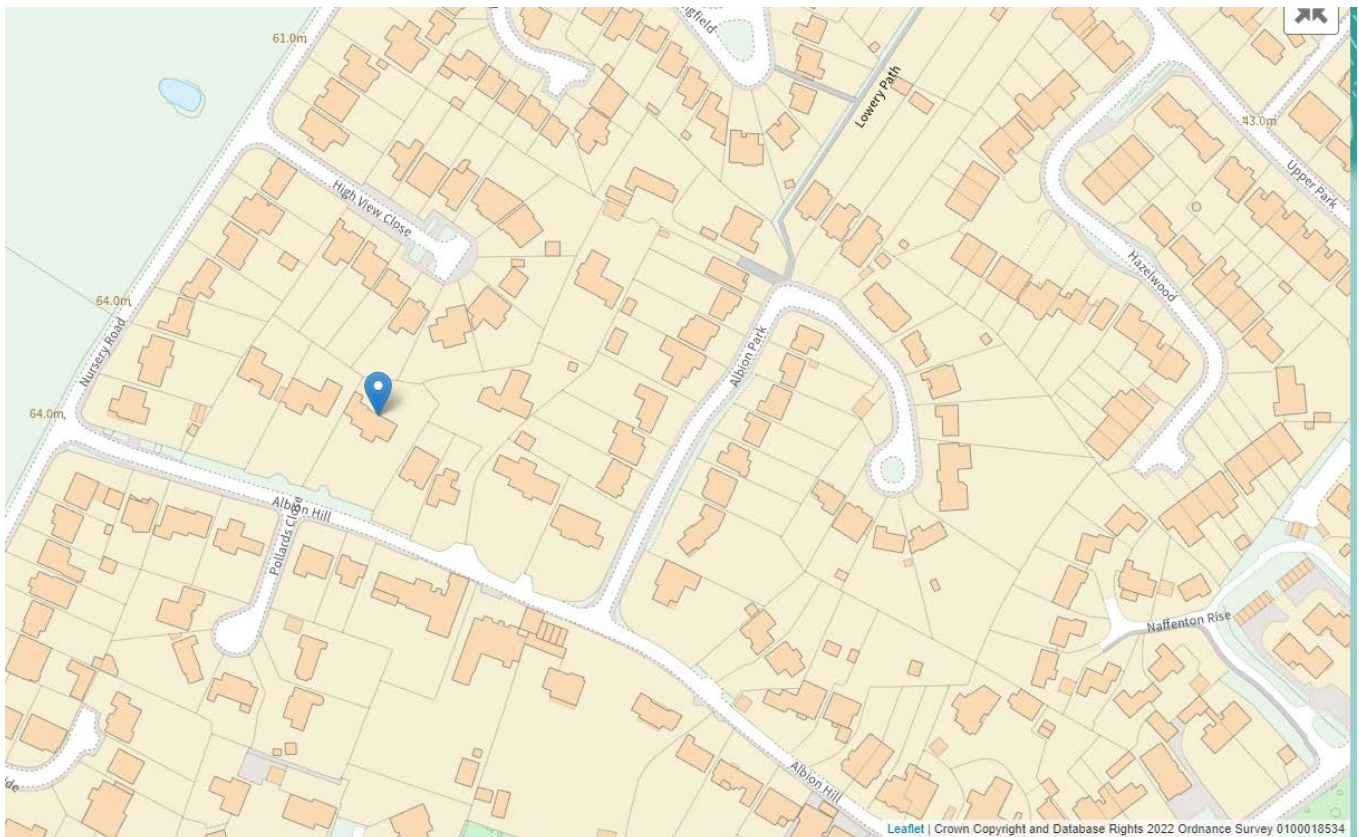


# OFFICER REPORT

**Application Ref:** EPF/1966/23  
**Application Type:** Householder planning permission  
**Applicant:** Mr P Giordano  
**Case Officer:** Muhammad Rahman  
**Site Address:** 39, Albion Hill, Loughton, IG10 4RD  
**Proposal:** Retention of infill extension on ground floor to side/front elevation with a flat roof, extension to single storey rear extension, increase in overall height of building inc eaves, internal and external alterations including door/window openings with Juliet balconies, and external finishes (Revised Scheme to approved consent EPF/0277/20).  
**Ward:** Loughton Forest  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XHWo>  
**Recommendation:** Approve with Conditions



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***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 the;

- Retention of infill extension on ground floor to side/front elevation with a flat roof;
- Extension to single storey rear extension;
- Increase in overall height of building inc eaves by approx. 400mm from 8.66m to 9.038m;
- Internal and external alterations including door/window openings with Juliet balconies;
- External finishes

This is a revised Scheme to approved consent EPF/0277/20.

For clarity, the landscaping works, swimming pool and hardstanding are not part of this application. These works were assessed under EPF/1399/23 which was recently refused and has been appealed against.

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EPF/1925/19 - Proposed two storey rear extension with internal alterations - Withdrawn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

EPF/1399/23 - Application for landscaping scheme including outdoor swimming pool, decking, and grass terraces, in pursuant with approved application EPF/0277/20 – Refused by Area Plans South Planning Committee on 13<sup>th</sup> September 2023 – Appeal Lodged.

## 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:

DM9            High Quality Design

### *National Planning Policy Framework 2023 (Framework)*

Paragraphs    126 & 130

## Summary of Representations

Number of neighbours Consulted: 6. 3 response(s) received.

Site notice posted: No, not required.

4 & 5 HIGH VIEW CLOSE & 37A ALBION HILL – Objections – Summarised as:

- Loss of privacy;
- Out of Character;
- Overdevelopment; and
- Overbearing and Visual Impact.

LOUGHTON TOWN COUNCIL – The Committee OBJECTED to this application stating that the applicant had displayed a complete disregard for the planning approval granted by the local planning authority (EPF/0277/20), and to not proceed with enforcement action would set a very dangerous precedent. The original application for this property had been to maintain the character of the existing dwelling, which was what this Committee had supported.

Members noted that apart from condition 1 of the approved planning application, EPF/0277/20, for works to commence within 3 years of the date of approval, all the other conditions had been breached:

The roof ridge height had been increased and a loft room including velux windows incorporated, which had not been included in the original submitted plans (condition 2). This had resulted in a negative impact on the amenity of neighbours to the rear at no.4 High View Close.

No tree protection had been implemented on this site, (condition 3). Trees and hedges had been removed without replacement, negatively impacting on the visual amenity of the area.

The original proposal for this dwelling was for materials to match original, namely a brick finish with weather board cladding, (condition 4), to safeguard the visual amenity of the locality, whereas the property had been finished in stark white rendering, creating a negative visual impact.

First floor rear windows were to be fitted with obscured glass with restricted inward opening window hinges (condition 5) – the windows installed do not match those in the plans (condition 2) – and are of clear glass with no restricted openings. Again, this has resulted in overlooking and a loss of privacy for the neighbours at no.4 High View Close.

The Committee OBJECTED to all the above breaches and strongly requested that the local planning authority enforce action for the property to be reinstated as proposed and approved in the original application, EPF/0277/20.

## **Planning Considerations**

The overall height of the building (9.038m) has increased by some 400mm from the approved scheme (8.66m) along with the raised eaves level this increase gives the impression that the building is substantially higher than approved. Officers note the concerns raised re the increase and the external finishes, however, within the context where there are buildings of various forms and architectural design, the building will have no material impact to the character and appearance of the area including the street scene.

Turning to the concerns raised regarding loss of privacy and concerns for potential use of the flat roofs as a terrace. The proposal includes Juliette balconies on the 8 doors at the first-floor level, along with a suitably worded condition restricting the use of the flat roofs for maintenance works only this will ensure the flat roofs cannot be used for any amenity purposes. Furthermore, the original consent required the 3 rear first floor windows (serving the master bedroom) directly facing No. 4 High view close to be obscure glazed with restricted openings. This condition has been re-added to this scheme as it is necessary to prevent any harmful overlooking to the occupiers of No. 4 High View Close.

There are no further harm envisaged on the other neighbouring amenities from the proposed works.

## **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](mailto:contactplanning@eppingforestdc.gov.uk)**

**Case Officer: Muhammad Rahman |**  
**[mrahman@eppignforestdc.gov.uk](mailto:mrahman@eppignforestdc.gov.uk)**

## **Conditions: (7)**

- 1 The development hereby permitted shall be carried out and retained strictly in accordance with the following approved plans: Location Plan, TOQ\_201, TOQ\_202, TOQ\_210, and TOQ\_211.

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

- 2 Within 3 months of the date of the decision notice, the first floor rear doors shall have been fitted with obscure glass with a minimum Pilkington privacy level 3 obscurity (or equivalent) and with restricted inward opening hinges to 45 degrees. Once installed the obscure glass and restricted hinges shall be retained at these specifications thereafter.

Reason: To prevent overlooking and loss of privacy to the occupants of neighbouring properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 4 Access to the flat roof(s) 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 DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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, AA, B & C of Part 1 to schedule 2 shall be undertaken, without the prior written agreement of the Local Planning Authority.

Reason: To 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 Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows [other than those expressly authorised by this permission] shall be constructed on the elevations, without the prior written agreement of the Local Planning Authority.

Reason: To ensure further consideration is given with regards to the effect on the living conditions on adjoining properties, in accordance with Policy DM9 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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 08:00 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, in accordance with Policies DM9 & DM21 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

**Informatives: (1)**

- 8 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.