

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0881/10
<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>	Certificate of lawful development for existing raised decking and patio. (Resubmitted application)
<b>RECOMMENDED DECISION:</b>	Lawful

**REASONS FOR RECOMMENDATION**

- 1 Following an examination of Council records, the information submitted with the application and inspections of the application site it is clear that:

1. The patio is more than 4 years old and is therefore time immune from enforcement action. Even if it was not, it would be permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
2. The works to the patio comprising of reconstructing pre-existing steps from it to the adjacent lawn and resurfacing are not development.
3. The wall erected around part of the northern edge of the patio is permitted development under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
4. The decking is not a raised platform as it is no more than 300mm in height as measured from the highest part of the surface adjacent to it, and does amount to a distinct building that is permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
5. The decking is required for a purpose incidental to the use of 40 Landview Gardens as a dwellinghouse.

Accordingly, the development the application relates to is lawful development.

Members deferred making a decision on this application when they considered it at the meeting held on 23 June 2010 in order that it could be presented again with all information relevant to making the decision available to view and so that the Council's solicitor is present to give any legal advice required to assist making a decision. The report previously presented to Members is set out below.

*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:**

This application is essentially a duplicate of application ref EPF/2365/09 that this Committee deferred making a decision on at their meeting on 3 March 2010. That application was subsequently withdrawn by the applicant in order that it could be submitted and considered separately from an application to retain a two-storey rear extension, ref EPF/2490/09. The application to retain the extension was withdrawn following this Committee's decision on 3 March to also defer making a decision on that application. Given the similarity between this application and the withdrawn application for a Certificate of Lawfulness the Officer's assessment of this application is the same as that for the withdrawn application.

This application seeks to establish that an existing patio and raised decking is a lawful development. It is not an application for planning permission. Normally such applications are dealt with by the Director of Planning under powers delegated to him. This is on the basis that decisions on such applications are based on the application of planning law in respect of facts/evidence put forward by the applicant and/or third parties and that gathered by Officers. An assessment of the planning merits of a development is not relevant to an assessment of whether it is lawful or not. This case is nonetheless reported to Members because of the concerns about the legality of the development raised with the Director of Planning by Cllr Jacobs.

The raised decking this application relates to is situated to the rear of a two-storey rear extension. The patio is largely situated to the east side of the two-storey extension, rear of a lawful single storey side extension.

The basis on which the Certificate is sought is that the development is permitted development, that is, it benefits from a general deemed planning permission for such development given in law and does not require any express planning permission from the District Council.

### **Description of Site:**

The application site comprises a part single, part two-storey detached house and its associated garden. It is located on the north side of Landview Gardens, a short distance from its junction with Kettlebury Way. Nos 1 – 7 (odd) Kettlebury Way back on to the side garden boundary. They are two-storey detached houses with relatively short back gardens, approximately 12m in depth as measured between the rear of the original houses and the boundary with the application site. Land levels rear of the original house fall. The rear gardens of houses at 1 – 7 Kettlebury Way are approximately 600mm below the level of the rear garden at the application site.

No. 5 Kettlebury Way has a two-storey rear addition across the entire rear elevation that projects 3.5m thereby reducing the rear garden depth at that property to approximately 9m. It also has a single-storey side addition. The greater part of the extension is beyond the rear garden boundary.

No 7 Kettlebury Way has a small part-width two-storey rear addition and a two-storey side extension. It also has a 2.8m wide detached garage in the rear garden abutting the boundary with the application site, beyond which is the flank wall of the original house and part of the extension.

### **Relevant History:**

EPF/1967/07 Two-storey side & rear and single-storey rear extension. Refused.  
EPF/0417/08 First floor side & rear extension and single-storey rear extension. Refused.  
EPF/1070/08 Single-storey front and two-storey rear extension. Approved.

EPF/0853/09 Alteration and retention of raised decking. Refused.  
EPF/1347/09 Alteration and retention of raised decking. Withdrawn.  
EPF/2016/09 Retention of raised decking and patio. Withdrawn.  
EPF/2365/09 Application for a Certificate of lawful Development for existing raised decking and patio. Withdrawn  
EPF/2490/09 Retention of two-storey rear extension. Withdrawn.

### **Relevant Legislation:**

The particular piece of legislation against which this application must be assessed is the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (referred to as the GPDO in this report). Also of relevance are sections 55 and 336 of the Town and Country Planning Act 1990.

S. 55 of the Act sets out the meaning of development. This includes any building operation. It makes it clear that works of maintenance, improvement or other alteration of a building that do not materially affect its external appearance are not development.

S. 336 of the Act states a building “includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

Part 1 of Schedule 2 to the Order gives conditional deemed planning permission for development within the curtilage of a dwellinghouse. All such development must be for “a purpose incidental to the enjoyment of the dwellinghouse as such”.

Class A of Part 1 relates to “The enlargement, improvement or other alteration of a dwellinghouse”. Class E essentially relates to the provision of outbuildings within the curtilage of a dwellinghouse. Class F relates to the provision of a hard surface within the curtilage of a dwellinghouse and generally permits the entire rear garden of a dwelling house to be hard surfaced.

The GPDO does not specifically give deemed planning permission for a raised platform. Class A makes it clear the development it relates to cannot benefit from deemed planning permission if it would consist of or include the construction or provision of a raised platform. Class E states development it relates to cannot be permitted development if it includes the construction or provision of a raised platform. It does not state that development which consists of a raised platform cannot benefit from permitted development rights given under that Class.

Class F does not set any limit on the depth a hard surface can be while the term “hard surface” is not defined in planning legislation.

Part 2 of Schedule 2 to the Order gives conditional deemed planning permission for minor operations on any land. Class A of Part 2 relates to, inter alia, the construction of a wall. This is permitted development subject to a height limit of 2m above ground level where it is not adjacent to a highway used by vehicular traffic.

The Order states that for the purposes of Part 1 of the Order, “raised” in relation to a platform means a platform with a height greater than 300mm.

Article 1(3) of the Order states, unless the context requires otherwise, any reference to the height of a building in the Order shall be construed as a reference to its height when measured from ground level. It clarifies that “ground level” means the level of the highest part of the surface of the ground immediately adjacent to the building.

## SUMMARY OF REPRESENTATIONS:

NEIGHBOURS: - 5 neighbours were consulted and responses were received from the occupants of 38 Landview Gardens and Nos. 1, 5, 7, 12, 14, 18 and 20 Kettlebury Way.

Some raise matters unrelated to the matter of whether the development is lawful. Since those matters are not relevant to the consideration of this application they are not reported.

*38 Landview Gardens, Ongar:*

"I have lived at number 38 Landview Gardens for over 20 years and can confirm that the patio built as part of the extension to No. 40 is a new construction being there less than 2 years.

Prior to the construction work on No. 40 there was a patio in existence. However, this was at a much lower elevation and encroached on to the rear garden approximately 10 foot less than the new construction. Much of the old patio is beneath the single storey extension."

*1 Kettlebury Way, Ongar:*

"...any original patio was built over when the property was extended. The property extension was carried out after June 2008 when the builder who owns the property purchased it. Therefore the current patio is new and not four years old."

*5 Kettlebury Way, Ongar:*

"The timber raised platform was built in March/April 2009 with modifications thereafter up to October 2009.

The patio was reinstated and extended with a raised section in April/May 2009.

The Applicant refers to Planning Permission ref.EPF/1090/08 but that is irrelevant. It is irrelevant because this application/consent provided no information as to how a 1200 mm/4'0" step down from the extended dwelling to the rear garden was to be accommodated – even though there were Building Regulations implications and Health and Safety implications. Yet the sole purpose of the raised platform(s) in the current application for a CLD is to provide access from the extended dwelling to the gardens and vice versa.

The Applicant states "The patio is more than 4 years old". This is not true. Part (particularly the raised area) is entirely new and part is replacement of existing. Accordingly the Applicant's subsequent reasoning is flawed.

The Applicant states "The works to the patio comprising of reconstructing pre-existing steps from it to the adjoining lawn and resurfacing are not development. This is not true. The North East raised patio area is entirely new as are the steps to it. The original steps were consumed by the foundation works to the unauthorised two-storey extension. Accordingly the Applicant's subsequent reasoning is flawed.

The Applicant states "The decking is not a raised platform and does amount to a distinct building that is permitted development as defined in Class E of Part 1 of Schedule 2". This is not true. Class E, clause E (a) of the 2008 Order allows permitted development to "any building --- required for a purpose incidental to the enjoyment of the dwelling house as such". The dictionary definition of "incidental" is **inessential**. It is the case that the decking is a raised platform provided for the **specific key purpose** of giving safe access from the house to the garden, a drop of 1200 mm/4'0" and vice versa. This essential function of the decking (and part patio) takes those

elements outside the scope of Class E, clause E (a). Accordingly the decking (and part patio) should be the subject of a planning application.”

The occupiers of 5 Kettlebury Way also make reference to previous correspondence they sent in connection with withdrawn applications.

7, 12, 14, 18 and 20 Kettlebury Way, Ongar do not comment or offer information on the lawfulness of the development. They solely raise objection to the development on the basis of its planning merits. Since an assessment of the planning merits of the development is not material to the consideration of this application those comments are not reported.

ONGAR TOWN COUNCIL – No response received.

### **Issues and Considerations:**

This assessment only deals with the need for planning permission for the patio and decking. As indicated above, the planning merits of the development are not relevant to that assessment which must be based solely on findings of fact and an application of planning law.

#### The Patio:

A patio is captured by the definition of a building set out in the Act and the construction of the patio in the first instance is development.

Having regard to photographs of the site taken prior to the construction of the two-storey rear extension, it is clear that the patio is more than 4 years old. The area of the patio is smaller than it originally was since part of it has been redeveloped to provide extensions. Buildings that are more than four years old are time immune from enforcement action and consequently are lawful, therefore it is not necessary to deal with the question of whether it required planning permission in the first instance. For completeness it is pointed out that if it were treated as a hard surface it would be permitted development under Class F of Part 1, Schedule 2 to the GPDO. If it were treated as amounting to more than a hard surface and was constructed today it would be permitted development under Class E because it would amount to an outbuilding that is not higher than 2.5m within 2m of a boundary of the property. There is no requirement within Class E that an outbuilding be set any distance from the dwellinghouse.

It is clear that works have been carried out to the patio. Those works consist of building a wall around part of its northern edge, reconstructing pre-existing steps from it to the adjacent lawn and resurfacing that part of the patio. The resurfacing works and works to the steps are works of repair and maintenance that do not materially affect its appearance. As such they are not development and therefore do not require any planning permission. Since the wall is not adjacent to a highway used by vehicular traffic and is less than 2m high it is permitted development under Class A of Part 2 of Schedule 2 to the GPDO.

Although neighbours state that the patio projected a lesser distance into the rear garden, no evidence of their assertion is given. Aerial photographs of the locality taken in November 2006 show the patio that originally existed prior to any works taking place. Comparison of those photographs with the existing patio show there is no material difference between the distance the patio previously projected into the rear garden and the distance it currently does.

#### The Decking:

Decking is also captured by the definition of a building set out in the Act. For the purposes of assessing the need for planning permission consideration is given to whether the decking amounts to a raised platform. All steps leading down to it are treated as being part of the decking in this

instance. A raised platform is defined in the GPDO as a structure that is more than 300mm high. Anything lower is therefore not a raised platform. The measurement of height must be taken from the surface of the highest part of the surface adjacent to it. In the event of the surface of adjacent land being raised immediately before or after a development is completed it is appropriate to take the measurement from the highest original level, even if the amount of the raising that has taken place is not sufficient to have required planning permission. It should be noted, however, Article 1(3) of the GPDO does not make reference to original levels when prescribing how the height of a building should be measured.

The highest ground level adjacent to the decking is that immediately to the west side of the extension. That land is clearly adjacent to the decking since it abuts it. Furthermore, there is no higher level of land that is adjacent to the decking.

Evidence of original land levels on this part of the site exists within two manholes in that location. The covers to both have been removed and brickwork inside examined by the case officer. The officer found the bricks and associated pointing that form the sides of the shaft appeared old, with only the top course and a concrete surface surrounding the manhole cover appearing to have been laid recently. The manhole nearest the decking is approximately 300mm from it and given the nature of its construction it is very likely that the original level of the land continued to the point that the decking starts. Accordingly, it was found that the highest adjacent land level immediately prior to the construction of the decking is a maximum of 100mm below the existing surface of the land immediately to the west of the extension.

Measurements taken on site demonstrate the surface of the decked area is a maximum of 150mm below the existing surface of the highest adjacent land and therefore 50mm below established original land level.

As indicated above, the steps leading down to the decked area from the two-storey rear extension to the house are treated as being part of the decking for the purpose of establishing whether the decking is captured by the definition of a raised platform set out in the GPDO. Measurements taken on site demonstrate the top of the highest step leading to the decking from the extension is 150mm above the existing surface of the highest adjacent land and therefore 200mm above the original ground level.

In the circumstances, even allowing for a small margin of error in measurements, no part of the decking is more than 300mm above the surface of either the existing or the original highest land level adjacent to the decking. Consequently, the decking is not captured by the definition of a raised platform set out in the GPDO.

It is also necessary to establish whether the decking is an integral part of another structure or a distinct building. The only other structure it could be part of is the adjacent two-storey rear extension. Members should be aware that since the decking was originally constructed it has been significantly lowered and steps added to it to facilitate access to it from the extension. This has been carried out without requiring any modification to the extension. That this has taken place is evidence that the decking is not part of the adjacent two-storey rear extension even though it abuts it. It is therefore clear that the decking is a building distinct from the extension and the assessment of the need for planning permission to erect it must be carried out on that basis.

It has been established above that the decking is development, that it is not a raised platform and that it does amount to a distinct building. In those circumstances and having regard to its situation in the curtilage of a dwellinghouse it would appear that the decking is permitted development under Class E of Part 1 Schedule 2 to the GPDO.

Class E.1 sets out a number of limitations on the size and location of buildings that can benefit from the deemed planning permission given in Class E. They are dealt with in turn below:

- a) The ground area covered by buildings within the curtilage (excluding the original dwellinghouse) is less than 50% of the curtilage (excluding the ground area of the original dwellinghouse)
- b) The decking is not on land forward of a wall forming the principal elevation of the original dwellinghouse.
- c) The decking does not have more than one storey.
- d) The decking (which is within 2m of the boundary of the curtilage of the dwellinghouse) does not exceed a height of 2.5m.
- e) There is no question of an eaves height exceeding 2.5m since the decking is a building that does not have a roof.
- f) The decking is not in the curtilage of a listed building.
- g) The decking does not include a raised platform (as defined in the GPDO).
- h) The decking does not amount to a dwelling or a microwave antenna.
- i) The decking is not a container that exceeds 3,500 litres

Class E.2 sets out further limitations in respect of buildings that can benefit from the deemed planning permission given in Class E. They do not apply in this case because the curtilage of the dwellinghouse this application relates to is not within a World Heritage Site, a National Park, an area of outstanding natural beauty or the Broads. Further limitations set out in Class E.3 also do not apply because the land is not in Article 1(5) Land as defined in Part 2 of Schedule 1 to the GPDO.

The occupiers of 5 Kettlebury Way argue that the decking is not required for a purpose incidental to the enjoyment of a dwellinghouse as such. They do so on the basis that it is required for a “specific key purpose of giving safe access from the house to the garden” and come to that view because they understand the word incidental to mean inessential based on a dictionary definition.

The Oxford English Dictionary defines the word incidental as “occurring as a minor accompaniment”. Furthermore, it is not uncommon for decking to be constructed in the rear garden of a dwellinghouse abutting its rear elevation. In this case there is no evidence that demonstrates the decking is not required for a purpose incidental to the enjoyment of a dwellinghouse as such. Indeed, the occupiers of 5 Kettlebury Way do not say the decking is required for any purpose other than a purpose in connection with the use of 40 Landview Gardens as a dwellinghouse. Rather, they argue it is required for a purpose that is more than incidental to the dwellinghouse.

In planning terms, where a development is for a purpose that is more than incidental to its lawful use, that purpose would amount to a new primary purpose for the use of the land where the development takes place. Where a new primary purpose of land occurs that is a material change in the use of the land. Making a material change in the use of land is development that requires planning permission.

40 Kettlebury Way is a single planning unit being used for the sole purpose of a dwellinghouse. The decking is of a size and location that it is clearly required for purposes in connection with that use. It is in fact only used for purposes in connection with the use of the dwellinghouse as such. Moreover, such usage certainly does not amount to the creation of a new planning unit.

Consequently there can be no doubt the decking meets the test of being required for a purpose incidental to the enjoyment of 40 Landview Gardens as a dwellinghouse. Members are advised that if this matter was considered at appeal a Planning Inspector would not accept an argument to the contrary to be a reasonable position for a Local Planning Authority to hold.

**Conclusion:**

Following an examination of Council records, the information submitted with the application and inspections of the application site it is clear that:

1. The patio is more than 4 years old and is therefore time immune from enforcement action. Even if it was not, it would be permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
2. The works to the patio comprising of reconstructing pre-existing steps from it to the adjacent lawn and resurfacing are not development.
3. The wall erected around part of the northern edge of the patio is permitted development under Class A of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
4. The decking is not a raised platform and does amount to a distinct building that is permitted development as defined in Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
5. The decking is required for a purpose incidental to the use of 40 Landview Gardens as a dwellinghouse.

Accordingly, the development the application relates to is lawful development and the Certificate of lawfulness applied for should be granted. This conclusion is arrived at following consultation with the Council's solicitor.

If Members disagree with this assessment and find the development to be unlawful it must be recognised that the applicant would have a right of appeal against a decision to refuse to grant the Certificate. That is also the case if, following an assessment of the planning merits of the decking, the Council takes enforcement action against it. The grounds of any appeal against an enforcement notice would almost certainly include the ground that the decking does not need planning permission because it is permitted development. Officers are of the opinion that it is very likely such appeals would be linked and they may well be dealt with by way of a public inquiry in order to give weight to the findings, although that is a matter for the Planning Inspectorate to decide.





# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>1</b>
Application Number:	EPF/0881/10
Site Name:	40 Landview Gardens, Ongar CM5 9EQ
Scale of Plot:	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0853/10
<b>SITE ADDRESS:</b>	Littlemead Bournebridge Lane Stapleford Abbots Essex RM4 1LT
<b>PARISH:</b>	Stapleford Abbots
<b>WARD:</b>	Passingford
<b>APPLICANT:</b>	Mr Ray Rogers
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/86/10 - A1 (T1) Oak - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 2 A replacement Liquidamber tree, of a size and in a position as shall be agreed in writing by the Local Planning Authority, shall be planted, and shall be inspected by the Local Planning Authority and agreed to be in accordance with the details prior to implementation of the felling hereby agreed, unless varied with a 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, or dies, or becomes seriously damaged and defective another tree of the same species and size of that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

**Description of Proposal**

TPO/EPF/86/10 (T1) Oak – fell

**Description of Site**

The Oak (T1) stands on the southern boundary of the rear garden of Little Mead. The tree is therefore some 100 metres from the nearest public road and is of relatively limited public amenity value.

## **Relevant History**

Tree Preservation Order TPO/EPF/86/10 was made as an Area order, covering all the trees present in the rear garden of Little Mead, since access was not available for a survey in advance. A concurrent pruning application reference TRE/EPF/0854/10 deals with the potential crown reduction of 6 other Oaks on the eastern boundary of the property; a recent application granted consent under an earlier Tree Preservation Order for an Oak tree standing on the front (northern) boundary.

## **Policies Applied**

Epping Forest District Council Local Plan and Alterations

LL07 Amenity Value of Preserved Trees

LL09 Felling of Preserved Trees

## **Summary of Representations**

The Parish Council has made combined comments on 853/2010 and 854/2010. They advised care in respect of threats to the trees, but have no specific comments on the application as received. No notifications have been received from neighbours.

## **Issues and Considerations**

The reasons given for the proposed felling are that:

This tree is relatively young and has some storm damage within the crown. The agent further states that the owner has an intention to place a small structure close to the tree which would obstruct any further access to the tree (plans for this structure were well under way before the order was made) therefore preventing any further maintenance to it. He also states that the owner is willing to replace the tree with a Liquidamber elsewhere within the property and is happy for this tree to be covered by a future order.

In relation to the age, condition and value of the tree it is accepted that this is of lower value than the 6 larger and older Oak trees on the eastern boundary:

- it is, as stated, not fully mature,
- has storm damage, and
- is somewhat one-sided as a result of larger trees in separate ownership to the south.

In a more public location it would be reasonable to protect the tree; however in this location its public value is so limited that it is considered that the tree would not have been included in the Tree Preservation Order, had it been possible to undertake a detailed survey of the garden beforehand. It is therefore protected only by virtue of standing within the area shown as A1 on the Tree Preservation Order.

## **Conclusion**

Particularly given the owner's willingness to replant elsewhere in the property it is therefore considered on the grounds of its limited public amenity value, and subject to replacement by a Liquidamber as suggested, that the felling of the preserved Oak is in accordance with the policy. It is therefore recommended to grant permission with conditions.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>2</b>
Application Number:	EPF/0853/10
Site Name:	Littlemead, Bournebridge Lane Stapleford Abbots, RM4 1LT
Scale of Plot:	1/1250

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/0961/10
<b>SITE ADDRESS:</b>	11 Tempest Mead North Weald Bassett Epping Essex CM16 6DY
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Stanley Greatrick
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/40/98 T70 (T2) Oak - Fell T71 (T3) Oak - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 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.

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

**Description of Proposal**

TPO/EPF/40/98 2 Oaks (T2/T3) : fell

**Description of Site**

11 Tempest Mead is a detached property standing adjacent to the access road for the Tempest Mead Estate in North Weald. The Oaks form part of a line running along a drainage stream on both sides and at right angles to the access road, and generally separating gardens to the south of the stream from those to the north. The garden contains a further, larger Oak closer to the access road which it is proposed be retained.

## **Relevant History**

The Tree Preservation Order was made to protect the most important trees on the site at the time of its development. There is no specific recent history.

## **Policies Applied**

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

LL07 – Amenity value of trees  
LL08 – Pruning of preserved trees  
LL09 – Felling of preserved trees

## **Summary of Representations**

NORTH WEALD PARISH COUNCIL - No objection subject to the tree officer deeming the work necessary.

NORTH WEALD TREE WARDEN - Concerned to read of the felling. Agree that the trees do seem very large to be in a private garden. Would it be possible to reduce their size rather than to fell them? Obviously have been there for many years; would have been growing in the fields that formed part of the radio station before Tempest Mead was built.

## **Issues and Considerations**

### **Applicant Issues**

The reason given for the felling on the application form is that felling of Oak trees No. 2 and 3 is because they are adversely affecting the (more) mature Oak and this would allow that tree to maintain its appearance. The owner of the tree has also verbally advised that the presence of three trees causes him difficulties in use of the garden and enjoyment of his property, and in particular a conservatory to the rear because their combined canopy covers the majority of the rear garden.

### **Planning Considerations**

It would be in line with Policy LL8 to allow crown reduction of all three trees because of the extent to which they are affecting the garden and overshadow the rear of the property. The main issue is considered to be whether the proposal to fell two trees is more sustainable and would produce a better result in terms of protection of public amenity while also contributing to resolving the applicant's issues.

All are visible from Tempest Mead, but it is the larger and more mature tree, closer to the road, which is the most visible. The two trees which are the subject of the application are set behind this tree so, although they have some visual amenity it is less than that of the tree to be retained.

### **Tree Condition**

The two trees are healthy and in the early stages of maturity. However, the crowns are now joined and so the shape and form of each crown is beginning to become constricted.

### Suitability of Retaining all 3 Trees in the Location

The garden is wider than it is deep, and also has significantly less depth than its neighbours to the northwest. Reduction of the tops and particularly the western sides of the crowns would be a conventional solution to this. As an alternative the Council could insist that the trees continue to grow in height and that only the sides of the trees most adversely affecting the garden and property are cut back. However, in either case there would be a commitment to continual pruning; the visual quality of the trees would be adversely affected and they would continue to form a single combined crown with each tree having a contorted shape.

It is accepted that it is a more sustainable use of resources to fell two trees, with suitable replacement planting closer to the boundary of smaller growing native trees, but to retain the larger and more mature tree to grow naturally. The result of this would be, over time, that the crown would spread to the northwest and would, to some extent, take up the space currently occupied by the two trees proposed to be felled. Moreover, it is considered that it should be possible to manage this tree in the future with only the lightest reduction of branches over the garden and the property in a way that would not spoil the shape and appearance of the crown, and also that this should not be necessary for some time.

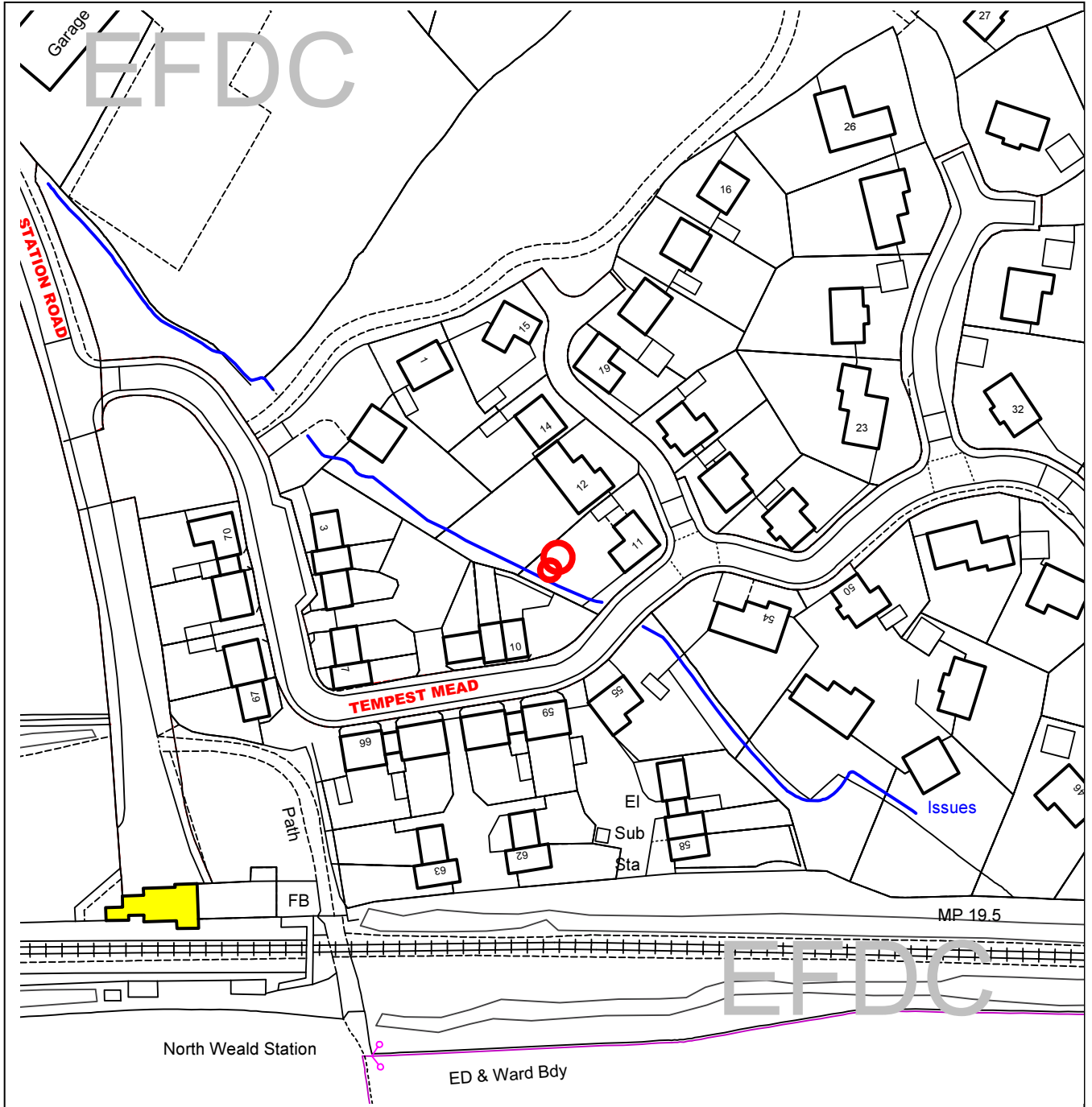
### **Conclusion**

While pruning of all three trees could be undertaken, the better solution long term is to favour the one larger and better shaped tree, subject to replacement planting by smaller growing native trees such as Birch, Hawthorn or Hazel. The felling therefore accords with LL9, and is recommended for approval.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/0961/10
Site Name:	11 Tempest Mead, North Weald Bassett, CM16 6DY
Scale of Plot:	1/1250



**Report Item No: 4**

<b>APPLICATION No:</b>	EPF/2107/09
<b>SITE ADDRESS:</b>	Chase Farm Vicarage Lane North Weald Essex CM16 6AL
<b>PARISH:</b>	North Weald Bassett
<b>WARD:</b>	North Weald Bassett
<b>APPLICANT:</b>	Mr Daniel Jones
<b>DESCRIPTION OF PROPOSAL:</b>	Retrospective application for change of use of buildings to B1, B2, B8 and Sui Generis uses.
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

**CONDITIONS**

- 1 There shall be no open storage or open working onsite or along the access at any time.
- 2 The applicant shall submit to and have approved in writing by the Local Planning Authority full details and drawings of the proposed fencing and landscaping along the access within 3 months of the date of this notice. The agreed fencing shall be erected in accordance with these details within 6 months of the date of this notice and the agreed planting implemented in the first planting season. The fencing and planting shall be retained and maintained in accordance with the approved details thereafter.
- 3 Only units 42, 50, 6D, 4A, 2, 29, 18, 17B14, 15E and 12D may benefit from sui-generis use as a workshop as a result of this consent.
- 4 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 Parts 8 and 41 shall be undertaken without the prior written permission of the Local Planning Authority.
- 5 The units hereby permitted shall not be open, operate or accept deliveries outside the hours of 8am to 6pm on Monday to Saturday and not at all on Sundays or Bank/public holidays.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions).*

### **Description of Proposal:**

The applicant seeks retrospective consent for the change of use of buildings from B8 with ancillary Office use to a mixture of B1, B2, B8 and Sui-generis uses. The buildings were originally erected as functioning farm buildings and have subsequently been extended, altered, sub divided and converted to form a number of individual industrial units leased to small independent businesses in a variety of B1, B2, B8 and Sui generis uses (including car repairs).

### **Description of Site:**

Chase Farm is an isolated cluster of units accessed from Vicarage Lane in relatively close proximity to an area of glasshouse/nursery developments. The site is well established, is within the Green Belt and has relatively good vehicular access.

The site currently comprises an assortment of 71 units, plus 2 garages and a company operating externally to the rear of the site as junk-to-clear. 11 units presently serve as workshops, three units serve as office accommodation and the remainder of the units presently serve as storage.

The applicant proposes an informal parking layout with a single space outside each unit and opening times of 8am to 6pm Monday to Saturday and no opening on Sunday or bank/public holidays.

### **Relevant History:**

EPF/0478/06 – Change of use of redundant agricultural building for B8 storage with ancillary B1 purposes – Approved

ESS/47/08/EPF and EPF/2222/08 – County Council application for retrospective consent for use of land for temporary storage and distribution of wastes from house clearance - Approved

### **Policies Applied:**

Epping Forest District Local Plan and Alterations policies:

CP1 – Achieving Sustainable Development Objectives

CP2 – Protecting the quality of the Rural and Urban Environment

GB2A – Development in the Green Belt

GB8A – Change of use or adaptation of buildings

DBE4 – Design in the Green Belt

ST1 – Location of Development

ST2 – Accessibility of development

### **Summary of Representations:**

NORTH WEALD PARISH COUNCIL: The Parish Council has NO OBJECTION to STOARGE or OFFICE USE however we would OBJCET to further INDUSTRIAL OR LIGHT INDUSTRIAL USE. Appropriate signage should be installed at the junction of the site with Vicarage Lane advising that traffic must not turn right out of the site, This is in the interests of highway safety.

4 neighbouring properties were consulted and a single letter of objection has been received as follows:

THE HAWTHORNS: Object due to alterations carried out without consent, the type of operations and time of operation of the units. Also object due to visibility from the public footpath and works carried out as part of other permissions which were unsatisfactory.

## **Issues and Considerations:**

The company operating as Junk-to-clear already benefit from consent as outlined in the history above and the wider site already benefits from a consent for B8 use with ancillary office use, albeit this consent was issued on the basis of larger units which have subsequently been subdivided.

The main consideration is therefore whether the additional workshop uses (B1/B2 and sui generis) are acceptable in this location and whether they would give rise to unacceptable impacts to neighbouring amenity, local highways or the Green Belt significantly beyond those generated by B8 and ancillary uses alone.

The Council has historically received complaints regarding the site however these relate primarily to the parking of vehicles along the access and the waste transfer activities which already benefit from a separate consent.

Policy GB2A permits development in the Green Belt, or the change of use of existing buildings, should the proposals accord with other local plan Green Belt policies. Policy GB8A permits the change of use of buildings if a number of criteria are met. The buildings have proved to be capable of conversion as this application is retrospective in nature, the uses are contained within existing units and this can be secured by condition to prevent additional impact to the openness of the Green Belt, traffic generation would not differ significantly from that used for B8 and ancillary B1 uses, the site and buildings were erected originally for agricultural purposes and have been used as such historically, Officers are satisfied that these units as extended and altered form the basis of this application and no significant adverse impacts would arise to local centres as a result of this application, therefore Officers consider the proposals satisfy the tests set out in policy GB8a.

In respect of neighbouring amenity, with the exception of the land owners cottage, the site is well separated from neighbouring properties by at least 150m to the boundaries with the neighbouring properties of either the nursery related properties off Vicarage Road or occupants of The Pavillions, North Weald and the functions carried out on site would have minimal adverse impact to neighbouring amenities.

Highways have raised no objections as the proposals are not contrary to any transport policies, the site has good links to the local highway network and the proposals do not impede the Public Right of Way, however issues are noted regarding parking along the access, therefore the applicant proposes to erect a post a rail fence to prevent this with associated landscaping. Details of which may be considered by condition. This is considered likely to improve the existing situation in terms of function and appearance.

With regard to sustainability, the proposals would reuse existing buildings which is encouraged, in a rural location, however one which benefits from good links to the A414 and surrounding highways, therefore in principle the proposals are considered acceptable.

## **Conclusion**

Officers note that B1, B2 and Sui Generis uses can create issues with noise and appearance, particularly in small units. However this site is viewed in isolation in the green belt with the internal layout visible only from within the site and with neighbours well separated. Conditions can prevent open storage, open working and improve the appearance of the access preventing significant adverse impacts. A condition restricting sui-generis use to those labelled as workshops is also considered reasonable to prevent the wider sui-generis use of the overall site which may not prove acceptable.

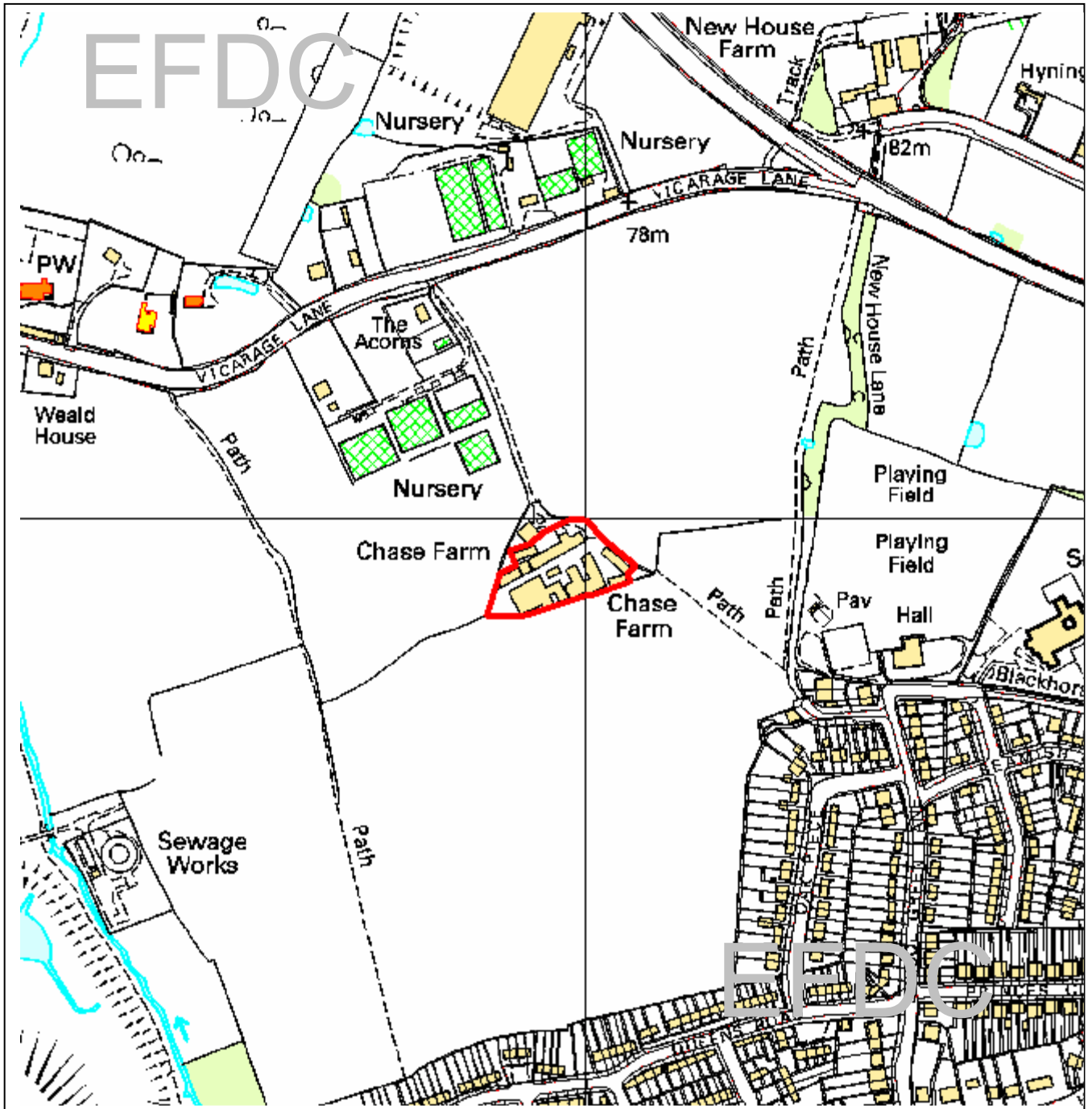
It is noted that this application allows flexibility onsite to provide alternate uses within the range of those applied for within the units, however the nature of short term occupancy by independent

businesses is such that this degree of flexibility appears necessary to ensure the units do not experience long periods of vacancy. Therefore the proposals are considered acceptable and Officers recommend approval.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>4</b>
Application Number:	EPF/2107/09
Site Name:	Chase Farm, Vicarage Lane North Weald, CM16 6AL
Scale of Plot:	1/5000

**Report Item No: 5**

<b>APPLICATION No:</b>	EPF/0888/10
<b>SITE ADDRESS:</b>	40 Forest Drive Theydon Bois Epping Essex CM16 7EZ
<b>PARISH:</b>	Theydon Bois
<b>WARD:</b>	Theydon Bois
<b>APPLICANT:</b>	Mr James Phillips
<b>DESCRIPTION OF PROPOSAL:</b>	Demolition of existing bungalow and erection of replacement bungalow. (Revised application)
<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 development shall be carried out in accordance with the amended plans received on 17 June 2010 unless otherwise agreed in writing with the Local Planning Authority.
- 3 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.
- 4 The development, including site clearance, must not commence until a scheme of hard and soft 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.

- 5 Prior to commencement of development, details of screen walls, boundary fences or such similar structures shall be agreed in writing by the local planning authority, and shall be erected and thereafter maintained in the agreed positions before the first occupation of any of the dwellings hereby approved.
- 6 Prior to commencement of development, details of levels shall be submitted to and approved by the Local Planning Authority showing the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 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 Part 1, Classes A, B & C shall be undertaken without the prior written permission of the Local Planning Authority.

*This application is before this Committee since the recommendation differs from the views of the local council (Pursuant to Section CL56, Schedule A (g) of the Council's Delegated Functions) and as it is for a form of development that can not be approved at Officer level if there are more than two expressions of objection to the proposal. (Pursuant to Section CL56, Schedule A(f) of the Council's Delegated functions).*

### **Description of Proposal:**

Permission is sought to demolish the existing bungalow and replace it with a new bungalow with rooms in the roof. This is a revised scheme to an application of a similar description which was refused under planning ref: EPF/0250/10.

The details for the proposed replacement new dwelling are as follows:

Ground Floor plan 16.03 metres deep by 12.11 metres wide, with a 3.77 metres wide by 0.65 metre deep front porch extension. The building measures 6.3 metres to the ridge (as seen from the street) and 2.7 metres will be the eaves height.

The external finish will be render and dark painted brickwork with a red plain tiled roof.

### **Description of Site:**

The subject site is situated to the south-east of Forest Drive in Theydon Bois. The site currently accommodates a detached, bungalow dwelling of standard red brick construction with a brown tiled roof. Adjacent buildings to the plot are similarly styled 1930s bungalows and the property is one of a group of six bungalows aligned to the eastern side of the street, beyond which are two-storey dwellings.

The property is in a village setting and the neighbouring residential buildings within the vicinity of the site are made up of detached bungalows, one and a half storey buildings and two storey dwellings.

The ground level is relatively flat at the front with a gradual slope rearward to the eastern boundary. There are some small trees to the rear of the site, none of which are protected. There is hard-standing to the front of the site for parking a minimum of three cars.

### **Relevant History:**

EPR/0205/50 – Erection of domestic garage. Approved

EPF/0250/10 – Demolition of existing bungalow and erection of replacement bungalow. Refused  
Reason: The proposed replacement bungalow would be too bulky in design, primarily because the main roof would project rearwards at a constant excessive height across virtually its whole length, such that it would be visually harmful to the appearance of this part of the street scene and to the visual amenities of the occupiers of the adjacent residential properties, contrary to policies DBE1 and DBE2 of the Adopted Local Plan and Alterations. Appeal Lodged.

### **Policies Applied:**

#### East of England Plan

ENV7 - Quality of the built environment

#### Adopted Local Plan Policies:

CP1 – Achieving sustainable design objectives  
CP2 – Protecting the quality of the built environment  
CP7 – Urban form and quality  
DBE 1 - Impact on new buildings on surroundings  
DBE 2 - New buildings amenity  
DBE3 – Design in urban areas  
DBE6 - Parking for new residential developments  
DBE8 – Private amenity  
DBE9 – Neighbours amenity  
ST2 and ST6 – Highway safety and car parking  
LL10 – Landscaping

### **Summary of Representations**

During the course of this application the design has been amended twice to address the concerns and objections received from neighbouring occupiers and the Parish Council and also to address the reason for the previous refusal.

For clarity, the 'Amended drawings' received and dated 17 June 2010 are the final set of plans considered for this application. Neighbouring occupiers and the Parish Council were given two weeks from the 17 June to respond to the final set of plans.

Any late representation will be presented at the Committee.

From the neighbours consulted during the course of this application, the following letters of representation were received and the comments therein are summarised as follows:



33 FOREST DRIVE Objects – Will completely alter the street scene. Demolition and rebuilding causes noise and dust for existing residents.

37 FOREST DRIVE Objects – Objects to the extra added to the roof and windows as it makes it a house and not a bungalow. (This has since been revised removing the side dormers)

44 FOREST DRIVE Objects – Needless demolition, harm to the street scene, overdevelopment, loss of garage, excessive paving, change of roof to accommodate dormer windows, dwelling could be brought to modern standard without demolition.

38 FOREST DRIVE Objects – Size and shape of roof structure is close to property and is overbearing. Loss of light as kitchen and bathroom faces onto site. Large gables with side windows will be intrusive and overlook neighbouring gardens.

42 FOREST DRIVE Objects – Overall structure is far too bulky and dominant. Overlooking of neighbouring properties. Size, scale and design are out of keeping in the street scene.

36 FOREST DRIVE Objects – Out of keeping with adjacent 1930s bungalows. First floor windows overlook neighbouring properties and results in loss of privacy. Large overall size to the rear garden.

39 FOREST DRIVE - The building appearance is not in keeping with the 5 or 6 bungalows (which are all similar in design) located along this stretch of Forest Drive. This application is for a 2 storey dwelling with front facing windows and no garage - whereas all the other dwellings have a detached garage and have a similar external appearance. This will create a loss of privacy. The building will be bulky and out of scale against the properties either side of it due to the lack of detached garage, the reduced space between the neighbouring properties and the dimensions extending the current apex roof across the whole building. The plans indicate that the building will be extended beyond its current dimensions thereby reducing the light and privacy of the neighbouring bungalows. The plans show that current layout occupies space of 103m<sup>2</sup> whereas the proposed layout is 293m<sup>2</sup>, an increase of almost 3 times the original size and will provide a purpose built two storey dwelling compared to the single storey dwellings which reside in the immediate vicinity. The finishes of all the properties which reside around the proposal are of a purpose built single storey in Tudor style – this is not how the plans have been presented and are a completely different design. This contravenes Local Plan Policy DBE1 which requires new buildings respect their setting in terms of scale, proportion, roof line and detailing. Buildings are required to be of a size proportional to their significance in the street scene and should only employ materials which are sympathetic in colour and texture to the vernacular range of materials. This also contravenes Local Plan Policy DBE2 which states that planning permission will not be granted for new buildings which have a detrimental effect upon existing neighbours. EFDC Housing Strategy 2009-2012 states *'The population forecast by Essex County Council of Epping Forest residents over 65 will increase in future years and that almost 10% of the population of Epping Forest is 75 or above. EFDC's Sustainability Appraisal and Habitats Regulations Assessment Scoping Draft Report of May 2010 states in 9.4.5: A steady population increase in the over 65 age group between 1996 and 2011 is anticipated to be a major challenge for housing in the district with a 5.7% increase projected to occur between 2006 and 2011. By 2011, those aged 80 and above are also anticipated to rise by 13.9%'*.

Single storey bungalows are in limited supply. This proposal alters the property's layout plus increases the property's value, reducing the affordability/suitability of such housing stock which traditionally appeals to retirees/older people which will preclude them living in such a property contravening EFDC statements.

43 FOREST DRIVE – Preference to previously refused design of the street elevation.

7 WOODLAND WAY – Small adjustment are still not acceptable objections are based on DBE1, DBE2 and DBE9. Present bungalow is one of a unique row of small bungalows with small garages subordinate to the dwellings. Replacement two-storey will have a frontage of over 12 metres, out of scale and incompatible with surroundings. Detrimental effect on neighbouring properties. Too bulky and would not respect its setting and character of the street scene. Obtrusive and over dominant, flank wall is excessive in height. Loss of bungalow will be deleterious on the dwelling mix in the village, contrary to H4A.

#### THEYDON BOIS PARISH COUNCIL – Objection

Although we note the reduction in roof height in these latest plans, The Parish Council remains totally opposed to this application.

We believe that the size, bulk and design of the replacement dwelling is inappropriate for this plot and location and would have an overly dominant impact to the detriment of the street scene contrary to policies DBE1 and DBE2 of the Adopted Local Plan and Alterations.

The existing property is positioned in the centre of a uniform row of attractive, low lying, largely unaltered bungalows built in the 1920's. The unique character of these properties is important to the Village and in this regard the Parish Council will be submitting numbers 32 to 44 Forest Drive for inclusion on EFDC's shortly to be revised Local List. We would suggest that any changes to this row of bungalows should respect the uniformity and character of the street scene. The proposed changes in this application clearly do not.

We are also very concerned about the potential loss of another 'normal' sized bungalow in the Village, particularly in this location so close to the Village centre and therefore within easy walking distance of all the shops and services. This is of course particularly relevant for our elderly residents who wish to downsize and remain in the Village. We therefore believe that the proposed new dwelling would be detrimental to the housing mix of the Village contrary to Policy H4A of the Adopted Local Plan and Alterations.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY Objects - Size of the bungalow is inappropriate for this plot. It is too bulky and does not respect its setting within the street scene. Overdevelopment of the site. Bulk and design of the dwelling and its roof is out of character with the street and adjacent properties. Loss of garage will lead to further increase in traffic problems. The proposal will be detrimental to the housing mix contrary to H4A. Society has asked that the row of bungalows should be included in EFDC's Local List of buildings.

#### **Issues and Considerations:**

The main issues are the design of the new building and appearance within the locality, amenity of neighbouring occupiers, sustainability of the site and dwelling mix. Also considered are landscaping, highway safety and parking provision.

#### **Design and appearance**

The site forms part of a row of 6 modest sized bungalows located to the eastern side of Forest Drive. Neighbouring bungalows provide generous setback from the boundaries and the existing bungalow is narrow and easily accommodated within the site. It can however be argued that the existing building does not make the best use of the plot of land.

The strong view expressed by neighbouring occupiers is that the row of dwellings is similar in size and design. When considering new development proposal such as a replacement dwelling, PP1 paragraph 38 guards against prescriptive design policies as new buildings should be considered on the overall scale, massing, height, landscape, layout and access in relation to neighbouring

buildings and the local area. It also guards against imposing architectural styles or particular tastes as new development should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

It is accepted that the row of bungalows adopt a certain charm. They are finished with mock Tudor façades and exhibit a compact building form. The dwellings were all built post war from the 1930s some of these have been extended in the past. Whilst this is noted, they are therefore not unique in architectural style or quality. Although it has been expressed that the bungalows will be put forward to be included in the Local List, presently none are listed and the site and immediate area are not in a conservation area as such, design policies DBE1 and DBE2 apply and these policies require the replacement dwelling to generally conform to the appearance of neighbouring dwellings in the vicinity.

As described, the proposal is for a detached bungalow with additional rooms in the roof. The replacement building is rectangular plan shaped with a four-sided pitched crown roof. The façade is articulated with two small, flat topped dormer windows in the front roof slope, a shallow gable porch entrance flanked on either side with hip roof projections and to the rear is a gable end roof with feature fenestration. The design, although different from the immediately adjacent property is not out of keeping within the street.

The position of the proposed building is approximately 1.2 metre from the boundary, which meets with the minimum set back. The bungalow maintains a similar front building line and will project some 3.0 metres at the rear. When compared with the buildings in adjacent plots, the adjacent dwelling No. 42 has been extended at the rear and the position of the garage in the adjacent plot No. 38 is on the common boundary. It is considered both properties have rear building lines to a similar depth with the proposed building. It is therefore considered the siting, position and orientation of the building is acceptable.

The revised scheme has seen a reduction in the height of the roof-line, together with the expanse and bulk of the roof to a more sizable proportion with the flank walls of the building. This overcomes the reason for the previous refusal.

When considering the design and appearance, the strong views received from neighbouring occupiers and the Parish Council have been taken into account, though based on the revised proposals it does not support a reason for refusal.

It is accepted the appearance of the replacement dwelling is not closely matched to neighbouring properties; however it retains the overall appearance of a modern styled bungalow. The scale, form, size and design are considered acceptable within the street scene.

#### Dwelling mix

In considering the accommodation provided, the new dwelling provides a habitable bedroom, bathroom and dressing room within the roof and on the ground floor there are two bedrooms, a utility area, study living room and kitchen.

According to the design and access statement, the approach to the dwelling will have a level access but due to the topography will have a stepped exit to the rear. The ground floor level has been designed to facilitate wheelchair access to comply with Part M of the Disability Discrimination Act.

The new dwelling will have adequate accommodation on the ground floor for single occupants, disabled persons and elderly persons, while the additional bedroom in the roof makes it equally suitable for a family style dwelling.

Whilst the replacement dwelling has rooms in the roof, it can however be described as a bungalow. It is considered the internal layout makes it suitable and reflective to meet a varied number of household sizes and needs. There is no policy in the Local Plan specifically to retain bungalows.

### Neighbours amenity

The immediate neighbouring occupiers to the subject site are adjacent plots Nos. 42 and 38 Forest Drive. Discounting the detached garage in 38 Forest Drive positioned along the common southern boundary with the site, the walls of both adjacent dwellings are set back a minimum of 4.0 metres from the boundary with the site. The proposed bungalow will be positioned approximately 1.2m from the boundary with adjacent properties. The position of the bungalow provides an acceptable setback as such; there will be no loss of light or overshadowing to neighbouring occupiers.

There are windows proposed on the ground floor flank walls, this raises some concern for loss of privacy. Any boundary details can be conditioned to ensure the windows that will serve the study, bath and utility area will not overlook neighbouring plots.

The views expressed have been taken into consideration; any potential harm can be overcome by condition. Overall, there will not be excessive loss of amenity as a result of this development.

The garden area and amenity provision for the proposed new dwelling is acceptable and will not result in overdevelopment of the site.

### Sustainability

There is a need to reduce car journeys and this can be achieved by concentrating new development in locations close to public transport and facilities. The site is within walking distance to a train station and is close to shopping facilities within proximity of the site. The proposal replaces a dwelling with another dwelling unit; this does not raise any sustainability concerns.

### Road safety

The proposed new entry/egress access point does not raise any safety concerns and the Highways Officer does not object to this proposal.

The parking provision within the front area of the site can accommodate a minimum of three vehicle spaces, this meets with the council's adopted parking standard requirements.

### Other considerations

The plans show a portion of the grassed area at the front of the site will be retained and the paving at the front will be porous. Whilst there are no significant landscaping concerns with this proposal and there are no protected trees within the plot, a condition would ensure an acceptable hard and soft landscaping scheme is provided as part of this development.

It is also considered that as the ground level drops towards the rear of the plot, a condition will be needed for the site level of the proposed new dwelling.

## **Conclusion**

From the appraisal, the proposed new dwelling is considered acceptable in design and appearance. As revised, the proposal overcomes the reasons for the previous refusal. The strong views received from neighbours and the Parish Council have been taken into account in considering all aspects of this proposal, on balance there is no reason to support a refusal. It is therefore recommended permission is approved with conditions.



# Epping Forest District Council

## Area Planning Sub-Committee East



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<b>Agenda Item Number:</b>	<b>5</b>
Application Number:	EPF/0888/10
Site Name:	40 Forest Drive, Theydon Bois CM16 7EZ
Scale of Plot:	1/1250