

Report Item No: 1

APPLICATION No:	EPF/2063/09
SITE ADDRESS:	2 Forest Lane Chigwell Essex IG7 5AE
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Maurice Osen
DESCRIPTION OF PROPOSAL:	TPO/EPF/16/97 Cypress - Fell and replace
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 The 5 semi-mature Hornbeam trees, of a minimum size to be submitted in writing and agreed by the Local Planning Authority prior to the implementation of the felling, shall be planted in the positions shown on the submitted plan OSEN/09/Rev2 within one month of the implementation of the felling hereby agreed, unless the requirement be varied with the prior 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.
- 2 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.

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

Description of Proposal

Felling of one mature Cypress: replacement with a comprehensive landscape scheme including 5 semi-mature Hornbeam.

Description of Site

Front garden of detached property. The tree is a landmark at the north end of Forest Lane.

Relevant History

TPO/EPF/16/97 was made as a strategic order to protect trees along Forest Lane, mostly Oak and Hornbeam in the front gardens, as a result of the loss of a number of important individuals. There is no specific history on this tree. It was included in the TPO because of its size and visual prominence.

Policies Applied

LL9 – Felling of Preserved Trees

Summary of Representations

CHIGWELL PARISH COUNCIL – No comments received

2 neighbours were notified and no response has been received.

Issue & Considerations

The reasons given for the application are as follows: that it shows early signs of deterioration; that it has outgrown the planting position and causes excessive shading; that it interrupts sight lines when entering/exiting and that it is a danger to high sided vehicles using Forest Lane. The report balances these issues against what other remedies may be available, the importance of the tree in the street scene and its likely life expectancy.

In relation to the reasons given it is accepted that the tree is showing the early signs of a disease of the foliage which is progressive, likely to make it increasingly unsightly and which has no effective remedy. It is also accepted that it is not the ideal specimen for the front of the property and to some extent and inevitably causes a degree of shading to the front rooms which could be controlled but not eliminated by regular trimming. It will also cause some problems for traffic entering & exiting the property. This could also be dealt with by pruning, albeit with some risk of spoiling its shape.

The replanting proposal supplied with the application includes an evergreen hedge and renovation of the existing borders (although members should note that neither of these can be secured by condition). However it also includes a proposal to replace with 5 semi-mature Hornbeams along the Forest Lane frontage. These have the advantage of being long-lived native trees, and are more appropriate functionally and visually for the location.

It is therefore considered that in particular because of the likely continued deterioration of the present tree and the proposed replacement proposal with 5 more appropriate specimens that the application is suitable to the approved.

Conclusion

It is recommended to grant permission to this application on the grounds that the reason given justifies the need to remove the trees. 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 requiring the replacement of these trees with the 5 semi-mature Hornbeams as proposed, and a condition requiring prior notice of the works to remove the Cyprus, be attached to the decision notice.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	1
Application Number:	EPF/2063/09
Site Name:	2 Forest Lane, Chigwell, IG7 5AE
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/1554/09
SITE ADDRESS:	144 Manor Road Chigwell Essex IG7 5PX
PARISH:	Chigwell
WARD:	Grange Hill
APPLICANT:	Mr Steve Mucklow
DESCRIPTION OF PROPOSAL:	Installation of roof windows, change of roof space to habitable rooms in roof space above units 8 and 10 in block B, change of previously approved materials.(Amendment to EPF/1530/07)
RECOMMENDED DECISION:	Grant Permission (With Conditions)

CONDITIONS

- 1 Materials to be used for the external finishes of the proposed extension, shall match those of the existing building.
- 2 Prior to first occupation of the buildings hereby approved all the proposed high level window openings in the first floor units as identified on the approved plans shall be fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed, and shall be permanently retained in that condition.
- 3 The access shall be laid to a gradient not exceeding 4% for the first 6m from the highway boundary and not exceeding 8% thereafter.
- 4 Prior to the first occupation of the development on site, details of a screening to be erected and built into the balcony to Unit 2 (access stairs which face north and east) on the first floor of Block A (adjacent to 146 Manor Road) as identified on drawing no. 07.125.03 Rev.E, shall be submitted and agreed in writing by the Local Planning Authority. The work shall be completed prior to the first occupation of this unit.
- 5 Prior to first occupation of the development on site, details of a screening to be erected and built into the balcony to Unit 10 on the first floor of Block B as identified on drawing no. 07.125.06 Rev.B, shall be submitted and agreed in writing by the Local Planning Authority. The work shall be completed prior to the first occupation of this unit.

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:

Installation of roof windows, change of roof space to habitable rooms in roof space above units 8 and 10 in block B, change of previously approved materials (Amendment to EPF/1530/07).

The scheme will see Unit 8 and Unit 10, which are the first floor units in Block B, change from 2 bed units to 3 bed units, with an extra bedroom and ensuite to both units, and a study and dressing room to Unit 8.

To provide light to these units, which are in the existing roof voids of the approved plans, a total of 21 velux windows have been installed in the roof slopes of Block B. 3 are in Unit 8 facing south towards Block A, 9 are in Unit 8 facing east towards the northern roof of Block B, 7 are in Unit 10 facing west to the 9 windows in Unit 8, and the last 2 are in Unit 10 facing west over Block B. A pitched roof has been erected at the junction with the two roof pitches in Block B infilling the previous gap.

The two gable end projections on Block A will change materials above the windows from wood to glazing. The gable end apex of the rear roof of Block A facing north would now be glazed, as would the Gable end of Unit 10 facing to the south. The three flat roof dormers approved under EPF/0139/08 would be enlarged to accommodate a 3rd pain of glass.

Description of Site:

A large part two storey, part one storey building consisting of various function rooms on the site has now been demolished, and two residential blocks have been erected, Block A (being L shaped) facing Manor Road with a return along Stanwyck Drive, and Block B being roughly rectangular and facing Fontayne Avenue. There are 13 parking spaces and 4 garage spaces on the site, and access is from Manor Road and Stanwyck Drive. Stanwyck Drive has a central reservation along its length. The site slopes up to the east by about 1m across the site. The southern side of Manor Road is open at this location and commands views over the east of London.

Relevant History:

Various relating to the current function use, and:

EPF/1540/03	Outline application for 14 residential flats	refused
EPF/2211/05	Outline application for 10 residential flats	approved
EPF/1530/07	Reserved matters application in respect of siting, design, external appearance and landscaping for the development approved under outline planning permission	approved
	EPF/2211/05.	approved
EPF/0139/08	Further reserved matters application in respect of the erection of 8 two bedroom flats, 1 three bedroom and one four bedroom flat pursuant to outline planning permission EPF/2211/05.	approved

Policies Applied:

DBE 1 New buildings
DBE 2 New buildings amenity
DBE 3 Public and Private space
DBE 6 Car Parking
DBE 8 Residential Amenity space

DBE 9 Neighbour Amenity
LL 10 Landscaping
ST 4 Parking
ST 6 Highway safety

Summary of Representations Received

Site notice posted, 12 neighbour letters sent

PARISH COUNCIL – No objection to the installation of roof windows but asks that the Planning Officer looks seriously at the application to determine the possibility of any overlooking and, if there is any possibility, the windows must be fitted with obscured glass. The Council is also very concerned that an additional side window is shown on one of the plans but this is not annotated on the North Elevation Block B Plan. The impact of additional habitable rooms on the amenity space within the site is also a matter of concern for the Council. There appears to be the possibility of a balcony being erected at the far end of North Elevation Block B and asks this is investigated.

1 FONTAYNE AVENUE – Object, changes to building shouldn't be carried out before approval granted, windows will infringe my privacy

3 FONTAYNE AVENUE - Object, possible views from the windows into bedrooms, concerned a balcony will be installed at the end of Block B the cladding is out of keeping and this will add another floor. The actions of the developer in doing the works before permission should be a reason to refuse the application.

146 MANOR ROAD – Object, I object to east facing velux windows on the grounds of loss of privacy to my house and garden also noise and light pollution. I object to increased habitable space on grounds of light pollution, I note that: the roof plan does not accurately reflect what has been built either in terms of the roof design or location and number of velux windows, the access and design statement refers to three additional pairs of garages - where? the supporting documentation says the development has only 12 parking spaces - surely this is incorrect? The elevations showing surrounding areas are using part of my property to give an inaccurate impression of space around the development which is actually inappropriately shoe-horned onto the site, the supporting documenting says no changes have been made to materials which conflicts with the statement in the design and access statement.

148 MANOR ROAD – Object, Site is very overbearing and overdeveloped this build is continuously being added to with amendments to the size and now extra rooms thus more and more additions to the original planning application.

150 MANOR ROAD – Object, on the grounds of being overlooked and loss of privacy to my home and garden. The flats dominate all the surrounding neighbour's property's and already extremely intrusive and overbearing.

Issues and Considerations:

The main issues in this application are:

1. Effects on the Street Scene
2. Design
3. Effects on amenity of neighbours.
4. Highways

Officers are aware that this site has been subject to a number of retrospective applications over the last 2 years, and the site has also been subject to a number of enforcement investigations

culminating in a temporary stop notice for the works being considered here. That the developer has carried out these changes and then applied for permission is regrettable, and officers are aware of the disquiet this has understandably caused for the neighbouring residents.

However, the scheme as submitted must be appraised on its own merits, and it is acknowledged that developments can change during the course construction and the planning system has the flexibility to consider changes on their own merits.

Street Scene

- The amendments will not increase the size and bulk of the approved blocks, with the exception of the new roof infilling the valley at Block B.
- This infill removes a flat roof from view from the street, and results in a more attractive roofscape without being excessive in height or mass.
- The scheme will change 2 two bed units to 2 three bed units, but the built form currently on the site can easily absorb this change without any harm being caused to its appearance and character. This will result in the scheme as approved under reserved matters permission EPF/0139/08 changing from the 8 two bed, 1 three bed and 1 four bed units to 6 two bed units, 3 three bed units and 1 4 bed unit.
- This is at the limit of what the site can accommodate acceptably in terms of the increase in bedrooms and residents, as any further increase would change the character of the development and have a harmful impact on the development and the surrounding area. However, at this level, the scheme is more mixed than originally approved, and it is considered that this does not have an adverse impact on the scheme or the area. In addition the amount of new floor space created is limited and not excessive on a development of this size.
- It is the case that there is now a considerable number of roof lights, but these do not cause any undue harm to the character and appearance of the scheme or the area due to their siting and appearance.
- The revised dormers are still small scale and not out of place on the front roof slope of Block A. They look out onto an area of public open ground.
- The scheme is in an area characterised with large detached buildings with a variety of roof shapes and styles.
- The revised plans for the two blocks would not look out of place in this area, and adopt a mass, bulk and height which is acceptable and suitable for this prominent corner plot.
- The site is a large one and can absorb the proposed increases in the floor space of two of the approved units without becoming cramped or overdeveloped, particularly as the proposal results in no material change in the scale of built form on site.
- It is the case that this development causes no harm to the character and appearance of the street scene.

Design

- *It is considered that design changes are relatively minor and will continue the original design aim of the appearance of houses and will not be out of place in this area.*
- *The change of materials to increase the area of glazing on the scheme does not have any adverse design impact.*

Residential Amenity

- The main concern of the residents is the potential for overlooking of their properties by the new roof windows.
- Officers have visited the site and looked out of all of the various windows that have been installed in the roof slopes. The bottoms of the velux are all a minimum of 2m above the floor level and it is not possible to look out of them unless standing on a ladder or similar object.
- Therefore, it is the case that there is no realistic prospect of any adverse overlooking occurring of any neighbouring property as a result of the installation of these roof lights.

- It is accepted that there is the potential for a perceived feeling of overlooking to occur, particularly to properties in Fontayne Avenue. However, these are high level windows which are at right angles to No 1 and 3, and these are the front elevations of these properties which are the more public face of a property, which have less sensitivity to overlooking than rear elevation. A refusal on these grounds would be very difficult to successfully defend at appeal.
- The change of gable end apexes to a glazed material will not result in any adverse overlooking of any property due to their height and siting.
- The two blocks are still of a scale and design suitable for this area and do not present an overbearing appearance for any neighbour.
- There would be no loss of light or adverse overshadowing caused by the scheme.
- It is noted that there are concerns over the installation of new balconies, but there is no proposal for new balconies in this scheme.
- It is also noted that there are some minor inaccuracies in the design and access statement, but these do not materially affect the assessment of this scheme and officers are satisfied that the plans are an accurate reflection of the scheme as existing and proposed.
- Therefore the scheme causes no adverse impact on any of the immediate neighbours.

Highways

- The amount of parking provided on the scheme remains at 17 spaces. The provision of an additional bedroom within 2 of the approved flats does not generate any additional requirement for off-street parking provision under the revised parking standards that came into force earlier this year.

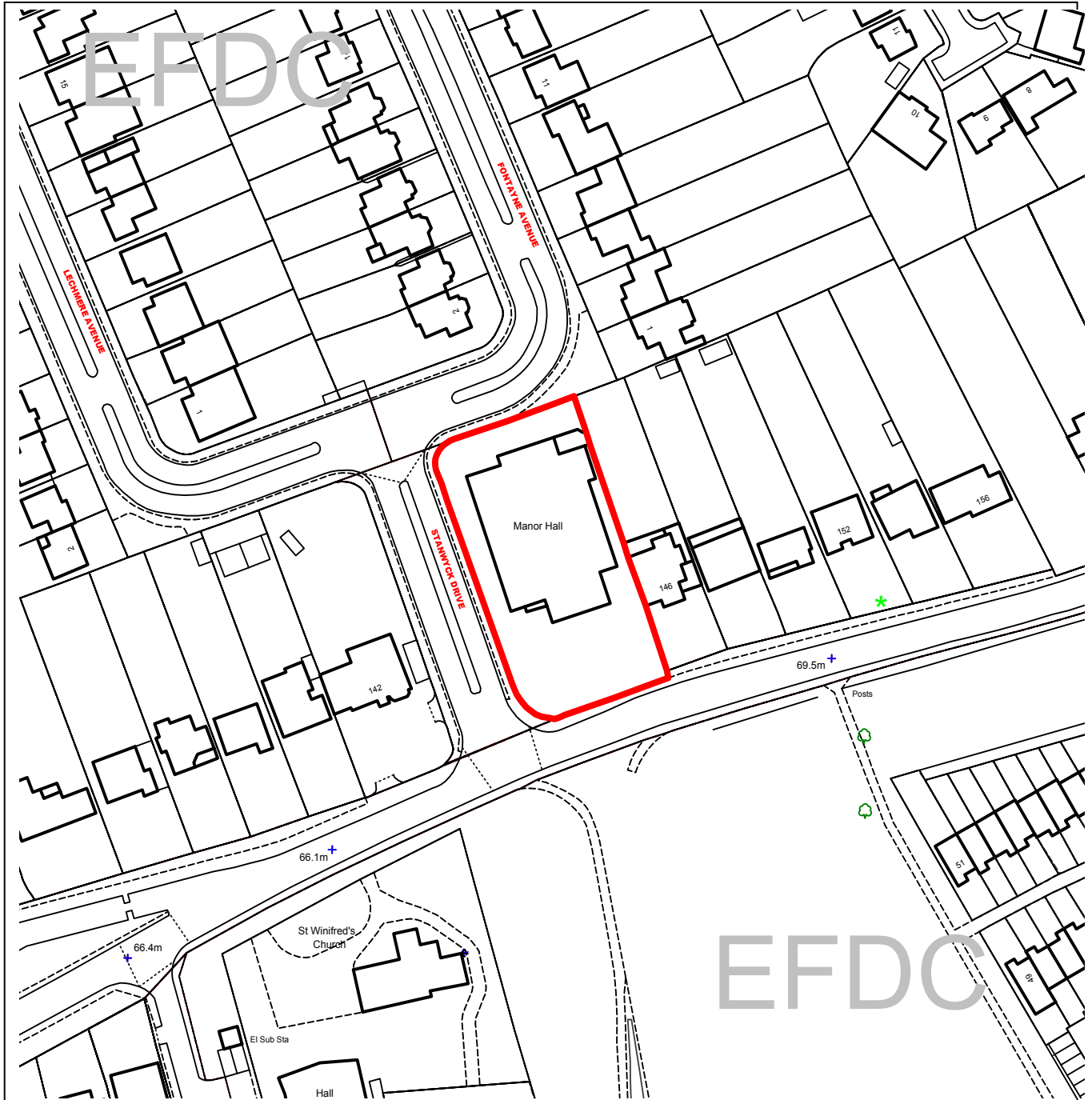
Conclusion

The principle and details of using this site for 10 flats has previously been accepted. The application provides a further revised scheme which is not out of character in this urban area and causes no undue harm to neighbouring properties. There will be no adverse overlooking caused to any neighbour due to careful design and the distances involved. The scheme causes no harm to the interests of highway safety or the sustainable provision of off-street parking facilities for the development. Therefore the recommendation is for approval.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	2
Application Number:	EPF/1554/09
Site Name:	144 Manor Road, Chigwell IG7 5PX
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/1712/09
SITE ADDRESS:	Brownings Farmhouse Gravel Lane Chigwell Essex IG7 6DQ
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mr & Mrs Roy Hughes
DESCRIPTION OF PROPOSAL:	Removal of barn and construction of replacement and change of use to ancillary residential accommodation.
RECOMMENDED DECISION:	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 The proposed barn conversion shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as Brownings Farmhouse.

This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section P4, Schedule A (g) of the Council's Delegated Functions).

Description of Proposal:

This application seeks planning permission for the demolition and reconstruction of the barn and for its change of use to residential to provide a two bedroom dwelling. It is proposed that the dwelling would be occupied by the applicant's daughter and her family. The roof of the replacement barn would be extended to a full gable from the existing partial hip. The proposed development is very similar to that approved in 2002, although the layout of the first floor accommodation has altered.

The 2002 planning permission was technically commenced within the required period and accordingly is implementable. This application is necessary because the applicant now proposes to demolish and rebuild to facilitate the works required by Building Control and identified by their

structural engineer, for example the provision of reinforced concrete pile and beam foundations which would necessitate the removal of the roof, the provision of a suspended floor, insulation and also the dilapidated condition of the timber wall posts, beams and sills.

Description of Site:

The application site comprises Browning Farmhouse (a grade II listed building dating from the Medieval period, although extended in the Nineteenth Century) and its residential curtilage. Also included within the application site is an area of land to the east (indicated on the site plan by a north/south line dividing the site) which was the subject of an unsuccessful application for a certificate of lawful use as residential curtilage last year. On the western boundary of the site is an open cart lodge and to the north of this is the barn which is the subject of this application. Part of the barn is located within the adjacent Brownings Farm site. An outbuilding located adjacent to the eastern boundary of the site was the subject of a planning application and appeal in 1999.

Relevant History:

EPF/1347/99. Conversion and extension of existing outbuilding to family dwelling. Refused 06/12/1999 and subsequently dismissed at appeal.

EPF/1426/02. Renovation, extension and conversion of barn to form a granny annexe. Approved 02/12/02.

LB/EPF/1560/02. Grade II Listed building application for the renovation, extension and conversion of barn to form a granny annexe. Approved 02/12/02.

EPF/0907/06. Detached garage/garden store. Approved 21/06/06.

EPF/0532/08. Certificate of lawfulness for existing use of curtilage as domestic garden use. Not lawful 09/05/08.

LB/EPF/2258/09. Grade II listed building application for the removal of barn and construction of replacement and change of use to single dwelling. Pending consideration...

Policies Applied:

East of England Plan

ENV6 – Historic Environment

ENV7 – Quality in the Built Environment

Adopted Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP3 – New Development

DBE1 – New Development

DBE2/9 – Neighbouring Amenity

GB2A – Development in the Green Belt

GB8A – Change of Use or Adaptation of Buildings

HC12 – Development Affecting the Setting of a Listed Building

ST4 – Road Safety

Summary of Representations:

A site notice was erected, no comments were received.

CHIGWELL PARISH COUNCIL. Objection. The Council objected to this application on the grounds that it is in Green Belt and there are no special circumstances.

COUNTY HIGHWAYS. Objection. The Highway Authority wishes to raise an objection to the above application because;

1. As far as can be determined from the submitted plans, the applicant does not appear to control sufficient land to provide the required traffic visibility splay of 2.4 m x 215 m. The lack of such visibility would result in an unacceptable degree of hazard to all road users to the detriment of highway safety.
2. The proposed development would lead to an increase in unnecessary traffic movements to and from the site in direct conflict with the aims and objectives of Policy 4 of the County Council's Highways and Transportation Development Control Policies as originally contained in the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G of the LTP 2006-2011 and refreshed by Cabinet Member decision on the 19/10/07.

The location, lack of footways and limited access to public transport would mean that virtually all journeys generated by the proposal would be by private vehicles. The proposal is not considered to be sustainable due to the reliance on the use of the private car, which is contrary to the aims and objectives of PPG13, PPS3 and the Essex Walking and Cycling Strategy

Issues and Considerations:

The main issues in this case are the impacts of the proposed development on

1. The amenities of neighbouring occupiers;
2. The potential amenity for future occupiers;
3. The character and appearance of the area;
4. The setting of the listed building;
5. The Green Belt; and
6. Highways and Parking matters.

The Impact on Neighbouring Occupiers

Due to the location of the site in relation to neighbouring properties, there would be no harm to neighbouring amenity. The proposed roof lights in the rear roof slope would overlook the neighbouring site, across a stable/equine area. As this is not in domestic use any loss of privacy would not be material.

The side windows would be less than 10 metres from the principal elevation of Brownings Farmhouse and the domestic curtilage of the site would be shared between the Farmhouse and the converted barn. This arrangement would be acceptable where the barn is to remain as ancillary accommodation as there would be some relationship between the occupiers of the two properties. However, this would not be an acceptable arrangement for an entirely separate dwelling.

Level of Amenity for Future Occupiers.

All rooms within the dwelling would receive adequate natural light and would have an acceptable level of outlook. The relationship between the converted barn and the Farmhouse would be acceptable, subject to the accommodation remaining as ancillary.

Impact on the Character and Appearance of the Area

The impact on the character and appearance of the area would not change from the 2002 consent. The barn is visible from Gravel Lane and its prominence would be increased by the proposed extension to its roof. However, the hip to gable addition to the roof of the barn would improve its appearance and would result in a more traditional design.

Impact on the Setting of the Listed Building

There would be no change from the 2002 consent. The proposed development would not be detrimental to the setting of the Farmhouse.

It should be noted that a separate application for listed building consent for the partial demolition and reconstruction of the barn (a curtilage listed building) is under consideration. It is suggested that an informative should be attached if planning permission is granted to remind the applicants of the outstanding need for listed building consent.

Impact on the Green Belt

The proposed development would not have a greater impact on the open character of the Green Belt than that approved in 2002.

Policy GB8A of the local plan requires that buildings are capable of conversion without major or complete reconstruction. As has been discussed previously, this application does propose the demolition of this part of the barn. However, bearing in mind the existing planning permission and also having regard to the part of the barn which is outside the application site and would remain, it is the Officer's balanced opinion that there would be no material harm to the open character of the Green Belt.

Highways and Parking

An objection has been received from County Highways due to inadequate visibility splays, increased vehicle movements and the unsustainable location. However, having regard to the existing planning permission, it would not be reasonable to withhold planning permission on this basis. In addition to the cart lodge, there is sufficient space for the parking of several vehicles. Due to the ancillary nature of the proposed occupation, there would be adequate access to this parking area.

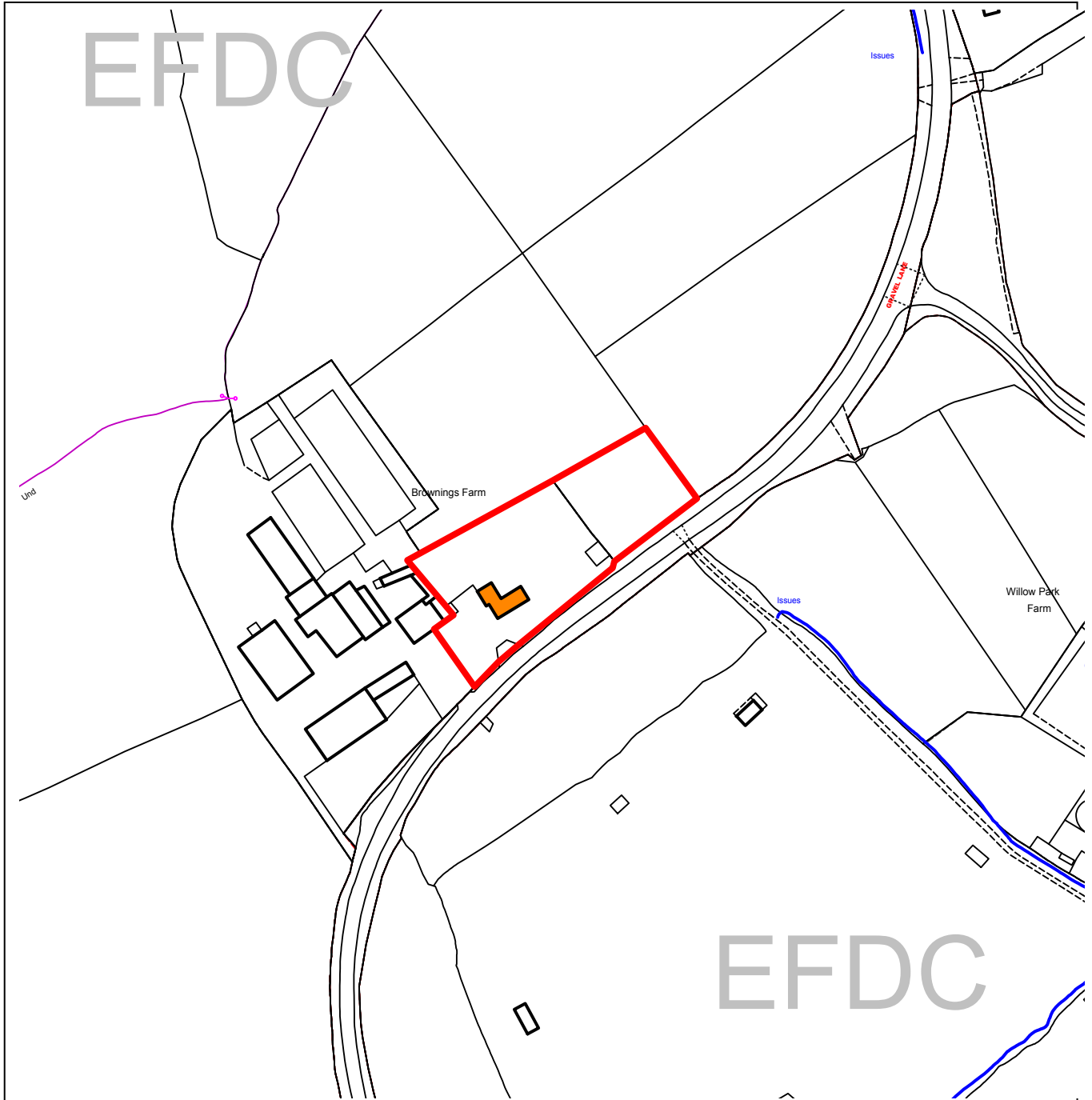
Conclusion:

In light of the above appraisal, it is concluded that the proposed development would not result in materially greater harm than the development approved in 2002. However, if the converted barn were to be occupied by persons unrelated to the occupiers of the main dwelling, there would be harm to the amenities of both parties. Accordingly, it is recommended that planning permission should be granted, subject to a condition restricting the occupancy of the barn.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	3
Application Number:	EPF/1712/09
Site Name:	Brownings Farmhouse, Gravel Lane Chigwell, IG7 6DQ
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/1716/09
SITE ADDRESS:	Beechlands 42 Alderton Hill Loughton Essex IG10 3JB
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Southend Care Limited
DESCRIPTION OF PROPOSAL:	Renewal of outline planning permission for the erection of a private dwelling house for the proprietor of 'Beechlands'.
RECOMMENDED DECISION:	No Recommendation

This application is before this Committee since it is an application that is considered by the Director of Planning and Development as appropriate to be presented for a Committee decision (pursuant to Section P4, Schedule A (f) of the Council's Delegated Functions).

Background:

This application was deferred at the 28/10/09 meeting of this Committee because members requested more information be provided with regard to previous planning decisions on the site, particularly an Inspector's dismissal of a reserved matters appeal earlier this year ref: EPF/0470/08.

However, on the 20/11/09 an appeal against non-determination of this application within 8 weeks was lodged, and consequently a formal planning decision cannot now be made. Nevertheless it is appropriate that the Committee decide what decision it would have arrived at had an appeal not been lodged, since this decision will inform the Council's response to the appeal now lodged.

Description of proposal:

Renewal of outline planning permission for the erection of a private dwelling house to the rear of an existing nursing home fronting Alderton Hill. The proposed house is described as two-storey with a steeply pitched roof and as being for the proprietor of Beechlands nursing home. Vehicle access would be via the existing north flank access of the existing building, adjacent to the house at no.44.

As with the earlier 2006 outline application (see below), the reserved matters that are being sought for approval at this stage are access, landscaping and layout. In response to officer's request at the validation stage the applicants have stated that the height of the dwelling would be 7 metres above ground level. The appearance and scale of the development are matters that are reserved for subsequent consideration in the event of Outline planning permission being granted.

Description of Site:

A rectangular area, some 47m in length by 35m in width, at the rear of the large rear garden of No 42, a nursing home. This area would become the new plot, with a hedge and fence separating the old and new plot. The proposed dwelling would be some 17.6m in length by 10.2m in width, with its main elevations facing north east and south west i.e. over adjoining rear gardens.

The nursing home is located on the north side of Alderton Hill, a road lined either side by large detached houses in deep plots, set back from the road by about 15m. To the rear, there are large detached houses in Sparelease Hill in large, but not so deep or ample plots.

Relevant History:

EPF/1335/06 -Outline planning permission refused for a private dwelling house
30/1/07 – Outline planning permission granted on appeal to EPF/1335/06. This appeal decision is attached at Appendix A.

EPF/0470/08 -Reserved matters application, for design and external appearance, refused.

12/1/09 - Appeal against refusal of reserved matters (EPF/0470/08) dismissed. A copy of this appeal decision is attached at Appendix B.

EPF/0386/09 - Refusal of reserved matters for new dwelling

EPF/1362/09 – Refusal of reserved matters for new dwelling. Appeal lodged and decision awaited.

Policies Applied:

CP2 Protecting the quality of the rural and built environment.

DBE1 New buildings

DBE2 new buildings amenity

DBE6 Car Parking

DBE8 Amenity space

DBE9 Neighbour Amenity

CP1, 3, 6 & 7 Core Policies re sustainable development

H1A, H2A, H3A, H4A Housing Provision

ST4 & 6 Traffic Criteria

LL10 Landscape and Trees

Summary of Representations Received

LOUGHTON TOWN COUNCIL – No objection, but would draw the Council's attention to apparent discrepancy in wording within the application between the erection of the development for the "proprietor of Beechlands" and "the house is intended to be occupied and used 'in association' with Beechlands"

LOUGHTON RESIDENTS ASSOCIATION PLANS GROUP – Object, Inspector dismissed previous appeal as it would be detrimental to character and appearance of the area, and to the outlook of occupiers of nearby properties – and be contrary to policies DBE1 and DBE2. (Note that previous applications were for use by the proprietor of Beechlands but documents supplied by applicant this time refer to use 'in connection with' running of Beechlands - which does not accord with wording of original grant of outline planning permission, and the dwelling could therefore be occupied by an employee instead).

14 nearby properties were consulted and the following responses were received:

23 SPARELEASE HILL – object, my view has not changed from previously. I do not want my neighbour overlooking into our garden.

29 SPARELEASE HILL – Object, for same reasons as given previously

31 SPARELEASE HILL –Object, There is a covenant on the site with ECC, why is this being ignored, we are being harassed by the barrage of applications over the years, this will change the character of the area and create a precedent for this type of development. I question the validity of the appeal process under which this was allowed and note the surprise of the other Inspector in the 2008/09 appeal that the original appeal had been granted. This is a backland development which will be harmful to the area and the amenities of the neighbours.

33 SPARELEASE HILL – Object, for same reasons as given previously (back garden development, insufficient access for emergency services), and do not believe this is intended to be a house for the applicant (proprietor of Beechlands), as he has made similar applications in other districts all with varying 'home addresses' and will be unenforceable if granted with that condition. Increased noise, light pollution, damaged views/aesthetics both during and after development. Inharmonious with surroundings. A 4 storey building situated on peak of a hill will dominate the area's skyline and our privacy. Restrictive covenant remains in place. Security concerns. Disruption to elderly residents of care home (who may not even be aware of the proposals). Annual potential for flooding in area could be worsened by this proposal.

37 SPARELEASE HILL – Object, for same reasons as given by 31 Sparelease Hill.

49 SPARELEASE HILL – Object, invasion of neighbours' and nursing home residents' privacy. Increased light pollution. Will compromise security. Contrary to covenant on land.

51 SPARELEASE HILL – Object, will set a precedent for back garden development.

Issues and Considerations:

The main issues in this application are whether a new building in this backland position would be harmful to the character of the area and whether it would result in unacceptable harm to the amenities of those people living adjacent to the site. The scale and appearance of the property are left as reserved matters for future approval, should outline permission be granted again.

It will be noted that the original outline application in 2006 was refused under delegated powers by Officers. The subsequent appeal was allowed by the Inspector in 2007, and his decision is at appendix A. This appeal decision is a material planning consideration in this case. It should also be noted that the relevant Local Plan Policies have not been altered in the last 2 years since the appeal decision was made. However, the approval granted on appeal is an outline one related only to siting of the dwelling, (and means of access and landscaping), with external appearance and design being reserved matters to be approved at a later stage.

Since then 3 applications for approval of these reserved matters have been refused. The first refusal EPF/0470/08, was subject to an appeal, and subsequently dismissed. In dismissing the appeal, the Planning Inspector did however comment in para 2: *"Despite local residents' continued objection to the development of the site, the principle of the erection of a dwelling was established with the granting of the outline planning permission"*.

Nevertheless, the Inspector also made comments illustrating her concern about the scale and height of the proposed dwelling. In para 5 she states *'the (previous inspector's) decision makes no reference to the type of dwelling envisaged on the site, and there are no conditions, for instance, to restrict the height of the proposed dwelling'*. The reserved matters application before her was for a 2 storey house with rooms in the roof (with a height of 9 metres to ridge height). In para 7 she

continued *'However, as the Council argues, the house, by virtue of being in a backland position, would not be typical of the large dwellings which are found in frontage positions. In my opinion the bulk and mass of the dwelling as proposed would be dominant and obtrusive within the garden setting. While there are trees around the edges of the site, apart from some conifers along the rear boundary, the boundary vegetation would not offer significant screening above ground floor level, particularly when not in leaf. Thus, although the main views of the proposal would be from private land, I consider that the design and external appearance of the dwelling would be an uncompromising visual intrusion in the garden scene, emphasising the fact that it is backland development in the area'*.

At the end of para 8 the inspector states *'Design which is inappropriate in its context should not be accepted. In this case I consider that the bulk and mass of building proposed would not be appropriate. In para 9 she did not feel the proposal would cause a loss of privacy for adjoining residents but adds 'However, this does not outweigh the harmful visual intrusion which I have identified above that, as well as being detrimental to the character of the area would, in my opinion, be harmful in the outlook from surrounding properties. I appreciate that there is generally no 'right to a view', but I consider that the proposal takes insufficient account of the visual quality of the local environment enjoyed by existing occupiers'*.

In para 10 the inspector concludes *'that the dwelling as proposed would be detrimental to the character and appearance of the area and the outlook of the occupiers of nearby properties. As such it would not accord with Local Plan policy DBE1 which, among other things, requires new buildings to respect their setting in terms of scale, massing, and height, and DBE2, which seeks to protect existing residential amenity'*.

Since the above appeal was dismissed 2 further reserved matters applications have been submitted. These have both been refused on grounds of poor design, and visual intrusion in a backland context. The latter one, EPF/1362/09, which is also subject of an appeal yet to be decided, has omitted dormer windows and reduced the height of the house to 7m. to ridge, which is the same as specified in this current outline application.

Conclusions and Options for Decision:

A dwelling has been approved in outline but its height has not been specified. Clearly the inspector deciding the subsequent reserved matters application EPF/470/08 felt that a 2 storey house, plus rooms in the roof, (resulting in a height to eaves of 9m.) was excessive. This current outline application specifies a height of 7m to the ridge. However 7m still accommodates 2 full stories plus roof on a large footprint of 17.6m by 10.2m. The size of such a dwelling would still be a dominant and obtrusive building in this rear garden setting.

Option no.1 is therefore to refuse this outline application on the basis that a 7m high building would be likely to be detrimental to the character of the rear garden setting, and would detract from the visual amenity and outlook of adjoining residents.

The applicants have and will point to the fact that an outline approval has been granted for a dwelling on this site. This outline consent is an important material consideration, and it can be argued that there has been no significant change in planning policies or site circumstances since the date of this consent in January 2007. However, although a height of 7m. has been specified this height could be reached without having a first floor spread over the whole of the ground floor footprint e.g. a smaller centralised first floor could be capped by a roof up to 7m. in height.

Option no. 2 is therefore to grant outline consent to this current application but with a condition that controls the mass of the building above ground floor level by suitably worded conditions.

While the grant of outline consent on 30/1/07 is a material consideration this decision does not have to be followed again. Clearly the inspector who refused the subsequent reserved matters application EPF/470/08 had concerns over the mass of the building. However she was dealing with reserved matters and therefore had no remit over the fact that an outline consent had already been granted. It is true to say that this original grant of outline consent to this dwelling in this rear garden setting disappointed residents, members and officers, and it could be described as a poor decision which should not be repeated.

Option no. 3 is therefore to refuse this current outline application on the grounds that it is inappropriate development in a back garden setting, it could set a precedent to encourage other similar developments, it would be out of character with the locality, and would be likely to detract from the amenity and outlook of adjoining residents.

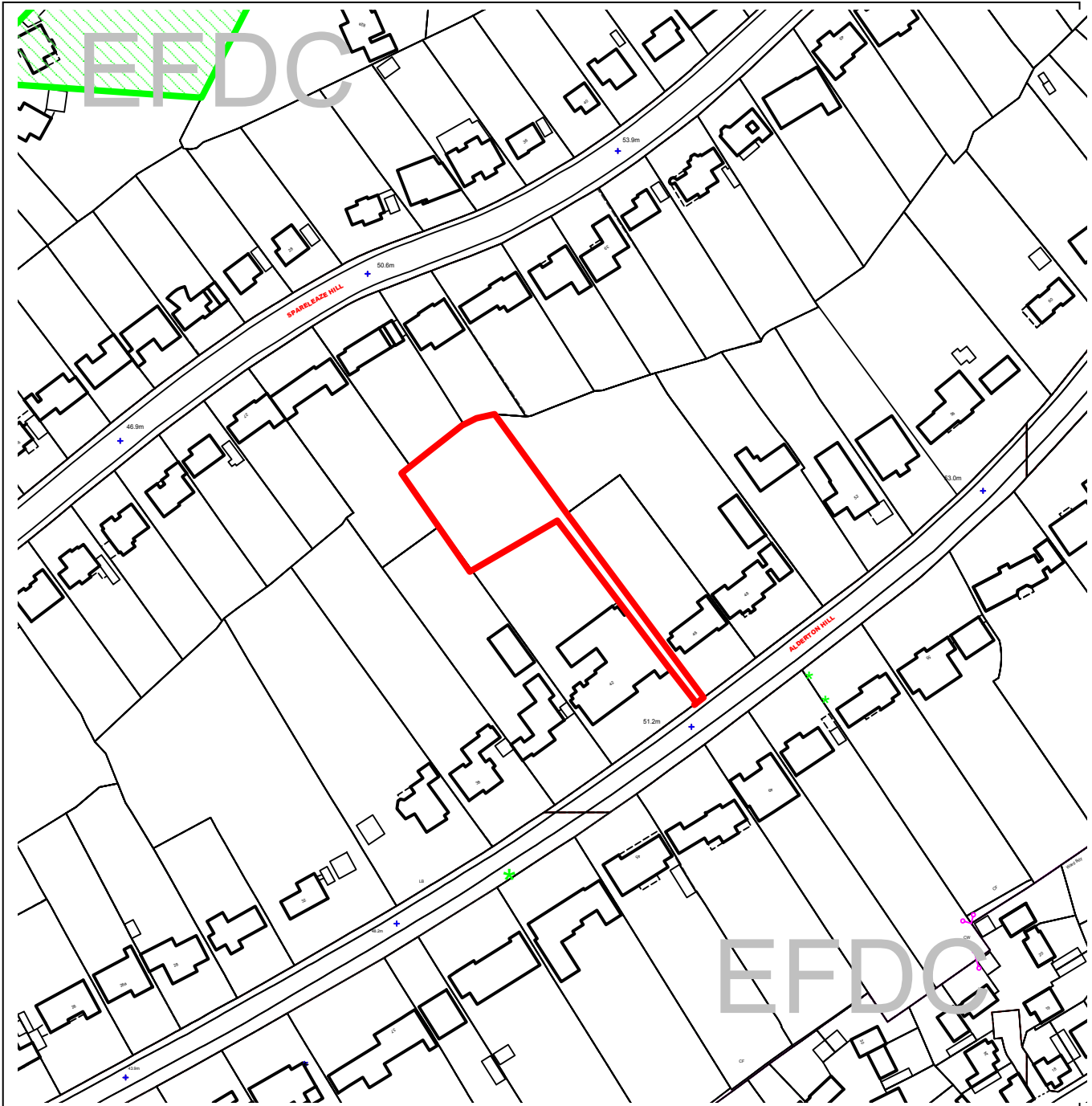
Recommendation:

There are special circumstances related to this application and this site. In addition a planning refusal or approval cannot now be issued because an appeal against non determination within 8 weeks has been lodged. However, the Council can issue a statement to the effect 'that had an appeal not been lodged the Council would have approved/refused the application for....' The Committee is therefore invited to direct the Council's response to this appeal having regard to the options outlined above.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:

4

Application Number:

EPF/1716/09

Site Name:

Beechlands, 42 Alderton Hill
Loughton IG10 3JB

Scale of Plot:

1:1250