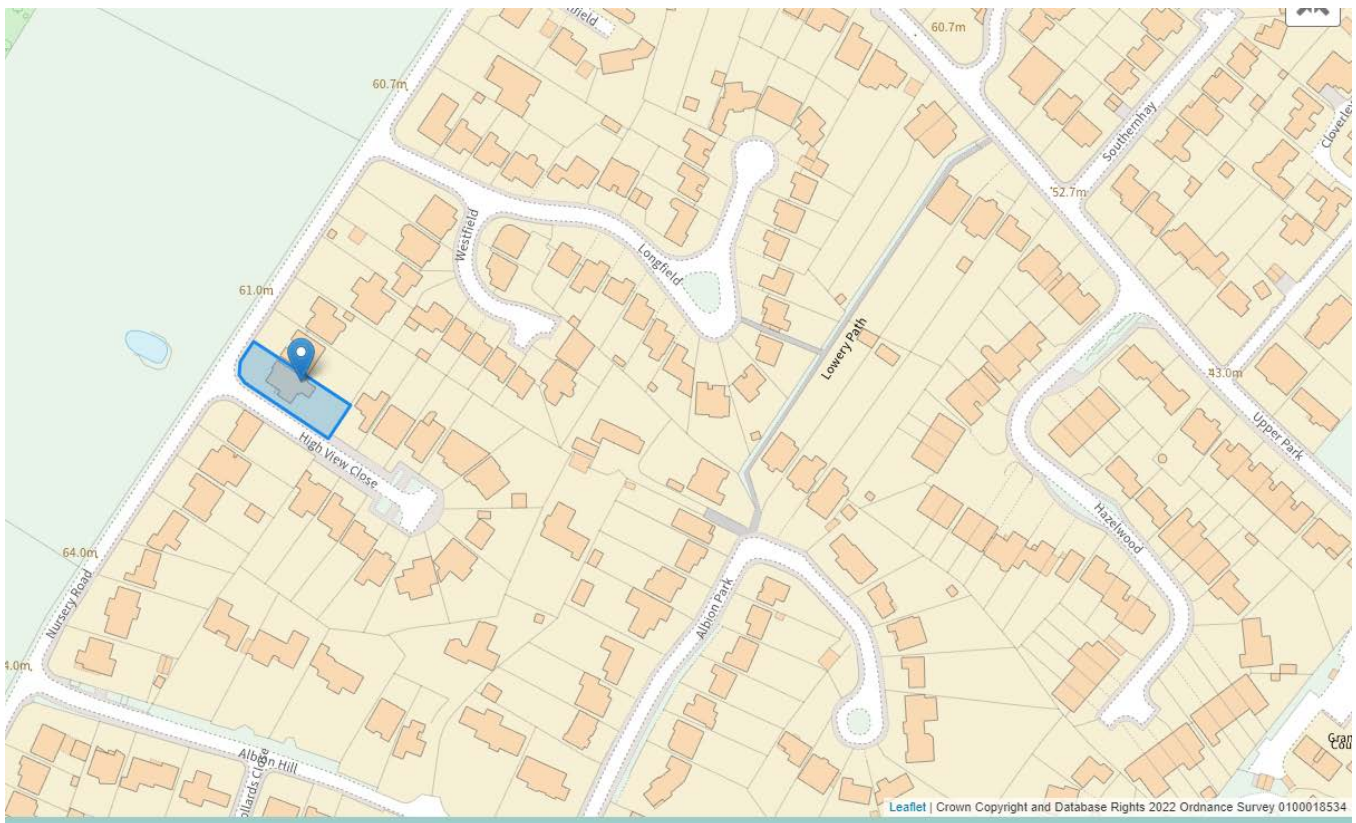


# OFFICER REPORT

**Application Ref:** EPF/2469/23  
**Application Type:** Householder planning permission  
**Applicant:** Mr & Mrs Laysmith  
**Case Officer:** Kelly Sweeney  
**Site Address:** Corner Garth, Nursery Road, Loughton, IG10 4EF  
**Proposal:** Rear garden level alterations  
**Ward:** Loughton Forest  
**Parish:** Loughton  
**View Plans:** <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv00000005ED>  
**Recommendation:** Approve with Conditions



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***This application has been brought before the Planning Committee because the application is recommendation for approval and objections have been received from nearby residents and the Town Council.***

## Summary

It is considered that the proposed alterations are relatively minor in nature and would not result in harm to the character and appearance of the property or the public realm. The Council's Tree and Landscaping

Officer is satisfied with the information submitted and it is considered that there would be no harm to nearby residents or to the local highway network. Approval is therefore recommended.

## **Site and Surroundings**

The site comprises a large, detached bungalow located on a prominent corner plot between High View Close and Nursery Road. The property has an enclosed rear garden which backs onto the boundary with No. 12 High View Close. To the front the property is set back from the road and had a large, grassed frontage with a driveway leading to an integral garage.

The surrounding area comprises a mix of bungalows and two storey houses of varying character. Several of the bungalows located within close proximity to the site have been extended significantly.

The site is not located within a conservation, nor is located within close proximity to any heritage assets or protected trees.

## **Proposal**

At present the rear garden of the site has a steep gradient which increases in height. Its lowest point is closest to the rear elevation of the main bungalow and its maximum height is next to the rear boundary adjacent to No. 12 High View Close. The proposal seeks to excavate the rear garden so that it is level with the current lowest part of the garden.

It is noted that the excavation of a rear garden to make it level would normally constitute permitted development under the Town and Country Planning (General Permitted) Development Order (As amended), however as the development would include the construction of a retaining wall of 2.4m in height along the boundary with 'Glentarras' and the use of reinforced concrete it is considered that a planning application is required in this case.

## **Relevant Planning History**

The site has an extensive planning history relating to extensions and alterations to the main bungalow. They have several recent planning permissions the most recent being EPF/1757/23 and EPF/1780/23 which include ground floor and roof extensions to the property.

## **Development Plan Context**

Local Plan (2023)

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

DM9 High Quality Design  
DM10 Housing Design and Quality  
DM16 Sustainable Drainage Systems

National Planning Policy Framework (NPPF) 2023

## **Summary of Representations**

One resident objection has been received commenting as follows: -

- The development would result in a risk of subsidence.

- There are errors in the planning submission which state works has not commenced, however trees have already been removed from the site.

Officer Comment: Any risk of subsidence would not be a material planning consideration. Any structures matters must be considered under building regulations. The loss of trees on site is discussed further in the report.

LOUGHTON TOWN COUNCIL – Objected on the following grounds: -

- The level of information provided is incomplete and ambiguous.
- Concern has been raised that waste from the demolition of the building could be used as landfill for this purpose.
- The development has involved the loss of all greenery.

Officer Comment: Since the submission of the application the applicant has provided additional plans which show the difference between the existing and proposed garden levels. In terms of waste disposal as a result of the demolition of the main house, this is not for consideration as part of this application. It is noted that there is no planning permission in place for demolition of the existing bungalow. The Council's Tree and Landscaping Officer has been consulted on the application and raises no objection to the development and has recommended a land excavation condition.

### **Internal and External consultees**

The responses follow the receipt of amended documents and information.

Tree and Landscape Officer: No objection subject to safeguarding conditions. Comments followed the submission or additional information and plans.

### **Planning Considerations**

The main issues for consideration in this case are:

- a) The principle of the development;
- b) The impact on the character and appearance of the locality.
- c) The impact to the living conditions of nearby residents.
- d) Other Matters.

#### Principle

The application seeks approval to make improvements within the curtilage of an existing residential dwelling. Subject to compliance with policies relating to the impact upon the character and appearance of the area, residential amenity and other matters such as impact upon trees, landscaping and highways the proposed development is acceptable in principle.

#### Character and Appearance

Policy DM9 of the adopted Local Plan (2023) seeks to ensure that development does not harm the character and appearance of existing buildings and that any extensions and alterations are appropriate in terms of their appearance, scale and massing. Due regard should also be paid to the landscape character of the site as well as the protection of any trees.

Concerns have been raised that the development has involved the loss of a number of trees and shrubs on site. However, none of the trees or other landscape features within the site boundary are/were

protected. The site is not in a conservation area and no trees are subject to a Tree Preservation Order as such the removal of the trees does not require permission from the Local Planning Authority.

As discussed above the need for planning permission in this case only relates to the proposed 2.4m retaining wall and use of reinforced concrete. Usually levelling a rear garden can be carried out under permitted development. It is considered that the works would not result in harm to the character and appearance of the site or the wider area. Lowering the garden would mean that it would be less visible from the public realm than at present.

The Council's Tree and Landscaping Officer has been consulted on the application and raises no objection to the development. Conditions have been recommended which would ensure that there would be some replanting of trees to off-set the trees lost on site. It is considered that this this would overcome concerns raised by the resident objections.

The retaining wall would be relatively low in height and would not introduce a feature that would appear incongruous within this location.

Overall, the development would be in compliance with Policy DM9 of the Council's adopted Local Plan 2023.

#### The impact to the living conditions of nearby residents

The development would involve a reduction in site levels which would reduce any impact upon nearby residents. As such it is considered that the development would not be harmful to residential amenity.

#### Other Matters

The development involves alterations to an existing rear garden. There would be no alterations to the existing access arrangements for the site. As such there are no concerns with respect to the impact upon the local highway network.

It is proposed that the rear garden will be laid to lawn and the existing area of hardstanding shall remain as existing. As such it is considered that there would not be any sustainable drainage concerns as a result of the development.

#### **Conclusion**

The development would involve minor changes to the rear garden of an existing residential property. It is considered that the development would not result in harm to the amenity of nearby residents, the character and appearance of the site or the wider area or to the local highway network. New trees planting within the rear garden would be secured by way of condition. The development would be in compliance with policies DM9 of the Council's adopted Local Plan (2023). App

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

#### **Conditions: (4)**

- 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 in accordance with the following approved plans: 2342-200.11 Rev A and 500.11.

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

- 3 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 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 Prior to any above ground works, details of tree planting, including positions or density, species and planting size(s) and a timetable for implementation (linked to the development schedule) shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. If within a period of five years from the date of planting any tree, or replacement, is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree 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.

**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.