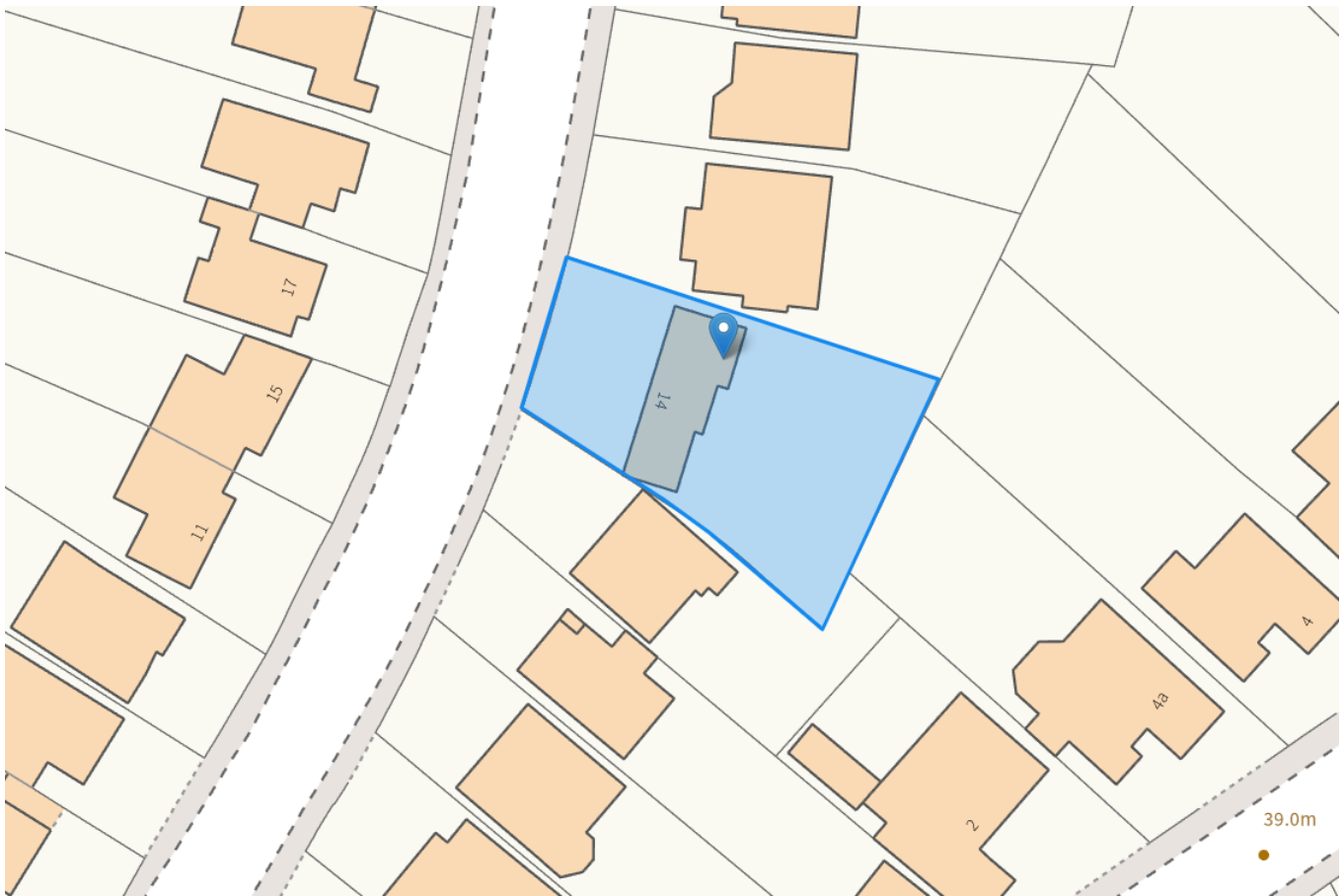


OFFICER REPORT

Application Ref: EPF/0921/24
Application Type: Full planning permission
Applicant: Mr Bala Balendra
Case Officer: Muhammad Rahman
Site Address: 14, Tycehurst Hill, Loughton, IG10 1BU
Proposal: Retention of dwelling as substantially reconstructed and extended.
Ward: Loughton St. Mary's
Parish: Loughton
View Plans: <https://eppingforestdcpr.force.com/pr/s/planning-application/a0hTv0000009V1N>
Recommendation: Approve with Conditions



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This application was deferred from the 07 August 2024 South Planning Committee for a Members site visit.

The previous officer report has been reproduced below.

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 substantially completed new dwelling within a built-up area of Loughton. It is not listed nor in a conservation area. No protected trees lie within the site.

Proposal

The proposal is for replacement dwelling.

Plans are near identical to the scheme allowed on appeal with some minor variations to the windows/doors and removal of chimney block.

Relevant Planning History

EPF/0599/23 - Part demolition of existing building. Two storey side and rear extension with internal alterations. Second floor within roof space - Allowed at Appeal

EPF/0224/24 - Variation to condition 2 (Plan numbers) on EPF/0599/23 allowed on appeal (Part demolition of existing building. Two storey side and rear extension with internal alterations. Second floor within roof space) – Refused & Appeal 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:

- SP1 Spatial Development Strategy 2011-2033
- H1 Housing Mix and Accommodation Types
- T1 Sustainable Transport Choices
- DM2 Epping Forest SAC and the Lee Valley SPA
- DM3 Landscape Character, Ancient Landscapes and Geodiversity
- DM5 Green and Blue Infrastructure
- DM9 High Quality Design
- DM10 Housing Design and Quality
- DM11 Waste Recycling Facilities on New Development
- DM15 Managing and Reducing Flood Risk
- DM16 Sustainable Drainage Systems
- DM17 Protecting and Enhancing Watercourses and Flood Defences
- DM18 On Site Management of Wastewater and Water Supply
- DM19 Sustainable Water Use
- DM21 Local Environmental Impacts, Pollution and Land Contamination
- DM22 Air Quality

National Planning Policy Framework 2023 (Framework)

Paragraph 11
Paragraphs 131 & 135
Paragraph 186

Summary of Representations

Number of neighbours Consulted: 11.
Site notice posted: No, not required.

MULTIPLE OBJECTIONS RECEIVED INC LRA PLANS GROUP – Summarised as;

- Overdevelopment/Overbearing;
- Out of keeping;
- Not Built in Accordance with Previous Consent; and
- Carbon Footprint.

LOUGHTON TOWN COUNCIL – The Committee reiterated its previous comments for this proposal, which were:

The Committee OBJECTED to this application on the grounds, that having stated in the original application approved by inspector on appeal, that the application was for part demolition only, the applicant had failed to supply a carbon assessment and justification for the demolition of the original dwelling in this new application – even if full demolition was “not intended”.

If full planning guidance was not complied with for this application, it would set a dangerous precedent.”

Members stated that the applicant should be forced to comply with the Planning Inspector’s original conditions, in particular relating to the materials.

Planning Considerations

As highlighted above this application is near identical to the scheme allowed on appeal in terms of its overall height and scale and design, with some minor variations to the window/door sizes and positions.

Under the recent refused s73 application (EPF/0224/24) which is currently at appeal, Officers concluded below as set out in the decision notice;

Following recent enforcement investigations, it was established that much of the building has been demolished beyond what was previously assessed and found acceptable. As such, it is officer opinion that the previous permission is no longer valid and the replacement dwelling currently built has no planning permission. Therefore, the proposal cannot be determined via this s73 application and a Full Planning Application for a replacement dwelling will need to be submitted.

As the scheme is near identical and was allowed on appeal there are no planning grounds to refuse this scheme that could be defended at appeal on both design and impact on neighbouring amenities.

Officers note the concerns raised about process including the carbon assessment, however there are no substantive reasons to refuse in this regard. Plus, there is no policy requirement for a carbon assessment to be submitted nor had the existing building still been in place any mechanism to prevent its demolition (One only needs to apply for prior approval for how they intend to demolish the building).

Conclusion

For the reasons set out above having regard to all the matters raised, it is recommended that conditional planning permission be granted.

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:

Planning Application Case Officer: Muhammad Rahman | 01992 564415 or if no direct contact can be made, please email: contactplanning@eppingforestdc.gov.uk

Conditions: (7)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 201 Rev A and 202 Rev A.

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

- 2 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.

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.

- 3 The first and second floor windows to the en-suite bathrooms in the rear and flank elevations and the rooflights of the development hereby permitted shall at all times be glazed with obscured glass and no part of that window that is less than 1.7 metres above the floor shall be capable of being opened.

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.

- 4 Prior to the occupation of the building or completion of the development hereby permitted, whichever is the earliest, 4 replacement trees of 12-14cm girth and of a species and in a position as agreed in writing by the Local Planning Authority shall be planted and if within a period of five years from the date of the planting or establishment of these trees they are removed, uprooted, destroyed, die or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted in the same position.

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.

- 5 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.

Reason: To help support improvements to air quality in accordance with Policies T1, DM2 & DM22 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 6 Prior to first occupation of the development, a scheme to enhance the ecological value of the site shall be submitted to and agreed in writing by the Local Planning Authority. The ecological value shall be quantified using the Biodiversity Impact Assessment Calculator (BIAC) where appropriate. The scheme shall be implemented in full prior to the occupation of the development hereby approved, and so retained.

Reason: To maintain and improve the biodiversity of the site and to mitigate any impact from the development hereby approved, in accordance with Policy DM1 of the Epping Forest District Local Plan 2011-2033 (2023) and the NPPF.

- 7 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, E 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.

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.