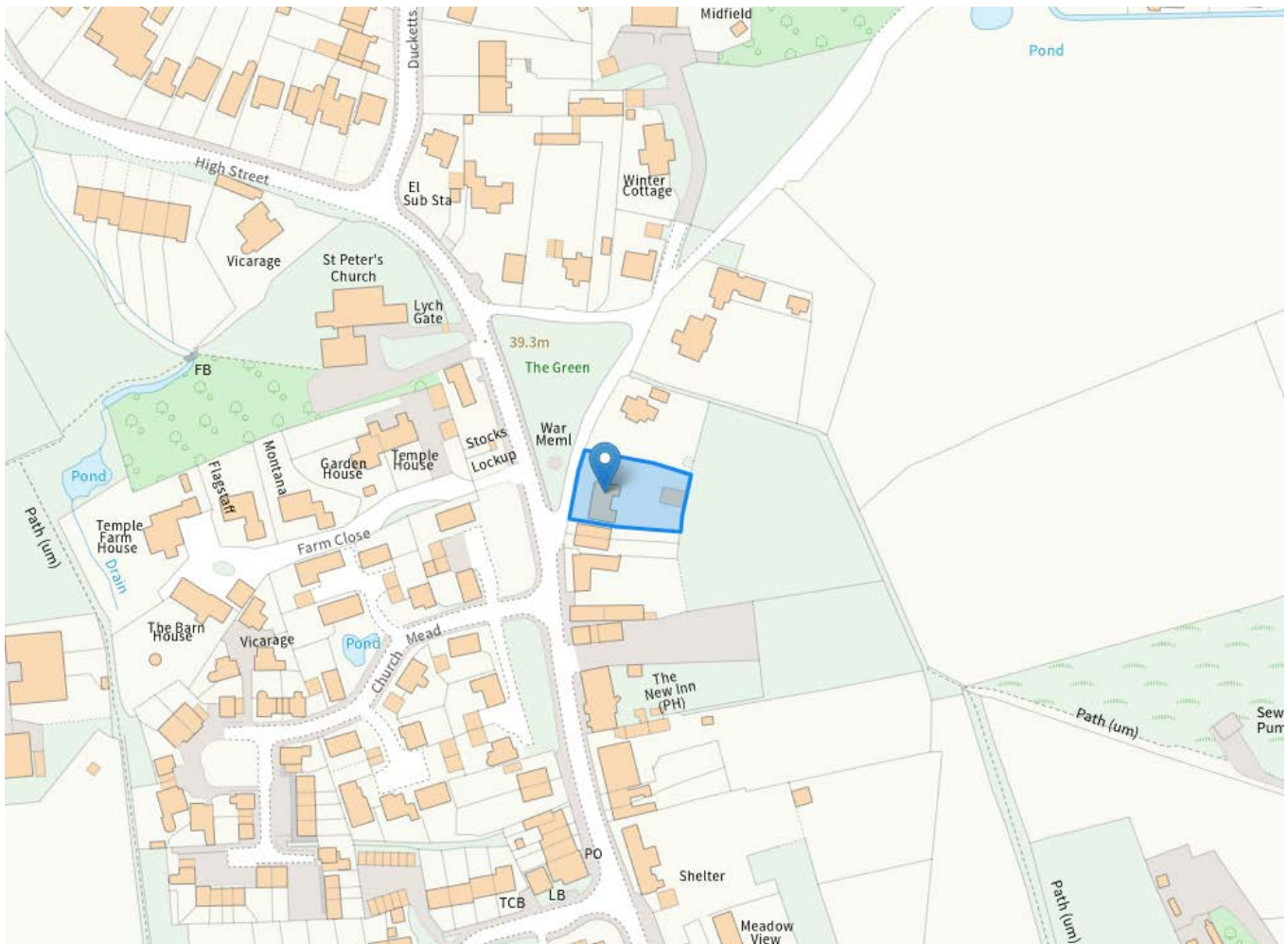


OFFICER REPORT

Application Ref: EPF/0748/23
Application Type: Householder planning permission
Applicant: Jack Nethercott
Case Officer: Muhammad Rahman
Site Address: 122, High Street, Roydon, Harlow, CM19 5EF
Proposal: Erection of single-storey, oak-framed orangery following removal of lead canopy (Revised scheme to EPF/2705/22).
Ward: Roydon
Parish: Roydon
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0h8d000001VpXe>
Recommendation: Approve with Conditions



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This application has been referred up from the West Planning Committee that was held on the 5th June 2024. Members resolved to grant planning permission & listed building consent with conditions contrary to the Officer recommendation.

It is before District Development Management Committee since the current scheme is near identical to the previous scheme which was refused by the Council and subsequently dismissed on appeal by the Planning Inspectorate. The Policy Conflict raised by both the Council and the Planning Inspectorate still remain and no clear public benefit to outweigh this harm was identified by West Committee members. Therefore the Members recommendation is considered to be a departure from the development plan.

The previous officer report has been reproduced below.

This application is before this Committee since it has been 'called in' by Councillor Mary Sartin (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council).

Site and Surroundings

The site comprises of a detached Grade II listed building located within the Roydon Conservation Area. It formally consisted of 2 dwellings No's 118 & 120 but has since merged into a single dwelling known as 122 High Street.

A protected tree lies to the front of the site.

It is not within the Green Belt or a flood zone.

Proposal

The proposal is the erection of single-storey, oak-framed orangery following removal of lead canopy. This is a revised scheme to EPF/2705/22 & EPF/2707/22.

This scheme is near identical to the above two applications with the main change being the minor alterations to the fenestration / openings of the proposed orangery.

Relevant Planning History

EF\2020\ENQ\01030 - Single storey rear extension to replace existing canopy - Advice Given

EPF/2042/21 & EPF/2053/21 - Extension of the existing sunshade canopy to the rear, patio area under the canopy to be raised by approximately 150mm) - Refused

EF\2021\ENQ\01031 - Post app - refusal of EPF/2053/21 - Advice Given

EPF/3305/21 - Grade II Listed building application for a proposed rear sunshade canopy adaption. Existing modern Georgian style external living room doors to be replaced with oak framed bi-folding doors - Approved with Conditions

EPF/2705/22 & EPF/2707/22 - Erection of single-storey, oak-framed orangery to rear following removal of existing lead canopy – Refused & Dismissed at Appeal

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:

DM7 Heritage Assets
DM9 High Quality Design

National Planning Policy Framework 2023 (Framework)

Paragraphs 131 & 135
Chapter 16 Conserving and enhancing the historic environment

Summary of Representations

Number of neighbours Consulted: 2. No response(s) received.
Site notice posted: Yes.

ROYDON PARISH COUNCIL – No objection.

Planning Considerations

The main issue for consideration in this case is whether the previous reason for refusal including the appeal decision for EPF/2705/22 & EPF/2707/22 have been overcome.

The previous applications were refused for the sole reason below;

1. The proposal, by reason of its design and finishes, would result in an unsympathetic extension which would cause harm to the special character of the associated designated heritage assets (Listed building; conservation area), the significance of no.122 High Street and its wider setting. This is contrary to policies HC6, HC7, HC10 and HC12 of the EFDC Adopted Local Plan and Alterations (1998 and 2006); policy DM7 of the EFDC Local Plan Submission Version (2017); and paragraphs 189, 190, 195, 197, 199, 200, 202, 206 and 207 of the NPPF (2021).

The above reason was partially upheld by the Planning Inspector as the inspector found no harm to the Roydon Conservation Area, however, ultimately the appeal was dismissed as outlined in Paragraphs 17, 28 & 29 of the appeal decision highlighted below;

17. I acknowledge that the primary significance of the building is its front elevation and the internal historic fabric. However, the plan form and rear canopy and extension also contribute positively to the building's significance. The proposal would further erode the plan form and would remove the canopy and overwhelm the retained canopy extension by its excessive footprint and size. The proposed extension would be over-sized, unattractive, and architecturally incongruous in relation to the main building. It would therefore harm the special architectural and historic interest of the Listed building. I assess the level of harm to be less than substantial.

28. The extension would increase the size of the lounge area which would improve the functionality of the dwelling. However, this is in the context of a home and lounge area that is already relatively large, having been created out of the amalgamation of two previous dwellings. There is no evidence before me, or reason to believe, that an extension is required to secure the ongoing viable use of the property

as a dwelling. The additional floorspace itself is only of private benefit and is not a public benefit weighing in favour of the proposal.

29. In accordance with Paragraph 199 of the Framework, I place great weight on the harm I have identified to the architectural and historic interest of the building. I have not identified any public benefits that could not likely be achieved by other, less harmful, means. The proposal is therefore unacceptable and fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Paragraph 199 of the Framework. With regard to the s78 appeal, the proposal also fails to comply with the Development Plan, in particular and Policy DM7 of the LP which reflects the Framework and requires the preservation or enhancement of heritage assets.

The Councils Conservation Team have maintained their previous objections and there is no overriding justification for Officers to come to an alternative conclusion.

Conclusion

For the reasons set out above having regard to all matters raised, it is recommended that planning permission & listed building consent be refused.

If you wish to discuss the contents of this report item please email 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

Conditions: (3)

- 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: 86771/01, 86771/02, 86771/03, 86771/04, and 86771/14.

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

- 3 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.

Informatives: (1)

- 4 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.