

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/1270/09
<b>SITE ADDRESS:</b>	Spriggs Oak Palmers Hill Epping Essex CM16 6SE
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mrs Susan Axford
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/07/98  Sycamore within G2 - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.
- 2 A replacement tree or trees, of a number, species, size and in a position as agreed in writing by the Local Planning Authority, shall be planted within one month of the implementation of the felling hereby agreed, unless varied with the written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, 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, unless the Local Planning Authority gives its written consent to any variation.
- 3 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 4 All work authorised by this consent shall be undertaken in a manner consistent with British Standard 3998 (1989) (or with any similar replacement Standard).

*This application is before committee since all applications to fell preserved trees are outside the scope of delegated powers.*

**Description of Proposal:**

T1.Sycamore. Fell and replace.

### **Description of Site:**

The property is located on the B1393, the main road through Epping. The tree stands as part of a group of mixed broadleaf and evergreen screening trees and large shrubs planted along the eastern boundary of the large red brick period building now subdivided into residential apartments. At approximately 14 metres in height, the tree makes a strong contribution to this part of Palmers Hill, which is characterised by mature trees and hedging on both sides of the road. Epping Conservation Area starts at this property's boundary and leads on to the town green. Other taller trees, including a striking Lombardy poplar, form the dominant skyline landscape features.

### **Relevant History:**

TRE/EPF/0445/06 was granted permission to reduce the crown of a yew tree standing at number 9 Spriggs Oak. A pear, eucalyptus and lime have all been removed under Conservation Area notification since 2006. Minor pruning to overhanging chestnut trees from neighbouring properties have been approved within the last 5 years.

### **Policies Applied:**

Epping Forest District Local Plan and Alterations:  
LL9 Felling of preserved trees

### **SUMMARY OF REPRESENTATIONS:**

No neighbours were notified due to the multiple occupancy of the apartment conversion allowing for an internal information network between residents there.

EPPING TOWN COUNCIL: Are willing to waive any objection they have providing the tree officer deems the application acceptable.

### **Issues and Considerations:**

The main reasons submitted to fell the tree are the following:

- Unsuitable location for tree due to proximity to property.
- Structural problems caused to brick pier.
- Fears of subsidence to main building.

The main planning considerations are:

- Visual amenity of the tree.
- Tree condition and growth potential.
- Suitability of tree in current position.
- Pruning as an alternative to felling.
- Planning landscape issues.

### **Applicant issues**

#### **Unsuitable tree for location**

The tree is located badly at less than 3 metres from the property and directly in front of a ground floor window. It is now taller than the building and its crown spreads close to it. The tree stands on the boundary but originated as a self set seedling with a crooked stem. The wooden fence had to

be cut away to allow the tree to pass through it to then continue growing over the footpath next to the highway.

The tree is overpowering to inhabitants of the ground floor flat. It will, in time, cause problems to the wooden fence.

#### Damage to brick pier

The applicant points out distortion to the brick pier immediately adjacent to the tree at the property entrance.

This damage is almost certainly linked to the tree and is likely to worsen with time and further growth of the buttress roots and root plate of the tree. Because the pier fronts onto a busy footpath potential health and safety issues are added to the case to remove the tree.

#### Fears of subsidence to main building

It is submitted that it is likely that the tree will cause structural damage to the main house.

Without factual evidence, perceived fears hold little weight in the argument supporting the felling of the tree.

#### Planning considerations.

##### Visual amenity

T1 Sycamore is a vigorous and healthy tree standing prominently at the roadside of this busy main road. Its size and presence contributes well to the green character of this part of the Epping Conservation Area. Its amenity value is high and its loss would be noticed.

##### Life expectancy

It is foreseeable that the tree's life expectancy will exceed 20 years, despite the compromised trunk base.

##### Suitability of tree in current position

Sycamores can attain heights in excess of 20 metres and require a considerable amount of space. The relationship between the property, the brick pier and potentially the close boarded fence and the tree is fundamentally incompatible and destined to worsen over time.

##### Pruning as an alternative to felling

It is accepted that, in this instance, pruning the tree is not a viable option. This is because the severity of the reduction necessary to alleviate the shading issues, the subsequent vigorous and unsightly re growth stimulated by this treatment and the need to exercise repetitive ongoing management.

##### Planning landscape issues

TPO/EPF07/98 G2 lists a bay laurel, a holly and the sycamore subject of this application. An indication of the tree's marginal importance can be drawn from its inclusion in a screening group rather than as an outstanding specimen worthy of individual preservation within the order.

Agreement to fell offers the opportunity to condition the planting of a better specimen in a more appropriate location to mitigate for the sycamore's loss and ensure good long term landscape continuity

**Conclusion:**

The tree has public value but is self set and grows awkwardly through the roadside boundary fence. It has a compromised structure and is distorting a brick structure close to a busy thoroughfare. The tree grows in an inappropriate location, so close to the main building. There appears, on balance, to be justification to remove this tree when its considerable future growth potential, its location and physical problems are weighed against its landscape value.

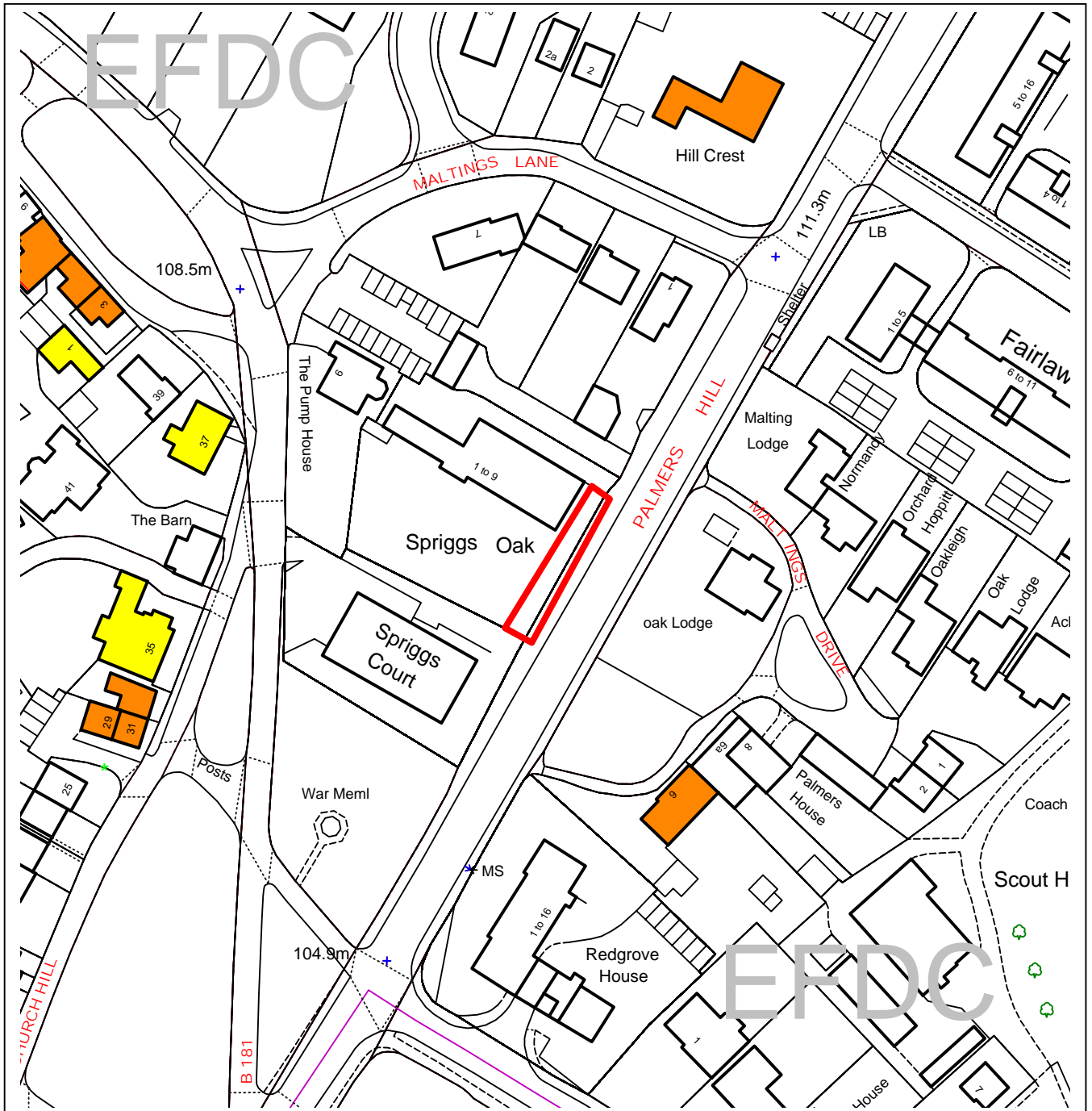
It is recommended to grant permission to this application on the grounds that the reasons given justify the need to remove the tree. The proposal therefore accords with Local Plan Landscape Policy LL9.

In the event of members agreeing to allow the felling it is recommended that a condition is imposed requiring the replacement of this tree.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/0446/09
Site Name:	Spriggs Oak, Palmers Hill, Epping CM16 6SE
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/1033/09
<b>SITE ADDRESS:</b>	1st Theydon Garnon Scout Group Brookfield Fluxs Lane Epping Essex CM16 7PE
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Hemnall
<b>APPLICANT:</b>	Trustees of the 1st Theydon Garnon Scout Group
<b>DESCRIPTION OF PROPOSAL:</b>	Replacement Scout and Community Hall.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 Details of the types and colours of the external finishes shall be submitted for approval by the Local Planning Authority in writing prior to the commencement of the development, and the development shall be implemented in accordance with such approved details.
- 3 Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed in accordance with details which shall be submitted to and agreed in writing by the Local Planning Authority and these facilities installed prior to the commencement of any building works on site, and shall be used to clean vehicles leaving the site.
- 4 No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development, including the demolition of the existing Scout Hut shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall include a tree protection plan to show the areas designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Trees in Relation to Construction-Recommendations (BS.5837:2005) and no access will be permitted for any development or demolition operation.

The Arboricultural Method Statement shall include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

- 4 The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works and demolition of the existing Scout Hut have been completed and all equipment, machinery and surplus materials removed from the site.

The Arboricultural Method Statement shall indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include a scheme for the inspection and supervision of the tree protection measures. The scheme shall be appropriate to the scale and duration of the works and may include details of personnel induction and awareness of arboricultural matters; identification of individual responsibilities and key personnel; a statement of delegated powers; frequency, dates and times of inspections and reporting, and procedures for dealing with variations and incidents. The scheme of inspection and supervision shall be administered by a suitable person, approved by the Local Planning Authority but instructed by the applicant.

- 5 No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (B.S.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub, or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree 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, unless the Local Planning Authority gives its written consent to any variation.

- 6 No development shall take place, including site clearance or other preparatory work, until full details of both hard and soft landscape works (including tree planting) have been submitted to an approved in writing by the Local Planning Authority, and these works shall be carried out as approved. These 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 vehicle artefacts and structures, including signs and lighting and functional services above and below ground. 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.

- 7 Prior to commencement of development a method statement outlining the method of removal of the existing container adjacent to the existing building shall be submitted in writing with an assessment of any potential damage and/or works to the surrounding trees. The container shall be temporarily moved to the front of the site prior to commencement in accordance with this agreed statement.
- 8 The hall hereby permitted shall not be used for functions unrelated to Scouting use outside the hours of 08.00am to 11.00pm on Monday to Saturday, and 8.00am to 10.30pm on Sundays or public holidays.
- 9 The parking area shown on the approved plan shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the hall users' vehicles.
- 10 No unbound material shall be used in the surface finish of the driveway or parking areas.
- 11 All construction/demolition works and ancillary operations (which includes deliveries and other commercial vehicles to and from the site) which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 12 Within 3 months of the first occupation of the hall hereby approved the existing hall and container as shown on the approved plans shall be demolished in entirety and all materials removed from site.

*This application is before this Committee since it is an application for commercial development and the recommendation differs from more than one expression of objection (Pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).*

### **Description of Proposal:**

This proposal is for a replacement hall that will predominantly be used by the 1<sup>st</sup> Theydon Scout Group, with some additional Community use as well. The proposal is 27m at the widest point and 12.2m at the deepest point. It is two-storey at the northern side with the remaining three quarters of the building consisting of a main hall which is full height to allow for racquet sports to be played. The proposal is located approximately 12m to the east of the existing building and situated on north/south alignment. The front of the site will be formally laid out with parking spaces with the rear of the site used as amenity space for Scouting activities. The proposed building will be brick with a tiled roof and will replace the existing timber clad, corrugated metal roof building. It is the intention of the proposal to retain the existing Scout Hut for group meetings until the proposal is complete. The proposal has a footprint of 301m<sup>2</sup> with an overall height of 8.1m.



## **Description of Site:**

The application site is well screened by trees and vegetation creating a sylvan site on the edge of Epping. The application site is on the south side of Stewards Green Road and to the north of Fluxs Lane creating a triangular shaped site which backs onto Epping Golf Course which is also accessed from Fluxs Lane. The trees to the south of the site (outside of the application site) are covered by a group tree preservation order, and a ditch runs to the south and west of the site. The surrounding trees create a woodland clearing environment. The existing timber building has a footprint of 204m<sup>2</sup> (including the container) with an overall height of 5.9m. There is an existing gated access from Fluxs Lane and the land to the front of the existing hall is tarmac and grass with informal parking. The site, although on the edge of the built up area of Epping is within the Metropolitan Green Belt. The site is approximately 650m north of the M25.

## **Relevant History:**

EPF/0250/78 - Erection of detached prefabricated building for use by scouts – App/Con

EPF/0923/80 - Erection of an extension to the existing Scout Hut – App/Con

## **Policies Applied:**

### **Epping Forest District Local Plan and Alterations**

CP2 – Protecting the Quality of the Rural and Built Environment

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

DBE1 – Design of New Buildings

DBE2 – Effect on neighbouring properties

DBE4 – Design in the Green Belt

CF8 – Public Halls and Places of Worship

RST 15 – Facilities in Rural Settlements

DBE9 – Impact on amenity

LL8 – Works to Preserved Trees

LL10 – Adequacy of Provision for Landscape Retention

ST6 – Vehicle Parking

## **Summary of Representations:**

EPPING TOWN COUNCIL: Committee support this application. However, given the reservations of neighbouring property owners, Committee request the District Council's technical officers to investigate reasonable noise mitigation arrangements in terms of structure, planning conditions and licensing arrangements

### **NEIGHBOURS**

19 properties were consulted and a Site Notice erected

46 responses were received

Support 36 letters:

Scouting, and associated community hall a valuable asset to the community, which is good for the children and young people of the District. Will enhance the appearance of the site, which is in need of replacement. Benefit for the wider community with a safe and secure site for the young

Objection 7 letters received from:

7 Stewards Green Road

8 Stewards Green Road

9 Stewards Green Road  
10 Stewards Green Road  
12 Stewards Green Road  
19 Stewards Green Road  
53 Stewards Green Road

Insufficient parking and increased volume of traffic. Removal of trees that provide a noise barrier to the M25/screen the site/provide wildlife habitats. Height, design and position not in keeping with existing building or site. Will be visible through trees Oct – April. Noise associated with the letting of the hall to outside groups.

Concern 3 letters:

Not objecting but concern with regards to the removal of trees and potential noise from the site.

### **Issues and Considerations:**

The main issues that arise with this application are considered to be the following:

- Amenity of Neighbouring Properties
- Appropriateness of Design
- Impact on Metropolitan Green Belt
- Retention of Community Facilities
- Impact on Trees
- Adequacy of Parking Provision

### **Amenity**

Several neighbours have objected and raised concerns to this proposal on the grounds of loss of amenity, including noise associated with hall lettings, noise associated with the removal of trees that block noise from the M25 and over flow parking. The subject of parking is referred to below, as is the removal of trees on the site.

The issue of noise, specifically associated with hall lettings rather than the use of the hall by Scouts can be dealt with by a condition to restrict the hours of use of the hall by other groups, ensuring noise is kept to a minimum in the late evening. There is no current restriction on hours of use on the existing hall and accordingly it is not considered reasonable under the tests of Circular 11/95 to restrict the Scout use of the hall, but it is considered that a condition which solely applied to other hall users would be reasonable. The Scouts occasionally use the existing hall for activities such as sleepovers, or as a final destination for night hikes and this is something the applicants are keen to ensure can continue. The addition of a restricted hours of use condition may reduce neighbouring residents' concern regarding late evening noise from the hall whilst allowing the use of the hall by Scouts to continue in the same way as the existing hall was used.

With regards to other aspects of residential amenity it is not considered to impact on light or privacy to neighbouring properties. Although the hall may be visible from outside the site, particularly throughout the winter months, it is considered even with winter trees the site will be relatively well screened and it will be the narrower gable end length that will face the properties in Stewards Green Road. The increase in height of the building does not exceed the surrounding tree height so maintains that general screening. It is considered to be an acceptable design, and although different in materials to the existing timber building not considered to be an overbearing addition to the streetscene with these properties some 20+m to the north of the proposed building.

### Appropriateness of Design

The proposal has been designed to take into account the Scout group's needs whilst creating a useable space for other community groups/functions (e.g. the full height main hall for racquet sports). The design is vastly different to the existing building, but that is considered acceptable as the existing building was a second hand Army hut acquired in 1971 that is considered to be close to the end of its useable life. The proposed building will be brick with a tile roof and is not considered out of keeping with the surrounding area or of a design for a public hall.

Although the timber building may have been slightly more congruous with the sylvan character of the site and the use of the building, it is not considered that the proposed building will be an incongruous addition, particularly as it has taken account of modern needs and regulations. It is considered an improvement on the current building, which appears almost derelict and the new building would be an overall visual improvement to the appearance of the site, including the formal parking area to the front. The inclusion of storage areas within the main building creates a more cohesive layout and removes the need for a separate container or future outbuildings. The steep roof pitch and pitched roof dormer design is considered to add interest to what is essentially a utilitarian building and is generally considered an appropriate design.

### Impact on Metropolitan Green Belt

The proposal is a replacement building within the Metropolitan Green Belt albeit larger in size than the one it replaces. The increase in footprint is 97m<sup>2</sup> and the increase in height is 2.2m. Although it is a larger and taller building it is considered that this is appropriate in this case as the proposed building meets contemporary standards required for the needs of the Scouting Movement and also meeting the requirements of modern facilities and regulations for a community hall. The application site is well screened by existing trees and vegetation around the boundaries of the site and it is not considered to detract from the character and openness of the surrounding area. The community use is clearly to be retained and it is considered that in this case, this replacement building on the edge of the built up area of Epping is therefore an acceptable form of development within the Green Belt.

### Retention of Community Facilities

The Council will permit the replacement of existing public halls where this is in accordance with other policies, including Green Belt and recreational policies. Community facilities, such as community halls are an important part of town and village life and it is considered important to ensure the continued use of such buildings. The evidence provided with the application has shown that there is a need for the replacement building given the obvious decline of the existing building, whilst also proving that there is a solid history of site users past, present and future. It is also not considered to have a negative impact on the character and appearance of the town of Epping or the wider countryside inline with recreational policies.

Leisure Services were consulted on the application, and have returned comments supporting the application as an excellent leisure space for the community within Epping.

### Impact on Trees

This is a well screened site with trees along the boundaries of the site, which are considered to be an important characteristic of the site. A tree survey has been completed on the site and 10 trees are proposed to be removed to implement this proposal which the Tree and Landscape Officer considers acceptable as they are all small to medium sized trees of immature size of a quality not worthy for retention. Neighbours have raised concerns regarding the removal of the trees, particularly due to the noise barrier they provide from the M25 to the south. It is noted that the proposed new building may act as a sound barrier itself, due to the difference in building materials

compared to the existing building. The Tree and Landscape Officer has also requested a condition for a landscape plan to be implemented which may include the addition of new trees, which will replace some of the trees removed along with aiding this natural sound barrier.

There was a concern by the Tree and Landscape Officer that the demolition of the existing scout hut and access to the existing hut throughout the works would not be possible without potentially impacting on the surrounding trees, as the space between the proposed building and the tree protection fencing is minimal. However, the agent has advised that any scaffolding will be designed in such a manner that will allow safe access through to the rear and that the tree protection fencing will not need to be adjusted, the agent also advises that any demolition will be completed by hand and if machinery is needed access will be gained through the proposed store which satisfies the Tree and Landscape Officer's concern.

The container currently at the rear of this site will need to be moved prior to any work on site. The moving of the container will require a specific method statement in view of the overhanging trees and this can be addressed by condition. As the new building will have sufficient storage, once completed this container will not be required. It therefore should be moved to the front of the site until completion of the building then removed, or if unnecessary at present removed from the site altogether prior to commencement of work.

#### Adequacy of Parking Provision

The proposal includes 17 parking spaces which includes 1 disabled parking space. The Essex Planning Officers Association Vehicle Parking Standards requires 12 parking places for the size of the hall proposed and therefore this proposal offers more than sufficient parking availability. Although there have been concerns raised by neighbours with regards to the lack of parking the proposal accords with the requirements of the Parking Standards and has formalised a previously informal system of parking and is therefore considered acceptable. This is particularly so on this edge of town location which is within reasonable walking distance to the station and High Road. Cycle storage is also proposed in the form of a cycle store.

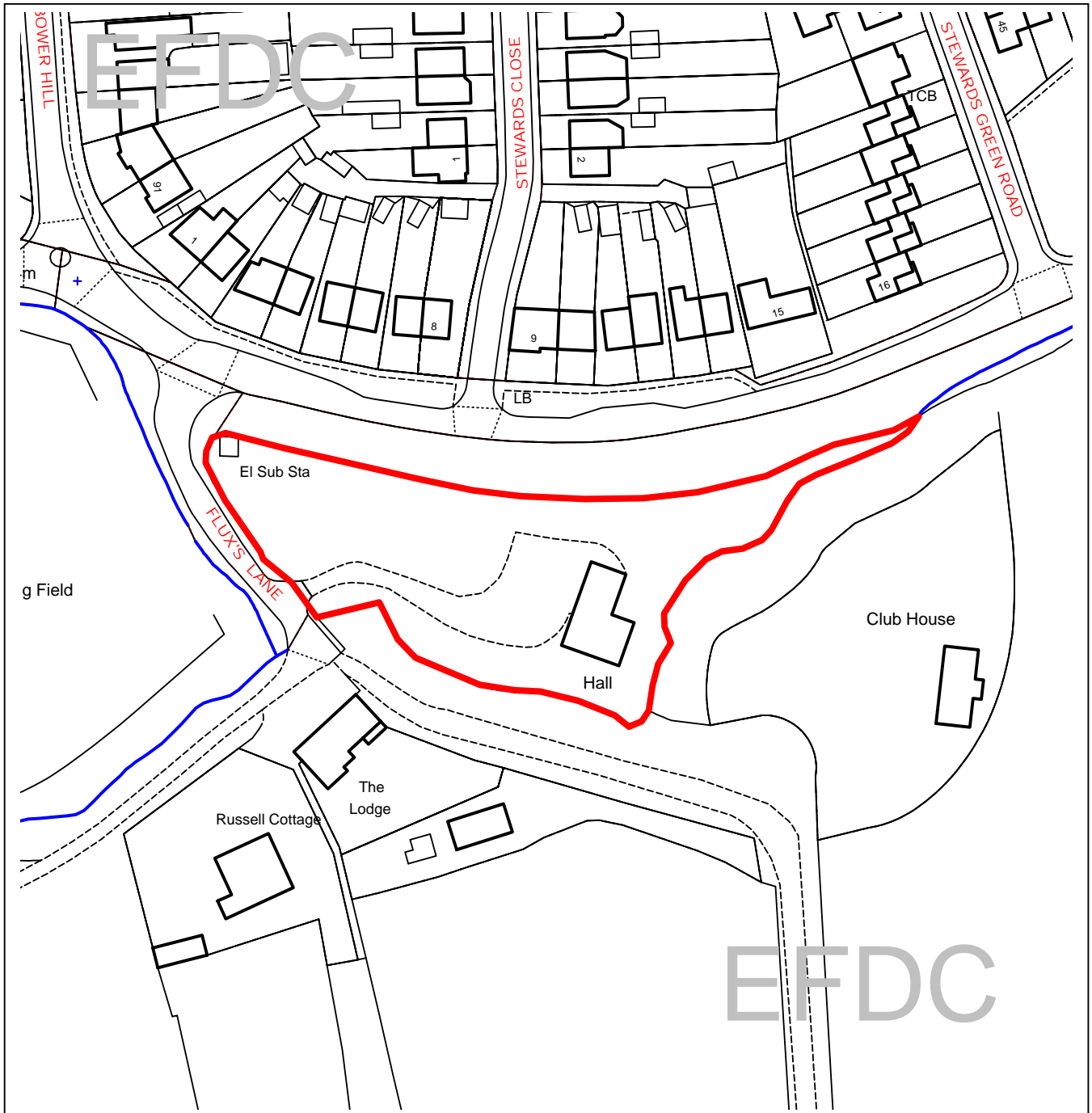
#### **Conclusion:**

On the particular merits of this proposal the balance of issues as outlined above were considered such to justify recommending that conditional planning permission be granted.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/1033/09
Site Name:	1st Theydon Garnon Scout Group Brookfield, Fluxs Lane, Epping, CM16 7PE
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1278/09
<b>SITE ADDRESS:</b>	Bakers Lane Car Park Epping Essex CM16 5DQ
<b>PARISH:</b>	Epping
<b>WARD:</b>	Epping Lindsey and Lindsey and Thornwood Common
<b>APPLICANT:</b>	Mr John Gilbert -EFDC
<b>DESCRIPTION OF PROPOSAL:</b>	Erection of 6 metre CCTV camera pole within car park to the rear of Cottis Court.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The field of vision of the camera hereby approved shall be restricted to the north, north east and north west of the proposed pole, as shown on plan number BL2 hereby approved.

*This application is before this Committee since it is an application for the Council's own development (pursuant to section P4, schedule A (e) of the Councils delegated functions).*

**Description of Proposal**

Erection of a 6 metre CCTV camera pole, within car park to the rear of Cottis Court.

**Description of Site**

Council run Bakers Lane town centre car park located to the rear of residential properties in St. Johns Road, and opposite office premises at Falconry Court. The surrounding area is mainly commercial in nature except for the rears of houses that face St. Johns Road.

**Relevant History**

None relevant

**Policies Applied**

DBE1 – Design of new buildings; DBE2 – Effect on neighbouring properties.

## **Summary of Representations**

12 neighbouring properties were consulted, and a site notice erected.

EPPING TOWN COUNCIL – no objections.

NEIGHBOURS – no response, although 2 residents in St. Johns Road phoned with queries regarding the actual position of the camera pole in the car park, and the field of vision of the proposed camera.

## **Issues and Considerations**

The camera pole will be sited in the south west part of the car park, some 13 metres away from the rear boundary of 1 and 2 Cottis Court, two houses facing St. Johns Road, and some 23 metres into the site from the car park entrance on to Bakers Lane. The pole will be of a standard design with camera on top. Significantly, the line of vision of the camera will be fixed and will only face north and east away from the rears of houses in St. Johns Road. There are 8 other 6m high lighting columns in the car park. Bearing in mind these points the pole and camera will not be detrimental to visual amenity, nor will it result in a loss of privacy to nearby residents.

Parts of the car park outside the vision field of the proposed camera will be observed by other cameras to be fixed to lighting columns. Because these cameras will be fixed to existing lighting columns planning permission will not be required. However, in any event, it is the Council's practice that these cameras be angled downwards so that they do not look over adjoining properties.

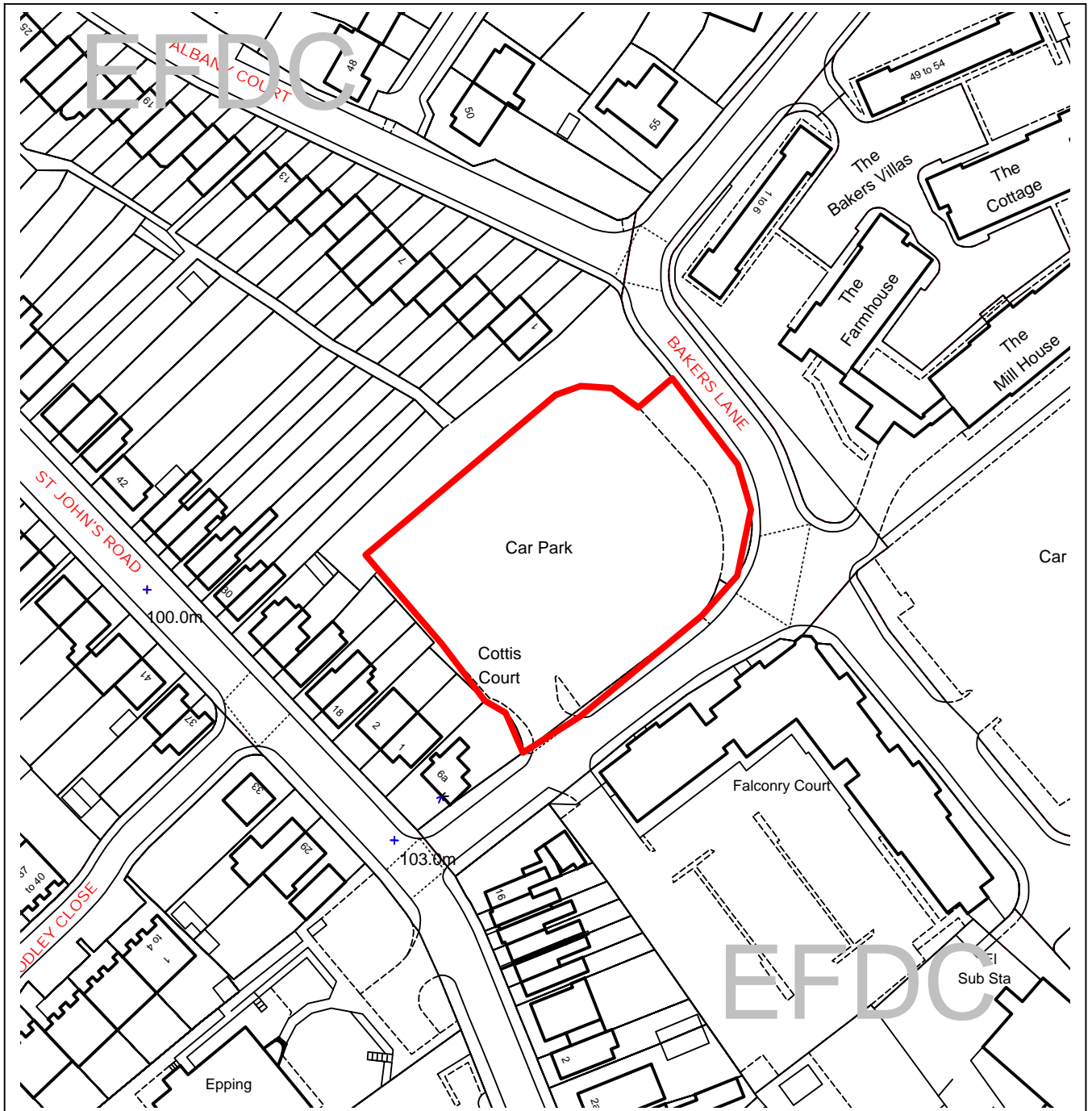
## **Conclusion**

This is a minor proposal aimed at improving security in this town centre car park. It will not have any undue affect on visual amenity or neighbours privacy, and therefore it is recommended that conditional permission be granted.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1278/09
Site Name:	Bakers Lane Car Park, Epping CM16 5DQ
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/1347/09
<b>SITE ADDRESS:</b>	40 Landview Gardens Ongar Essex CM5 9EQ
<b>PARISH:</b>	Ongar
<b>WARD:</b>	Chipping Ongar, Greensted and Marden Ash
<b>APPLICANT:</b>	Mr Dave Evans
<b>DESCRIPTION OF PROPOSAL:</b>	Alteration and retention of existing raised decking. (Amended application)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Within three calendar months of the date of this decision a solid screen that is 1.7 metres above the height of the highest part of the decking hereby approved shall be erected on the western site boundary for a distance of 3.5 metres rear of the rear wall of the existing house and thereafter shall be permanently retained.

*This application is before this Committee since the recommendation conflicts with a previous resolution of a Committee (Pursuant to Section P4, Schedule A (i) of the Council's Delegated Functions). This report has also been prepared in advance of the close of the public consultation (01/09/09) and it may be the case that objections are received in the interim.*

**Description of Proposal:**

This application seeks planning permission for the retention of decking that has been built to the rear of the application dwelling. The decking has been altered since the refusal of planning permission to retain it earlier this year. Its height has been reduced so that it now has a maximum height above ground level of 0.5 metre. The raised area ends in line with the side of the recently constructed extension and accordingly the section immediately adjacent to 5 Kettlebury Way is not raised above the ground level. It is proposed that the height of the boundary fence adjacent to the decked area be increased to 1.7 metres above the height of the decking. Due to changes in levels across the site, the fence would only need to be 2 metres in height.

**Description of Site:**

The application property is located on the northern side of Landview Gardens, to the east of Kettlebury Way. The site is regular in shape comprising approximately 585 square metres. A medium height close boarded timber fence and mature vegetation are located on the side and rear boundaries. Located towards the front of the site is a detached double storey house constructed from brick with a plain tiled roof. The house has been quite substantially extended, partly with the

benefit of a planning permission granted on 21 August 2008, Ref EPF/1070/08. A substantial rear extension does not benefit from the express planning permission given by the Council but does benefit from a deemed planning permission given by Parliament under the general householder permitted development rights introduced in October 2008. There is room for off street parking on the hard surface towards the front of the dwelling. A large private open space area is located to the rear of the dwelling.

**Relevant History:**

EPF/1967/07. Two storey side and rear extensions and single storey rear extension. Refused 15/11/07.

EPF/0417/08. First floor side and rear extensions and single storey rear extension. (Revised application). Refused 09/05/08.

EPF/1070/08. Single storey front and two storey rear extension. (Revised application). Approved 21/08/08.

EPF/0853/09. Alteration and retention of existing raised decking. Refused 02/07/09 for the following reason:

*The proposed alteration and retention of the existing raised decking veranda with an extension to the height of the boundary fence results in loss of amenity to the occupants of 5 Kettlebury Way and harms the appearance of the surrounding environment, contrary to policies DBE9 and DBE10 of the Adopted Local Plan and Alterations.*

**Policies Applied:**

East of England Plan

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

DBE9 – Neighbouring Amenity  
DBE10 – Residential Extensions

**Summary of Representations:**

Letters of notification of this planning application were sent to Ongar Town Council and to 7 neighbouring properties. The consultation period continues beyond the deadline for completing this report and only one response has been received to date. Any comments received in the interim will be verbally reported to the Committee.

5 KETTLEBURY WAY. Objection. A lengthy objection has been received, which makes reference to several matters outside of the remit of this planning application – notably the previous planning application for extension to the dwelling. With regard to the current application, the objector seeks clarification as to the extent of the works which are to be considered under this application. States that during the construction of the decking their elderberry tree was pruned and one of the applicant's elderberry trees was removed. The objector identified a series of technical faults in the application form. The objector identifies that the block plan submitted does not show their rear extension. The objector has undertaken a series of calculations to ascertain the height of the proposed fence and the degree of overlooking from the decking. The objector concludes that there would be direct overlooking. The objector states that the increased fence height would cause overshadowing and loss of sunlight to their property.

Note: Officers consider that the only development to be considered under this application is the area of timber decking and balustrades. Other works, such as the patio referred to by 5 Kettlebury Way, will not be authorised by this application if it is approved. The calculations contained within the representation from 5 Kettlebury Way are based on a series of assumed dimensions, which result in the conclusions being factually incorrect.

The following objections were received in relation to the previous scheme:

*ONGAR TOWN COUNCIL. Objection. The original planning permission did not include the installation of decking which this Council believes is not allowed under Permitted Development Rights. There is severe overlooking for near neighbours and the removal of shrubs and trees has exacerbated this problem. The erection of a screen would not reduce the intrusion into privacy. The Council therefore objects to this application.*

*1 KETTLEBURY WAY. Objection. If planning permission is granted to approve the erection of a 4ft decking and a 1.7m fence above this decking it would create a precedent for other planning requests to do likewise, which would totally infringe on people's privacy apart from being very unsightly.*

*5 KETTLEBURY WAY. Objection. A lengthy objection has been received, which makes reference to several matters outside of the remit of this planning application – notably the previous planning application for extension to the dwelling and matters covered by Building Control. Matters raised in relation to this application are that the length of the garden of 5 Kettlebury Way is inaccurately shown to be 13.5 metres, when it is in fact 9 metres. The block plan shows the steps in a different location to the other drawings. Description of fence as 1.7 metres above ground level is misleading, as it suggests that it will only be 1.7 metres high, not 3 metres as shown on the drawings. Whether as it stands or with the minor alterations proposed in the current planning application, persons using the structure have a direct view into the rear windows of our house. Potential for noise pollution arising from activities within the structure. The proposed (3m high) fence would cause extreme overshadowing to our property and a loss of sunlight to our property. It would be entirely out of keeping with the domestic scale of the surrounding properties.*

### **Issues and Considerations:**

The main issues in this case are:

1. The impacts of the proposed development on the amenities of the occupiers of neighbouring dwellings; and
2. The impact of the proposed development on the character and appearance of the area.

### **Neighbouring Amenity**

The western boundary of the site, which runs to the rear of 5 Kettlebury Way, is generally well planted, which affords a high level of screening. However, at the point immediately adjacent to the decking, there are substantial gaps within the boundary planting. At this point it is really only the boundary fence that provides any privacy to the occupiers of both the application site and the neighbouring property. The alterations to the decking since the previous application was refused planning permission have reduced the level of overlooking. However, the existing boundary fence is only 1.74 metres in height and accordingly there remains a view into this garden. It is considered that this would be addressed by increasing the height of the fence. As the land on this side of the plot is naturally higher, the resultant fence would have a height of approximately 2 metres. It is not, however, considered that this height of fencing would be necessary for the remainder of the length of the boundary, as further along there is no direct view into neighbouring gardens and the existing boundary screening is far denser.

With the previous application there was concern that, due to the garden of 5 Kettlebury Way being only 9 metres deep, the increased fence height would result in a material loss of amenity. However, following the revisions to the decking, the increased fence height would be capable of being carried as a permitted development. Bearing this in mind and considering the reduced increase in the height of the fence (approximately 0.25 metre) it is not considered that there would be a material loss of amenity.

Concern was also raised previously regarding noise disturbance arising from the use of the decked area. However, it is not considered that this would be materially greater than would be reasonably expected from the use of another part of the garden, for example a patio area. The decking only requires planning permission because of its height and it is not considered that its height would result in increased noise levels.

### Design and Appearance

It is considered that the decking has a domestic character which is in keeping with the appearance of the dwelling. It is also considered that the decking is of an appropriate scale in relation to the dwelling itself.

### Conclusion:

In light of the above appraisal, it is considered that the retention of the decking would not, subject to the erection of a higher fence, result in any material harm to the amenities of the occupiers of neighbouring dwellings. An appropriate solid screen as proposed by the applicant can be secured by way of a condition imposed on any consent granted. It is further considered that the decking has an acceptable appearance. Accordingly, it is recommended that planning permission be granted, subject to a planning condition requiring the increased height of the fencing adjacent to the decking.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/1347/09
Site Name:	40 Landview Gardens, Ongar CM5 9EQ
Scale of Plot:	1/1250