

OFFICER REPORT

Application Ref: EPF/0549/24
Application Type: Full planning permission
Applicant: Mr and Mrs Subaskaran
Case Officer: Mohinder Bagry
Site Address: 34, Broad Oaks, High Road, Chigwell, IG7 6DW
Proposal: A new entrance gate and walls, with a delivery hut and an administration office hut attached, and a separate small security hut situated midway between the new gates and the main house. To serve the new dwelling house granted planning permission, Ref EPF/2719/21 on 02/12/2022.

Ward: Chigwell Village
Parish: Chigwell
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000003y9J>

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 permission for a new dwelling house EPF/2719/21 on a 65-hectare estate. The site lies on the east side of High Road outside of the main village of Chigwell. Surrounding area is characterised by its larger detached estates surrounded by mature trees to boundaries. The site is not located within the boundaries of a Conservation Area. It lies on designated Green Belt land and there are multiple Tree Protection Orders on the site.

Proposal

A new entrance gate and walls, with a delivery hut and an administration office hut attached, and a separate small security hut situated midway between the new gates and the main house. To serve the new dwelling house granted planning permission, Ref EPF/2719/21 on 02/12/2022.

Relevant Planning History

This application is a resubmission following the refusal of EPF/1864/23 for a revised scheme removing windows and doors to the front elevation of the proposed wall. Grounds for refusal were due to the impact to trees.

The proposal site has extensive planning history dating back to 2018. The most relevant history to this application has been detailed above.

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, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM7	Heritage Assets
DM9	High Quality Design
SP5	Green Belt and Local Greenspace
SP6	The Natural Environment, Landscape Character and Green and Blue Infrastructure

National Planning Policy Framework 2023 (Framework)

The Framework is a material consideration in determining planning applications. The following paragraphs are considered to be of relevance to this application:

Paragraphs 131, 135 & 186

Summary of Representations

Number of neighbours Consulted: 7. 2 responses received.

Site notice posted: No

NEIGHBOUR RESPONSES:

1 neighbour returned No Objection with the following comment: ‘...every great house in the past always had a gate house so what’s the difference here.’

1 neighbour strongly **Objects**. Objection summarised as:

- i) Loss of privacy, security risk.
- ii) Affects the character and appearance of Epping Forest
- iii) More akin to a country club rather than a dwellinghouse. *

CHIGWELL PARISH COUNCIL – ‘The Council **OBJECTS** to applications which may result in inappropriate development in Green Belt whether with or without special circumstances. The Council, therefore, **OBJECTS** to this application. If, however, all relevant Officers deem this application acceptable, whether with amendments or not, then the council is willing to waive this objection

The Council further **OBJECTS** on the following grounds: The entrance gate and walls and CCTV will adversely impact on the setting of Tailours a Grade II listed building adjacent to the proposed site, leading to a loss of privacy. The proposal will adversely impact on the openness of the Green Belt.

Due to the extensive incursion and volume already granted, the Parish ask that if permission is given, permitted development rights are removed from the entire site.’

CHIGWELL RESIDENT’S ASSOCIATION – **Objection** summarised as:

- Loss of greenspace on Green Belt
- Changes the green landscape character
- Loss of privacy of neighbours
- Situated adjacent to a Listed Building.
- Questions future use not as a residential dwelling. *

EFDC Conservation and Listed Buildings – ‘**OBJECT** to the proposed scheme due to the harm it would cause the significance of the designated heritage assets (Tailours group), including that of their setting.

This is supported by Policies DM7 and DM9 of the Epping Forest District Local Plan 2011-2033 (2023); and paragraphs 195, 200, 201, 203, 205, 206, 208 and 212 of the NPPF (2023).’

HISTORIC ENGLAND – T&CP (Development Management Procedure) (England) Order 2015 & Planning (Listed Buildings & Conservation Areas) Regulations 1990

‘Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.'

EFDC Environmental Protection and Land Drainage – No objection subject to conditions.

EDFC Trees and Landscaping – No objection subject to conditions.

Items highlighted with an asterisk are not considered material planning concerns and are not addressed in the report.

Planning Considerations

The main issues for consideration in this case are:

- a) The impact on the character and appearance of the locality
- b) The impact to the living conditions of neighbours
- c) The impact on trees and landscaping
- d) The impact on heritage assets
- e) The impact on Green Belt.
- f) The ecological impact.

Character & Appearance

Housing along this locality is largely self-contained detached dwellings typically gated walled/railing entrances, sweeping driveways, mature trees, and extensive landscaping. The application site is an exceptionally large area of approximately 65-hectare former estate comprising woodland, ponds, private parkland, pathways, outbuildings, and private leisure facilities. Sparsely located neighbouring estates have similar features. Multiple heritage assets are located opposite the front entrance of the application site including Tailours a Grade II Listed Building (Listing No. 1111235) and Grade II, Forecourt Gateway, Railings and Wall of Tailours Listing No.1111236).

Set back from the public highway on the entrance driveway, the application site currently has a red brick walled entrance and set of solid timber inward opening gates. The proposed 3.10m high (3.75m pillar and finial height), curved, self-coloured rendered walls with inset feature iron railings, inward opening metal gates are acceptable to the character and appearance of the setting and are not considered uncommon within similar detached estates in Chigwell Village. The flat-topped delivery hut and administration hut sit behind the wall not visible to the general streetscene. The small security hut set further along the driveway of the estate is also acceptable in terms of scale and appearance.

Windows and doors facing into the semi circled entrance have been removed with an amended design which now comprises a plain stucco wall. The inset railing feature breaks up the massing of the wall and allows for some intravisibility within the site. Metal railings gate replaces the existing solid timber doors allows for further visibility and creates a sense of openness into the site.

Height of the existing walls and pillars have been increased by approximately 0.35m and 1m respectively. However, the walls are largely to the sides of the entrance and there are examples of similar sized walled boundaries in the locality. Overall, the proposal is consistent with the general character and appearance of the setting.

Living Conditions

New security gates are located approximately 20m from the roadside kerb compared with the existing at approximately 8.5m. Administration office and delivery hut sit behind the front entrance walls and are not

visible to the streetscene. A dedicated security hut is located approximately 35m further into the site and does not directly impact neighbouring properties.

The final design does not incorporate windows or doors to the front entrance. As such, there is minimal harm to the living conditions of neighbours in terms of loss of privacy or overlooking resulting from the proposal.

The proposal accords with policy DM9 of the Council's adopted Local Plan which seeks to ensure that development is not harmful to neighbour amenity.

Trees and Landscaping

The proposal has overcome its previous reasons for refusal in terms of preservation of trees with the proposal being acceptable subject to conditions.

Heritage Assets

Consultation with Historic England (due to the proposal being adjacent to a Grade II* building (Tailours)) refers the applicant to the local conservation/archaeological team for advice and did not comment on the merits of the case. Considering the nature of the proposed development set back from the public highway and sufficient distance from heritage assets, (approximately 38m from a Listed Gateway, Railings and Wall and 48m from a Listed Building - Tailours) together with the amended design removing the street facing windows, the proposal is not considered to result in adverse harm to heritage assets or their setting. As such, low weight is given to the issue in the planning balance.

Green Belt

The application demonstrates a reduction in volume of 24 cubic metres following the demolition of existing outbuildings to compensate for the new development.

Outbuildings to be demolished include Shed 4 and the Cottage Garage. Both are set well within the site boundary closer to the main dwelling. The proposed huts, set behind the proposed entrance walls, are massed to the front of the site adding to the bulk of the wall from inside the boundary. The removal of two outbuildings in disparate locations does not compensate for the additional massing that is proposed. However, the proposal does not have a detrimental visual impact to the street scene but due to the additional bulk and massing concentrated to the front, does affect the openness of the Green Belt. As such, the proposal constitutes inappropriate development in the Metropolitan Green Belt and very special circumstances will be required.

Failing to meet the visual/spatial assessment, consideration is given to any Very Special Circumstances that may exist outweighing any harm by reason of inappropriateness. Very special circumstances can be secured by way of condition to remove the outbuildings detailed in the demolition site plan prior to groundworks commencing. The site already has permitted development rights restricted under Class E of the GPDO. In securing these conditions, the proposal is not considered inappropriate development on Green Belt.

Ecological impact

Both Shed 4 and Cottage Garages proposed for demolition to mitigate against harm to openness of Green Belt are listed as being of negligible value to roosting bats due to the current condition of the buildings including age, built form, materials, and use. As such, there is a low likelihood that there are roosting bats in the buildings and there is no impact on the impacts of roosting bats resulting from demolition of these buildings.

Conclusion

Having regard to all material planning considerations, and as outlined in the report, the proposal is recommended for approval subject to conditions.

Should you wish to discuss the contents of this report item please use the following contact details 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: (8)

- 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: 402-TD-7440; 402-TD-7420; 402-TD-7410; 402-TD-7421; 402-TD-7430; TAE-4000 Rev C; TAE-4001 Rev C; TAE-4002 Rev C; TAE-4003 Rev C; TAE-4011 Rev C; TAE-4012 Rev C and Location Plan.

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the application form on the approved plans TAE-4012 Rev C .

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 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.

Reason: To ensure satisfactory provision and disposal of surface water in the interests of Land Drainage, in accordance with Policies DM16 & DM18 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 5 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.

- 6 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.

- 7 Tree protection shall be installed as shown on Andrew Day Arboricultural Consultancy Ltd 'Tree Protection Plan- Entrance' drawing dated 23rd February 2023 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.

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.

- 8 Hard and soft landscaping shall be implemented as shown on Scape plan numbers 402-TD-7410 ; 402-TD-7420 ; 402-TD-7421 ; 402-TD-7430 ; 402-TD-7431 ; 402-TD-7440 dated January 2024 ; and the accompanying planting schedule. The works shall be carried out prior to the occupation of the building or completion of the development. 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.

Informatives: (1)

- 9 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.