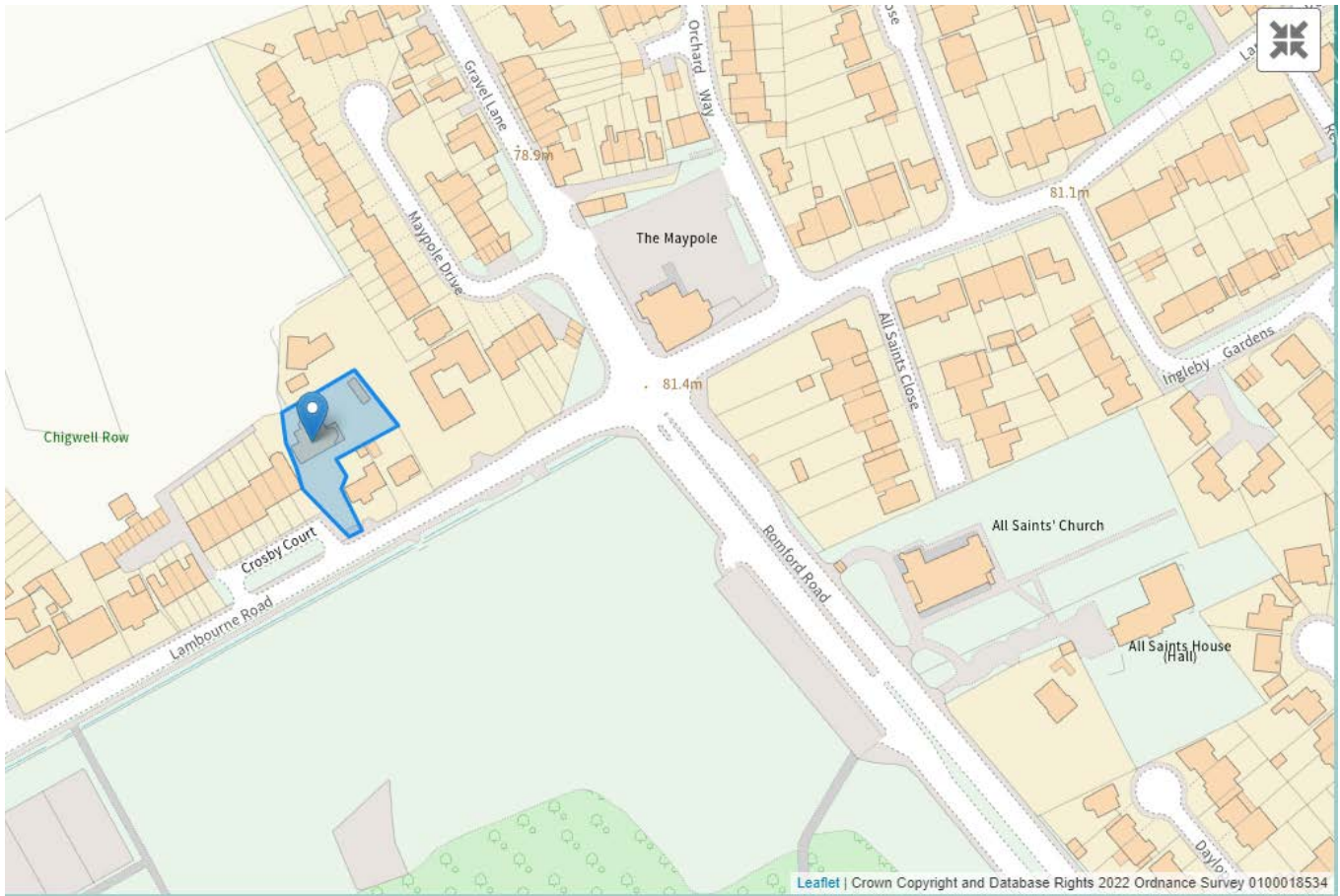


OFFICER REPORT

Application Ref: EPF/2047/23
Application Type: Removal/variation of conditions
Applicant: Mr Amarjeet Whaid
Case Officer: Callum Wright
Site Address: 179, Wayback, Lambourne Road, Chigwell, IG7 6JU
Proposal: Application for variation of condition 2 (Plan numbers) on EPF/2607/21 allowed on appeal APP/J1535/W/22/3299091 (Demolition of existing dwelling and erection of replacement dwelling and ancillary garden outbuilding)

Ward: Chigwell Row
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001XNUr>
Recommendation: Approve with Conditions



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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).

Site and Surroundings

The site comprises of a large, detached chalet style bungalow situated within the semi-rural area of Chigwell Row. It is not listed, nor within a Conservation Area or the Green Belt.

Proposal

The proposal is for a variation of condition 2 'Plan no's on EPF/2607/21 allowed on appeal APP/J1535/W/22/3299091 (Demolition of existing dwelling and erection of replacement dwelling and ancillary garden outbuilding).

This is a revised application to that assessed by Members under EPF/2607/21 on the 30th March 2022. The application was refused on design grounds, however, was overturned at appeal and permission granted for a replacement dwelling.

The variation to the plans includes the following changes to the primary application:

- alterations to the entrance, first floor and roof form of consented dwellinghouse;
- alterations to fenestration of main dwellinghouse;
- minor increase in footprint of consented garden outbuilding; and
- revised materials schedule.

The proposal is thereby seeking a 'minor' material amendment application, whereby the previous reference on file will be replaced by the current one if approved.

Relevant Planning History

EPF/0155/21 - Application for Approval of Details Reserved by conditions 3 'Types and colours of external finishes' & 13 'landscaping' for EPF/2946/19. (Demolition of existing dwelling and erection of replacement dwelling) – Details Partially Approved

EPF/0246/21 - Demolition of existing dwelling and erection of replacement dwelling (Amended application to EPF/2946/19 Allowed on Appeal) – Withdrawn by Applicant

EPF/0246/21 - Demolition of existing dwelling and erection of replacement dwelling (Amended application to EPF/2946/19 Allowed on Appeal). - Withdrawn

EPF/3000/20 - Grade II Listed Building application for replacement of existing double-swing vehicular access gate with sliding gate of a similar style, including decorative cast iron pattern work. Existing boundary treatment otherwise unchanged. - Withdrawn

EPF/2992/20 - Replacing existing double-swing vehicular access gate with sliding gate of a similar style, including decorative cast iron pattern work. Existing boundary treatment otherwise unchanged. - Withdrawn

EPF/2242/20 - Grade II listed building consent for installation of an outdoor swimming pool and hard landscaped surround in the grounds of Hainault Hall. The pool is adjacent to and associated with an annexe to the Hall (under construction). – Approved with Conditions

EPF/2929/20 - Application for approval of details reserved by condition 4 'Construction Method Statement' on planning application EPF/2946/19 – Details Approved

EPF/3034/20 - Application for Approval of Details Reserved by Conditions 7"risks posed by any contamination", 8"remediation scheme" & 9" Phase II report" for EPF/2946/19 – Details Approved

EPF/2113/20 - Installation of an outdoor swimming pool and hard landscaped surround in the grounds of Hainault Hall. The pool is adjacent to and associated with an annexe to the Hall (under construction).
– Approve with Conditions

EPF/2946/19 - Proposed demolition of an existing dwelling & erection of a replacement dwelling – Allowed on Appeal

Pre-app - EF\2021\ENQ\00760 - Replacement dwelling (Amended scheme to EPF/2946/19)

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:

DM8	Heritage at Risk
DM9	High Quality Design

National Planning Policy Framework 2023 (Framework)

Paragraph	11
Paragraphs	126 & 130

Summary of Representations

Number of neighbours Consulted: 10. 2 response(s) received
Site notice posted: No, not required.

5 & 8 CROSBY COURT, 177 LAMBOURNE ROAD - Objections - Summarised as:

- Overshadowing/Loss of light;
- Overlooking and Privacy Infringement
- Over-dominant/Overbearing; and
- Out of character/Unsuitable Development;
- Other comments on non-planning merits.

CHIGWELL PARISH COUNCIL – The Council OBJECTS to this application because this proposal does not meet with the requirements stipulated in the EFDC Local Plan, Policy DM21. Further it fails to mitigate to a minimum, adverse environmental impacts and fails to align with the carbon emission reduction policies, which would protect the health and well-being of residents.

Planning Considerations

The main issue for consideration in this case is whether the proposed changes are acceptable.

Character and Appearance

Within the immediate surroundings, it is residential in nature and, the properties vary in size and design. Other than Hainault Hall a Grade II listed building, the remainder of the properties lack any architectural merit. As such, the proposed dwelling would be of a size, scale and contemporary design that would represent a visually attractive solution adding to the overall quality of the area.

As already confirmed through the consent allowed on site, the proposed development would not have any adverse impacts upon the character and appearance of the street scene or the wider locality. The proposed variation to condition 2 including the alteration to the entrance, addition of new fenestration, increase in outbuilding footprint and minor change to the materials schedule would retain this lack of adverse impact.

Living Conditions of Neighbouring Properties

The proposal would have no material impact to 8 Crosby Court in terms of harmful overlooking, loss of privacy, overshadowing, or overbearing and visual impact, that would warrant a reason for refusal. This is due to the existing relationship between the host house and 8 Crosby Court, the proposed separation distance from the common boundary, and the staggered set in at the first-floor level and above on the west elevation.

No material harm is envisaged on Harsnett and School Cottage situated to the front of the host house. This is due to the separation distance from the common boundary, the orientation of the host house facing southeast and the limited scale of the proposed dwelling. The proposed variation to condition 2 including the alteration to the entrance, addition of new fenestration, increase in outbuilding footprint and minor change to the materials schedule would retain this lack of harm to neighbouring amenity.

Other Considerations

Objections received, many of which being material planning considerations have been considered and the changes if implemented would have a negligible difference upon the merits of the scheme already assessed. These amendments are thereby considered minor material changes.

Conclusion

For the reasons set out above, having regard to all the 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. If no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk

Conditions: (16)

- 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-005 P02, P-006 P02, P-007 P02, P-0058 P02, P-009 P02, P-010 P02, P-011 P02, P-012 P02, P-014 P02, Design and Access Statement

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.
- 4 Tree protection shall be installed as shown on Tim Moya Associates 'Tree protection for demolition' drawing numbers 191109-P-12 and 'Tree protection for construction' drawing number 191109-P-13 (both dated December 2021) 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.
- 5 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, unless the Local Planning Authority gives its written consent to any variation.
- 6 The development hereby permitted shall be carried out in accordance with the details set out in chapters 8 & 9 of the Preliminary Ecological Appraisal by Tim Moya Associates (dated January 2020). The scheme Appeal Decision shall be implemented in full prior to the occupation of the development hereby approved, and so retained.
- 7 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.

- 8 Prior to first occupation of the building hereby permitted the windows in the flank elevation (facing Crosby Court) 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 windows 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.
- 9 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.
- 10 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the approved plans.
- 11 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, unless the Local Planning Authority gives its written consent to any variation. 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.
- 12 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.
- 13 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present, despite no specific former potentially contaminating uses having been identified for this site. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 14 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.
- 15 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 without the prior written permission of the Local Planning Authority.

- 16 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 generally permitted by virtue of Classes A, AA, B, C, D & E of Part 1 of Schedule 2 shall be undertaken without the prior written permission of the Local Planning Authority.

Informatives: (1)

- 17 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.