

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/2285/09
<b>SITE ADDRESS:</b>	143 High Road North Weald Epping Essex CM16 6EA
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Guiseppe Tarallo
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for the erection of first floor side extension and part single storey/part two storey rear extension. (Amended application to include pitched roof over previously approved flat roof on EPF/0477/09)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 Prior to first occupation of the building hereby approved the proposed window openings in the first floor flank wall shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 2 Materials to be used for the external finishes of the proposed extension shall match those of the existing building. Furthermore, within 3 months from the date of this decision the visible western flank wall of the single storey extension shall be rendered to match the main dwelling, and retained as such thereafter.

*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:**

Consent is being sought for a variation to the previously approved EPF/0477/09 for a first floor side extension and a part single storey/part two storey rear extension. The proposed amendment is for the installation of a pitched roof over the previously approved single storey flat roofed rear addition. The single storey rear extension element of the scheme is 3.1m in width by 3.4m in depth and the proposed pitched roof reaches a maximum height of around 3.5m. The extension is currently under construction and this proposal is therefore a retrospective application for the retention of this pitched roof.

### **Description of Site:**

Two storey semi-detached property located on the northern side of High Road, North Weald. The dwelling is set back some 25m from the edge of the highway.

### **Relevant History:**

EPF/1485/78 - Single storey extensions (garage, dining room, kitchen, breakfast room, laundry and W.C. – approved 01/12/78

EPF/0903/84 - First floor side extension – refused 03/09/84 (appeal dismissed 19/08/85)

EPF/0477/09 - Erection of first floor side extension and part single storey/part two storey rear extension – approved/conditions 20/05/09

### **Policies Applied:**

DBE9 – Loss of Amenity

DBE10 – Residential Extensions

### **Summary of Representations:**

PARISH COUNCIL – Objects to this application on the basis that the pitched roof is visually inappropriately intrusive on the neighbouring property due to its bulk and mass. The Council are also concerned that this is a retrospective application.

141 HIGH ROAD – Object due to loss of light, the bulky appearance, and due to problems with the guttering and maintenance.

### **Issues and Considerations:**

The main aspects of this two storey side and part two storey/part single storey rear extension have been approved and have been constructed according to the original planning consent. As such the only issue to consider here relates to the design of, and potential impact resulting from, the installation of the pitched roof over the previously approved flat roofed single storey rear aspect.

The previously approved scheme included a flat roofed single storey rear extension built to the shared boundary with No. 141 High Road. This was 3.1m in width, 3.4m in depth and reached a height of 2.9m. The floor area of the single storey extension has remained as approved, however the installation of the pitched roof has resulted in the extension having an eaves height of 2.8m and a maximum height of 3.5m (which was measured on site by a Planning Officer).

The attached neighbour, No. 141, has a single storey rear addition that extends across the entire rear of the property and reaches a depth of 3.4m. This addition has a hip ended pitched roof with an eaves height of 2.6m and an overall height of 3.5m. Therefore whilst the eaves height of the proposed rear extension is slightly above that of the neighbours the overall height is identical and the rear wall does not extend beyond that of the attached neighbour. The only significant difference between the new pitched roof single storey addition on No. 143 High Road and that of No. 141 High Road is that it has a gable end adjacent to the neighbour rather than a hip end. During construction this was left as breeze block and therefore is somewhat unsightly, however once rendered this would improve the overall visual appearance. Whilst there is a requirement to improve this elevation under condition 3 of EPF/0477/09, which requires the external materials to match the existing dwelling, this could be further strengthened by an additional condition.

The pitched roof is located below the first floor windows of the dwellings and as such would not impact on the light to these windows. Furthermore, whilst visible if looking directly at the extension, the gable end would be below eye level and therefore would not detrimentally impact on the

outlook from the neighbour's first floor window. As the pitched roof does not extend beyond the rear wall of the neighbour's single storey rear addition, and is roughly of the same height, the new pitched roof would cause no further loss of light to the neighbour's rear garden than that which occurs from their rear addition, and the gable ended roof would not be so visually offensive to be constituted as 'detrimental to visual amenity'.

Concerns have been raised by the occupiers of No. 141 with regards to the difficulty in maintaining their gutters as a result of the pitched roof. This is not a material planning consideration and as such holds no weight in this assessment.

**Conclusion:**

In light of the above, the proposed pitched roof is considered a minor and acceptable alteration to the previously approved scheme, and it does not cause a detrimental impact on the amenities of the neighbouring residents. As such the proposed retrospective alteration to EPF/0477/09 is considered acceptable and is therefore recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	1
Application Number:	EPF/2285/09
Site Name:	143 High Road, North Weald CM16 6EA
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/2399/09
<b>SITE ADDRESS:</b>	Former Millrite Engineering Site 151-156 London Road Stanford Rivers Ongar Essex CM5 9QF
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Berden Enterprises Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Scheme 2: Replacement of existing 2 storey dwelling and redevelopment of remainder of site to provide 3 additional 2 storey dwellings and associated garaging and amenity space (giving a total of 4 new houses).
<b>RECOMMENDED DECISION:</b>	Grant Permission (Subject to Legal Agreement)

**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 Prior to commencement of development, including demolition or site clearance works, a phased contaminated land investigation shall be undertaken to assess the presence of contaminants at the site in accordance with an agreed protocol as below. Should any contaminants be found in unacceptable concentrations, appropriate remediation works shall be carried out and a scheme for any necessary maintenance works adopted.

Prior to carrying out a phase 1 preliminary investigation, a protocol for the investigation shall be agreed in writing with the Local Planning Authority and the completed phase 1 investigation shall be submitted to the Local Planning Authority upon completion for approval.

Should a phase 2 main site investigation and risk assessment be necessary, a protocol for this investigation shall be submitted to and approved by the Local Planning Authority before commencing the study and the completed phase 2 investigation with remediation proposals shall be submitted to and approved by the Local Planning Authority prior to any remediation works being carried out.

Following remediation, a completion report and any necessary maintenance programme shall be submitted to the Local Planning Authority for approval prior to first occupation of the completed development.

- 3 The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been

submitted to the Local Planning Authority and approved in writing. The approved scheme shall be implemented within the first planting season following the completion of the development hereby approved.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

- 4 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.
- 5 Prior to the commencement of development details of screen walls, fences or such similar structures shall be agreed in writing by the Local Planning Authority, and shall be erected before the occupation of any of the dwellings hereby approved and maintained in the agreed positions.
- 6 Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the Tree Protection Plan set out in Arboricultural Impact Assessment undertaken by M Moya Associates ref 200206-PD-02, dated February 2010.
- 7 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any other order revoking, further amending or re-enacting that order) no development generally permitted by virtue of Schedule 2, Part 1, Classes A, B and E shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 The following windows shall be obscure glazed in fixed (non-openable) frames to a minimum height of 1.7m as measured from the finished floor level of the rooms to which they serve and be retained as such thereafter. As identified on Drawing No. NH:09:096:10A they are:-
  - Type 'F' Dwelling: Windows on the forward most south-east facing elevation
  - Type 'E' Dwelling (Handed): Windows on the north-west facing elevation

And subject to a **Unilateral Undertaking** signed by the applicant for £100,000 towards the provision of off-site Affordable Housing.

*This application is before this Committee since it is an application contrary to the provisions of the approved Development Plan, and is recommended for approval (Pursuant to Section P4, Schedule A (a) of the Council's Delegated Functions).*

### **Description of Proposal:**

It is proposed to redevelop land comprising a disused engineering works and detached house together with a large grassed area to provide 4 two-storey detached houses.

The houses would comprise 2 types situated on the developed north-eastern part of the site and be accessed by the existing access point. Each house would have 5 bedrooms with the master bedroom and a playroom proposed in the roof space. There would be the opportunity for the designated playroom to be used as a 6<sup>th</sup> bedroom. One house would be sited midway along the northeastern boundary with a detached double garage situated adjacent to the site access. Its garden would continue to the southeast boundary. A private drive would separate that house from the remaining 3, which would have attached double garages. Their private gardens would be provided on the existing open part of the site.

The houses would be of traditional design with tall gabled and part hipped roofs. They would be finished in a mix of facing brick and black painted timber boarding with plain tiles to the roofs.

The houses would have maximum ridge heights of 9.5m while those of the garages would be 5.2m. The total volume of all the proposed buildings would be some 3000m<sup>2</sup> while their ground area would be 432m<sup>2</sup>.

The applicant offers a contribution of £100,000 towards the provision of off-site affordable housing. The application includes a unilateral undertaking under which the applicant has stated payment would be made on completion of the development.

### **Description of Site:**

The application site is located on the southeast side of London Road (the A113), Stanford Rivers, between the Woodman PH and former White Bear PH. It is within the Metropolitan Green Belt but is not within a conservation area.

The White Bear PH has been converted to a number of dwellings: White Bear House and White Bear Mews. The Woodman PH is set adjacent to London Road while White Bear House and Mews are situated off an access road southeast of London Road at significantly lower level such that they are not clearly visible from the main road. Those buildings are Grade II listed.

The site itself is a disused engineering works and detached house accessed off the same road that provides access to White Bear House and Mews. It is an irregular shaped site, approximately rectangular in shape. It is largely screened from view of London Road by a hedgerow on the highway verge, a leylandii hedge adjacent to the access to the site and by its level being significantly lower than that of the carriageway.

The buildings on site are a mix of single and two-storey structures with a maximum ridge height of 7.2m situated on the north-eastern part of the site that enclose a concrete surfaced yard area. They are substantial and permanent structures that have a total volume of some 2300m<sup>3</sup> covering a ground area of 545m<sup>2</sup>.

The south-western half of the site is an open grassed area with some trees. The site levels drop approximately 2m from northwest to southeast.

The south-eastern boundary of the site is enclosed by close board fencing, beyond which is an open field that falls away from the site. Views to the east beyond the adjacent field are of open countryside. The field is used for a mix of agricultural and recreational purposes, the recreational activity being clay pigeon shooting.

The north-western site boundary is enclosed by a close board fencing with hedgerow on highway land between the site boundary and London Road.

**Relevant History:**

Various but only one application is relevant to this proposal:

EPF/0713/09 Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bending building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. Approved following the completion of a S.106 agreement requiring the payment of a contribution of £100,000 to the provision of social housing upon completion of the development. (Development not commenced)

**Policies Applied:**

Epping Forest District Local Plan and Alterations

CP2	Protecting the Quality of the Rural and Built Environment
CP3-5 and ST1	Sustainable development policies
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB15A	Replacement Dwellings
HC12	Development Affecting the Setting of Listed Buildings
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A-7A	Policy relating to the provision for affordable housing
E4A	Protection of Employment Sites
E4B	Alternative Uses for Employment Sites
DBE1, 2, 4, 6, 8 & -9	Policy relating to design and impact of development on amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

**Summary of Representations:**

The occupants of 4 neighbouring properties were consulted and a site notice was erected. The following comments were received;

WHITE BEAR HOUSE, 149 LONDON ROAD: The proposal is supported

THE WOODMAN PH, 155 LONDON ROAD: No objection. Any additional living accommodation would be of benefit to the locality.

STANFORD RIVERS PARISH COUNCIL: No Objection in principle (subject to conditions). This is more acceptable [than Scheme 2] for the new dwellings to be grouped alongside the complex of buildings on adjoining White Bear cottage, the rear garden to the dwellings to the proposed



dwelling, protects the openness of the green belt alongside the Woodman PH, although the dwellings have a greater mass than the existing street scene and are of three storey.

### **Issues and Considerations:**

The District Council accepted the principle of the loss of this site for employment purposes and the sustainability of the location for residential development when it granted planning permission for the conversion of the existing buildings to provide a total of four dwellings including the existing house, Ref EPF/0713/09. Similarly, the District Council has accepted the principle of dealing with the issue of the need for affordable housing by way of a financial contribution towards making such provision off site. The main issues to consider when assessing the planning merits of this proposal are therefore whether the development is acceptable in Green Belt terms and its effect on the setting of the adjacent listed buildings.

The development is not appropriate in the Green Belt and therefore by definition harmful. It would result in a significantly higher form of development, at least 2m higher, and an increase in built volume of 700m<sup>3</sup>, 30% of that existing, although this would be achieved on a 122m<sup>2</sup> (23%) smaller ground area. When seen from London Road the roofs of the new houses would be apparent while, due to the drop in land levels beyond the site to the southeast the development would appear prominent when seen from the open countryside. However, that impact is confined to the previously developed part of the site and to some limited extent mitigated by the higher level of the highway beyond the site. Nevertheless, the development would have a materially greater impact on the open character and appearance of the Green Belt than the existing development. Accordingly, the development can only be allowed where very special circumstances that outweigh the identified harm exist.

The design of the new development would represent a considerable improvement over the appearance of the existing buildings and by restricting the built area to the previously developed part of the site it accords with the updated guidance for housing development set out in PPS3. The restriction of the built up area to that already developed serves to protect a key part of the established character of the immediate locality. It also safeguards the setting of the adjacent listed buildings especially the Woodman PH which is set away from neighbouring buildings in an open setting.

### **Applicants Case for Very Special Circumstances for allowing inappropriate development in the Green Belt**

The applicants identify the recent grant of planning permission Ref. EPF/0713/09 for the conversion of the existing buildings to dwellinghouses and the ability to extend the existing house under permitted development rights as contributing to a case of very special circumstances for allowing the development. They also draw attention to a lessened potential activity on the site and less ground coverage, an increase in openness between buildings, significant improvements in the appearance of the site, the maintenance of the existing large open part of the site and the opportunity to restrict permitted development rights for the new development.

### **Comments on Applicants Case**

1. Planning permission EPF/0713/09 was for the conversion of existing buildings and is theoretically capable of being implemented. However, the applicant advises that development is not viable due to the difficulties associated with implementing the conversion. To some extent this casts doubt on whether planning permission should have been given for the conversion of the existing buildings. That is because adopted policy in respect of proposals for reusing redundant buildings in the Green Belt requires the buildings concerned to be demonstrably capable of conversion without major or complete construction. Policies GB8A and GB9A are relevant. This together with the simple fact that the permission was for the

conversion of buildings rather than their redevelopment weakens the weight that should be given to the permission in determining this proposal. What is clear from that permission however, is the District Council considered the existing buildings worthy of retention, mainly because of a persuasive submitted structural report with the conversion application that deemed the buildings capable of conversion and therefore helping to justify conversion to housing in the Green Belt and meeting a policy requirement that they were worthy of retention.

2. There is some difficulty attaching weight to the ability to exercise permitted development rights where such rights have not been exercised and may well not be. It would be odd to give weight to hypothetical buildings when assessing whether very special circumstances exist. Accordingly, there is also some difficulty in attaching weight to the District Council's opportunity to restrict permitted development rights for a proposed development. These arguments put forward by the applicant are no more than material considerations.
3. The reduction in ground coverage and increased space between buildings is to some degree offset by the additional height and volume of the development proposed. Although the applicant states there is no policy requirement to compare volume when assessing the merits of proposals to redevelop commercial sites for housing, that is to miss the point of such an assessment. The point is to deal with the comparative impact of the existing and proposed developments on the openness and visual amenities of the Green Belt. To do so requires an examination of all aspects of a development's impact on openness and it is appropriate to include a comparison of volume and height as well as the ground area and location of development.
4. The issue of design would appear to be the matter around which the question of very special circumstances should be settled in this case. Although the District Council has previously taken the view that the existing buildings are worthy of retention, it is appropriate to consider whether any improvement to the character and appearance of the locality that would be achieved by the proposal is so great that, having regard to all other material considerations, the development would, on balance be beneficial to the locality. In this case the improvement to the character and appearance of the immediate locality would be considerable but it must be recognised that this can only be achieved by causing some harm to the openness of the Green Belt.

### **Conclusion:**

In Green Belt terms, since it is not unusual for a proposed development to result in an improvement to the appearance of the site and the locality, that benefit cannot be considered to amount to very special circumstances to outweigh the in principle harm to the openness of the Green Belt. Officer's recommendation to grant planning permission, in this case, relies on the benefit in design terms and to the visual enhancement of the locality compared with the existing buildings on the site, despite it being contrary to the Council's Green Belt policies. Therefore, should the Area Committee agree to grant planning permission, it will have to be referred on to District Development Control Committee for the final decision. The views of the Parish Council have also aided in the balance of issues in this case just in favour of a more positive recommendation.

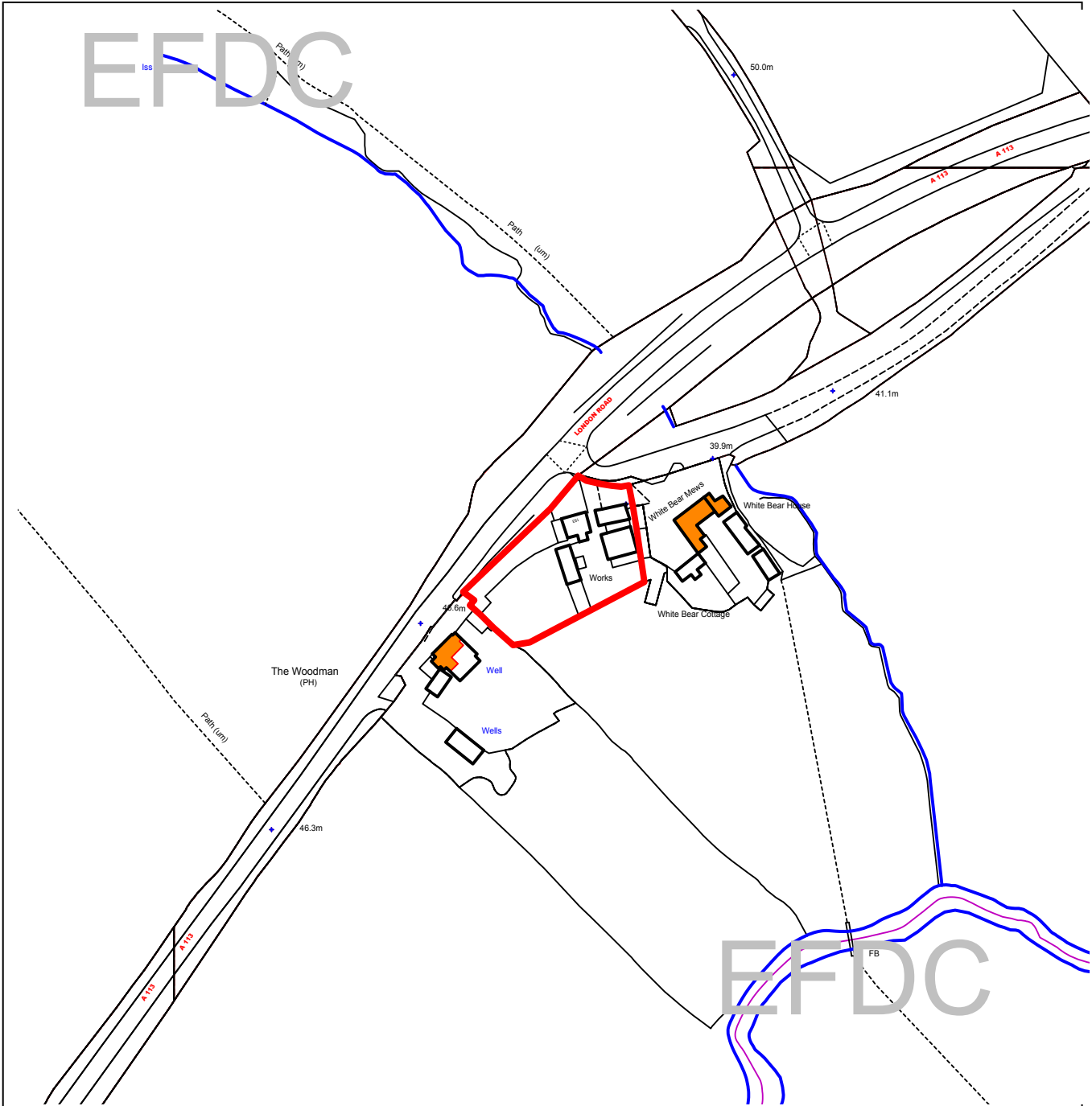
This is an extremely finely balanced case where the harm caused is, just, outweighed by the merits of the proposal in design terms. On that basis planning permission could be given subject to the completion of an agreement under S.106 of the Town and Country Planning Act 1990 to secure a financial contribution towards the provision of affordable housing in the District. The provision of £100,000 is offered by the developer on the basis that it would be paid following completion of the development. This is identical to the arrangement entered into in respect of the permission to convert the existing buildings.

Members will be aware the developer is offering an enhanced contribution in connection with an alternative scheme for the site under application EPF/2400/09 reported elsewhere on this agenda. They may therefore wish to give consideration to the appropriate level of contribution. Members may also wish to give consideration as to whether it would be more appropriate to secure payment of any sum in advance of the completion to the development. The Council's solicitor advises there is a small risk that the completion of the development, if approved, could be delayed in order to delay or even avoid payment and therefore recommends that payment be made within 3 months of the commencement of the development and not, as proposed by the applicant, on completion of the development.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2 &amp; 3</b>
Application Number:	EPF/2399/09 & EPF/2400/09
Site Name:	Former Millrite Engineering Site, 151-156 London Road, Stanford Rivers, CM5 9QF
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/2400/09
<b>SITE ADDRESS:</b>	Former Millrite Engineering Site 151 -156 London Road Stanford Rivers Ongar Essex CM5 9QF
<b>PARISH:</b>	Stanford Rivers
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Berden Enterprises Ltd
<b>DESCRIPTION OF PROPOSAL:</b>	Scheme 1: Replacement of existing 2 storey dwelling and redevelopment of remainder of site to provide 3 additional 2 storey dwellings and associated garaging and amenity space (giving a total of 4 new houses)
<b>RECOMMENDED DECISION:</b>	Refuse Permission

**REASON FOR REFUSAL**

- 1 The proposal amounts to conspicuous and inappropriate development in the Green Belt that would have an excessive adverse impact upon the openness, rural character and visual amenities of the Green Belt for which no very special circumstances exist. Accordingly, it is contrary to policies CP2, GB2A and GB7A of the adopted Local Plan and Alterations.
- 2 By reason of its intrusion into an undeveloped gap between the previously developed part of the site and the Grade II listed Woodman PH, the development causes harm to the established character and the setting of that listed building contrary to policies CP2, DBE1, DBE4 and HC12 of the adopted Local Plan and Alterations.

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

**Description of Proposal:**

Although Officers are opposed to this development and could have dealt with it under their delegated powers, it is presented to Members in order that they may have the opportunity of comparing the proposal to an alternative proposal for the same site on this agenda which officers, on balance, support (application ref EPF/2399/09).

In this case it is proposed to redevelop land comprising a disused engineering works and detached house together with a large grassed area to provide 4 two-storey detached houses with a double garage each.

The houses would comprise 4 types spread across the entire site and be accessed by the existing access point, which would be controlled by gates. Each house would have 5 bedrooms. One house would be sited midway along the northeastern boundary with a detached double garage situated adjacent to the site access. Its garden would continue to the southeast boundary. A private drive would continue through the middle of the site with the remaining 3 arranged either side.

The houses would be of traditional design with tall hipped, gabled and part hipped roofs. They would be finished in a mix of facing brick, painted render and black painted timber boarding with plain tiles to the roofs.

The houses would have maximum ridge heights varying between 7.8 and 8.8m while those of the garages would be 5.2m. The total volume of all the proposed buildings would be some 3000m<sup>3</sup> while their ground area would be 567m<sup>2</sup>.

The applicant offers a contribution of £150,000 towards the provision of off-site affordable housing. The application includes a unilateral undertaking under which payment would be made on completion of the development.

### **Description of Site:**

The application site is located on the southeast side of London Road (the A113), Stanford Rivers, between the Woodman PH and former White Bear PH. It is within the Metropolitan Green Belt but is not within a conservation area.

The White Bear PH has been converted to a number of dwellings: White Bear House and White Bear Mews. The Woodman PH is set adjacent to London Road while White Bear House and Mews are situated off an access road southeast of London Road at significantly lower level such that they are not clearly visible from the main road. Those buildings are Grade II listed.

The site itself is a disused engineering works and detached house accessed off the same road that provides access to White Bear House and Mews. It is an irregular shaped site, approximately rectangular in shape. It is largely screened from view of London Road by a hedgerow on the highway verge, a leylandii hedge adjacent to the access to the site and by its level being significantly lower than that of the carriageway.

The buildings on site are a mix of single and two-storey structures with a maximum ridge height of 7.2m situated on the north-eastern part of the site that enclose a concrete surfaced yard area. They are substantial and permanent structures that have a total volume of some 2300m<sup>3</sup> covering a ground area of 545m<sup>2</sup>.

The south-western half of the site is an open grassed area with some trees. The site levels drop approximately 2m from northwest to southeast.

The south-eastern boundary of the site is enclosed by close board fencing, beyond which is an open field that falls away from the site. Views to the east beyond the adjacent field are of open countryside. The field is used for a mix of agricultural and recreational purposes, the recreational activity being clay pigeon shooting.

The north-western site boundary is enclosed by a close board fencing with hedgerow on highway land between the site boundary and London Road.

## **Relevant History:**

Various but only one application is relevant to this proposal:

EPF/0713/09 Retaining store/forge to front and converting to two bedroom single storey unit, retaining spray and bending building and conversion to a two bedroom bungalow, retaining two, two storey workshops and office building and converting to a four bedroom house. Approved following the completion of a S.106 agreement requiring the payment of a contribution of £100,000 to the provision of social housing upon completion of the development. (Development not commenced)

## **Policies Applied:**

### Epping Forest District Local Plan and Alterations

CP2	Protecting the Quality of the Rural and Built Environment
CP3-5 and ST1	Sustainable development policies
GB2A	Development in the Green Belt
GB7A	Conspicuous Development
GB15A	Replacement Dwellings
HC12	Development Affecting the Setting of Listed Buildings
H2A	Previously Developed Land
H3A	Housing Density
H4A	Dwelling Mix
H5A-7A	Policy relating to the provision for affordable housing
E4A	Protection of Employment Sites
E4B	Alternative Uses for Employment Sites
DBE1, 2, 4, 6, 8 & -9	Policy relating to design and impact of development on amenity
LL10	Adequacy of Provision for Landscape Retention
LL11	Landscaping Schemes
ST4	Road Safety
ST6	Vehicle Parking

## **Summary of Representations:**

The occupants of 4 neighbouring properties were consulted and a site notice was erected. The following comments were received;

WHITE BEAR HOUSE, 149 LONDON ROAD: The proposal is supported

THE WOODMAN PH, 155 LONDON ROAD: No objection. Any additional living accommodation would be of benefit to the locality.

STANFORD RIVERS PARISH COUNCIL: Strong Objection – The Parish Council are mindful that both schemes are contrary to the Green Belt Policy and not appropriate in principle unless ‘special circumstances’ can be demonstrated. An obvious ‘special circumstance’ is that new development would tidy up the site an advantage over the refurbished buildings that there is a current planning approval. Scheme is considered a total infill in a green belt site contrary to the openness in a green belt situation, and not acceptable.

## **Issues and Considerations:**

The District Council accepted the principle of the loss of this site for employment purposes and the sustainability of the location for residential development when it granted planning permission for the conversion of the existing buildings to provide a total of four dwellings including the existing

house, Ref EPF/0713/09. Similarly, the District Council has accepted the principle of dealing with the issue of the need for affordable housing by way of a financial contribution towards making such provision off site. The main issues to consider when assessing the planning merits of this proposal are therefore whether the development is acceptable in Green Belt terms and its effect on the setting of the adjacent listed buildings. As to the matter of provision for affordable housing, the enhanced contribution offered when compared to the approved development is a reflection of the increased viability of the proposal.

The development is not appropriate in the Green Belt and therefore by definition harmful. It would result in a significantly higher form of development, at least 2m higher, and an increase in built volume of 700m<sup>3</sup>, 30% of that existing, although this would be achieved on a 22m<sup>2</sup> (0.4%) greater ground area. When seen from London Road the roofs of the new houses would be apparent while, due to the drop in land levels beyond the site to the southeast the development would appear prominent when seen from the open countryside. That impact would be spread across the entire site although to some limited extent would be mitigated by the higher level of the highway beyond the site. The development would have a materially greater impact on the open character and appearance of the Green Belt than the existing development. Accordingly, the development can only be allowed where very special circumstances that outweigh the identified harm exist.

The design of the new development would represent a considerable improvement over the appearance of the existing buildings. However, since the development would not be restricted to the built area to the previously developed part of the site it is at odds with the updated guidance for housing development set out in PPS3. By failing to restrict the proposed built development to that part of the site already developed it amounts to a departure from a key element of the established character of the immediate locality. Moreover, it intrudes particularly into the setting of the adjacent listed Woodman PH, which is presently set away from neighbouring buildings in an open setting. Since the essential quality of the setting of the Woodman PH is its openness, the introduction of substantial development into that setting can only be harmful to it.

The applicants identify the recent grant of planning permission Ref. EPF/0713/09 for the conversion of the existing buildings to dwellinghouses and the ability to extend the existing house under permitted development rights as contributing to a case of very special circumstances for allowing the development. They also draw attention to a lessened potential activity on the site and similar ground coverage, an increase in openness between buildings, significant improvements in the appearance of the site and the opportunity to restrict permitted development rights for the new development. The applicant has submitted no analysis of the setting of the Woodman PH and relies on the traditional design and sympathetic choice of external materials alone to, in the applicant's view, respect the setting of the adjacent listed buildings.

Planning permission EPF/0713/09 was for the conversion of existing buildings and is theoretically capable of being implemented. However, the applicant advises that development is not viable due to the difficulties associated with implementing the conversion. To some extent this casts doubt on whether planning permission should have been given for the conversion of the existing buildings. That is because adopted policy in respect of proposals for reusing redundant buildings in the Green Belt requires the buildings concerned to be demonstrably capable of conversion without major or complete construction. Policies GB8A and GB9A are relevant. This together with the simple fact that the permission was for the conversion of buildings rather than their redevelopment weakens the weight that should be given to the permission. What is clear from that permission however, is the District Council considers the existing buildings worthy of retention, since the grant of permission for the conversion of redundant buildings in the Green Belt to housing depends on meeting a policy requirement that they are worthy of retention.

There is some difficulty attaching weight to the ability to exercise permitted development rights where such rights have not been exercised and may well not be. It would be odd to give weight to hypothetical buildings when assessing whether very special circumstances exist. Accordingly,



there is also some difficulty in attaching weight to the District Council's opportunity to restrict permitted development rights for a proposed development. Those arguments put forward by the applicant are no more than material considerations.

The increased space between buildings is offset by the additional height, volume and spread of the development proposed. Although the applicant states there is no policy requirement to compare volume when assessing the merits of proposals to redevelop commercial sites for housing, that is to miss the point of such an assessment. The point is to deal with the comparative impact of the existing and proposed developments on the openness and visual amenities of the Green Belt. To do so requires an examination of all aspects of a development's impact on openness and it is appropriate to include a comparison of volume, height spread and ground area as well as the proposed spacing of buildings on the site.

It is appropriate to consider whether any improvement to the character and appearance of the locality that would be achieved by the proposal is so great that, having regard to all other material considerations, the development would, on balance be beneficial to the locality. In this case a key component of the character and appearance of the locality is the visual gap between the developed part of the site and the Woodman PH. The development would result in the loss of that gap and the intrusion of development into the setting of The Woodman PH that can only be harmful. When taken in isolation from their context within the Green Belt and the adjacent listed buildings there is a case that the proposed houses would have a significantly better appearance than the existing buildings. However, an assessment of the planning merits of a development must have regard to the context of the development and this proposal fails to respect its context.

**Conclusion:**

The proposal amounts to conspicuous and inappropriate development in the Green Belt that would have an excessive adverse impact upon the openness, rural character and visual amenities of the Green Belt for which no very special circumstances exist. Accordingly it is contrary to policies CP2, GB2A and GB7A of the Local Plan and Alterations. Furthermore, by reason of its intrusion into an undeveloped gap between the previously developed part of the site and the Grade II listed Woodman PH, the development causes harm to the established character of the locality and the setting of that listed building contrary to policies CP2, DBE1, DBE4 and HC12.