
APPLICATION No: EPF/1100/05

Report Item No: 3

SITE ADDRESS: **PARISH:** Waltham Abbey
LAND BETWEEN 91 & 93, MONKSWOOD AVENUE, WALTHAM ABBEY

APPLICANT: St Ermins Property Co Ltd

DESCRIPTION OF PROPOSAL:

Erection of new dwelling with garden and parking, attached to No.91 with redefined boundary to No.93.

RECOMMENDED DECISION: Grant Permission

1. To be commenced within 5 years.
2. Materials shall match existing.
3. No further side windows without approval
4. Submission of flood risk assessment
5. Prior to the commencement of the development, details of the proposed surface materials for the driveway shall be submitted to and approved by the Local Planning Authority. The agreed surface treatment shall be completed prior to the first occupation of the development.
6. Prior to commencement of the works hereby approved pedestrian site lines for the access to the new dwelling and parking spaces shall be submitted and approved in writing by the Local Planning Authority and thereafter maintained.

Description of proposal:

Erection of a new two storey dwelling, with garden and parking, attached to the eastern flank of No 91 Monkswood Avenue, with a redefined boundary to No 93 Monkswood Avenue.

Description of Site:

The area is residential and consists largely of terraced and semi detached houses, with some detached houses. The new house would be built on the side elevation of No 91 Monkswood

Avenue. This is a semi detached dwelling with single storey flat roof extension on the eastern elevation. The two pairs of houses (No.89 & 91, and 93 & 95) are staggered with No 93 being some 8m forward of No 91. The site is on a gentle slope, which falls away to the south. Both properties have large front gardens, which are 8m deep. It should be noted that the applicant owns both properties.

Relevant History:

EPF/170/04 Erection of new two storey house with parking - Refused.
Appeal re above - dismissed.

Policies Applied:

Structure Plan

CS1-Sustainable Urban Regeneration
BE1-Urban Intensification

Local Plan

DBE1 - Design of new buildings
DBE2 - Amenity of new buildings
DBE8 - Amenity Space
DBE9 - Amenity
T17 -Traffic Criteria
LL11 -Landscaping

Issues and Considerations:

The main issues in this application are whether the design of the proposed building is acceptable, whether there is any adverse effect on the amenities of the area and neighbours, and whether it overcomes the previous reasons for refusal, which were the adverse effect on the street scene and amenities of No 91 and 93.

It should be noted that the Inspector who determined the Appeal stated that he did not find the effect on the street scene of the proposal inconsistent with local plan policy, but that the overshadowing and overbearing impact of the building would have harmed the amenities of the neighbouring properties. He also noted that he had not been presented with any convincing evidence to "demonstrate inadequate private garden space or living accommodation would remain available to the occupiers of the existing properties".

Building in Context:

The proposal will see the erection of a single end of terrace

two storey, three bedroom house on the site. The pitched roof will have a gable end, and the ridge line will continue that of No 91. There will be a gap of 1m to the new eastern boundary. To accommodate this dwelling the single storey side extension of No 91 will be demolished and part of the side & rear garden hived off to make a new rectangular plot. Part of the rear/side garden (a strip some 1.5m x 26m) of No 93 will be incorporated into this plot.

It is the case that a very similar design has been allowed in 2004 at 87 Monkswood Avenue, which turned a semi detached pair into a terrace as would be the case here. Therefore a precedent has already been set in this area. However each proposal must be judged on its own merits. It is considered that this proposal will have no adverse effect on the street scene due to its sympathetic and integrated design, and the staggered positioning of the pairs of houses, together with the gap to the new boundary.

This design is considered acceptable in this urban area, and is in keeping with Government advice and Essex Structure plan Policies on best utilisation of urban land.

Amenity & Impact on Neighbours:

The proposal has been designed to take into account the Appeal Inspectors comments with regard to the impact of the new house. The side elevation would have two windows, one at ground and one at first floor serving a bathroom and landing respectively, both of which will be obscure glazed. They will break up the expanse of brickwork when viewed from No 93 and avoid overlooking.

The applicant has also provided a detailed analysis of the effect of the proposal on loss of sunlight of the two existing gardens and it is accepted that this proposal would not result in any significant further loss of sunlight.

The neighbours to the north are over 30m distant, and there is a partial screening of the site by existing 4-5m high trees on the northern boundary. With this distance it is considered that there will be no adverse effect on their amenities. It should be noted that there is no 'right to a view', and whilst this proposal will infill a gap in the street it will not result in a continuous terraced effect. The neighbours to the south are 25m away, and as these are front elevations it is considered that there will be no major loss of light or overlooking caused to these properties.

The new dwelling has an acceptable amount of amenity space at both the front and rear, and both of the adjacent properties will also both retain an adequate area.

This is a slightly unusual case as one property will lose its side extension and both will lose part of their gardens under

this proposal. Both sites are in owned by the applicant with the occupiers being tenants. The alterations to the internal arrangement of No 91 caused by the loss of its extension and attachment to an additional house would be significant. This would amount to the loss of ground floor rooms, 1st floor windows on the eastern flank, part of the garden, and external access between the front and rear gardens. The loss of floorspace would result in a loss of amenity to the occupants of No 91 but even so it would not leave that house with an unacceptable standard of accommodation. Specifically, despite the reduction in floor area the house would continue to have an adequate amount of habitable floorspace (approximately 98 square metres) and would continue to enjoy very generous usable private garden space. The loss of amenity is therefore not considered to be excessive and so is not sufficient to justify refusal.

The comments of the occupants of 91 and 93 Monkswood Avenue do reveal there are issues between the landlord and tenants related to the proposal. Whilst officers have every sympathy with the concerns of the tenants, this proposal can only be assessed having regard to the planning merits. It is the case that the occupiers can also pursue their concerns by use of other avenues, including Landlord/Tenant legislation, which they have been advised to investigate.

Highways:

The proposal provides two off road parking spaces, one for No 93 and one for the proposed new property, which meets the current parking standards. The applicant will need to provide sight lines but this can be dealt with by condition.

Other Issues:

A number of objectors have referred to the strain this proposal would put on the sewerage system. Thames Water has stated that they have no objections to this proposal.

Conclusion:

Whilst it is acknowledged that there will be adverse effects on the occupiers of No 91, that house would continue to have an adequate standard of accommodation with generous amenity space. It is considered that this application has overcome the Councils and Inspectors concerns regarding the original scheme and it is therefore recommended for approval.

SUMMARY OF REPRESENTATIONS:

TOWN COUNCIL - Object, over development of site and at odds with existing street scene.

89 MONKSWOOD AVENUE - Object, will create a terrace which will cause a deterioration in the value of my property.

91 MONKSWOOD AVENUE - Object, sketch is inaccurate re parking

space, what the Landlord is doing is immoral, will have to take lawn mowers through the house to get access to gardens.

This will make it a terraced house not a semi-detached house.

If this goes through we wont have a life. Our house and garden is everything to us, We have worked hard to keep it nice.

91 MONKSWOOD AVENUE (2ND LETTER) - Object, more shocked than last time, he still wants to knock down a major portion of my home of 34 years. We will lose our utility room, downstairs toilet and storage space. Total loss of the eastern house of the garden will hurt very much especially as no external access between the gardens. Will place a burden on the sewers.

Landlord has no respect for us.

93 MONKSWOOD AVENUE - Object. Loss of amenity, loss of natural light up to 40%, inconvenience and upheaval, in conclusion we would like it placed on record that we consider this revised application could be construed as harassment and to this end we intend to seek advice as our Landlord appears absolutely intent on revising the plans until such time as the Council accepts one of their alternative proposals and in the process of so doing making our lives a misery.

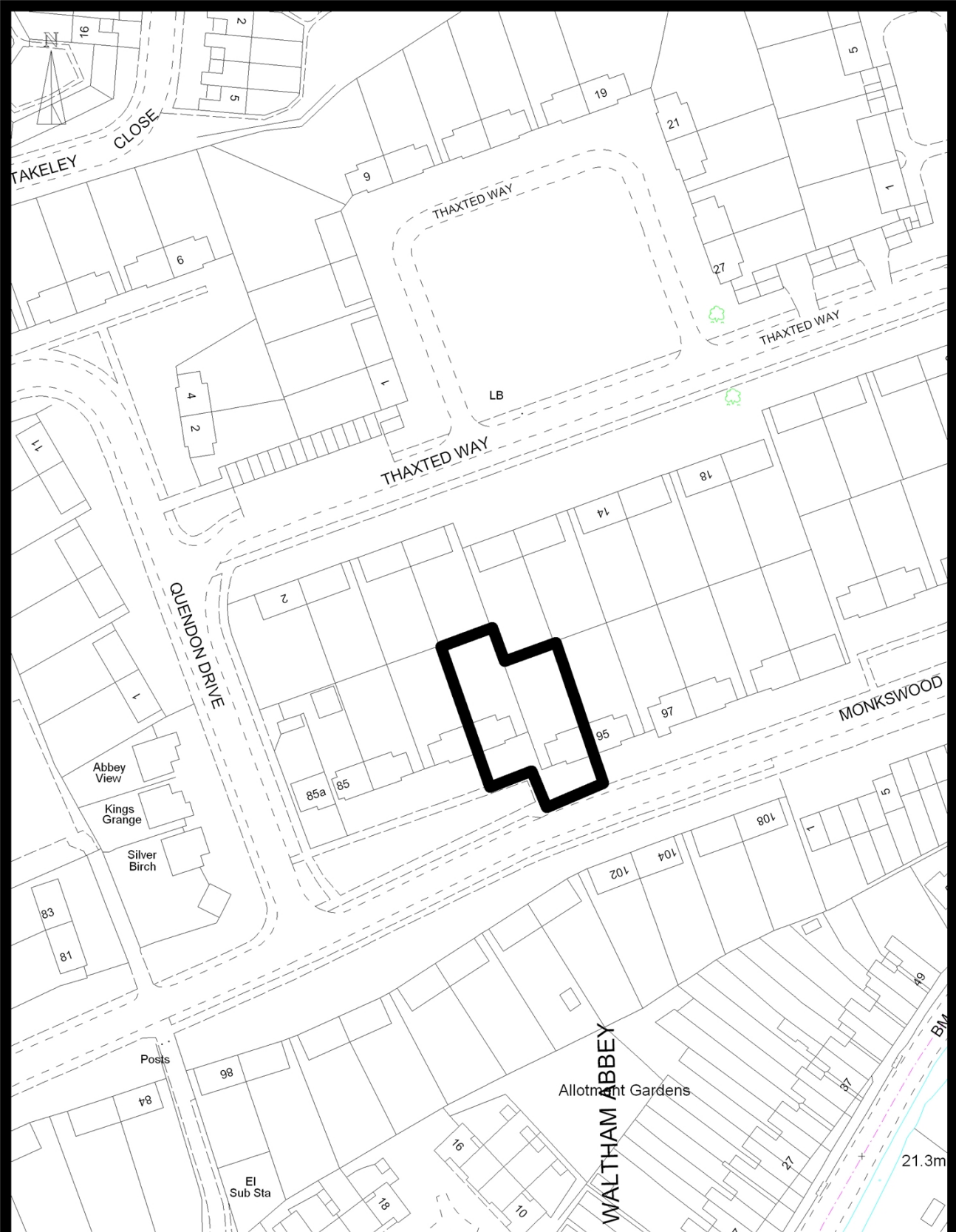
95 MONKSWOOD AVENUE - Object, estate is losing its charm and desirability. The proposal will affect natural light and privacy in my garden. Any building slotted in here will put the safety of my children and other children at risk as cars will drive blindly over the pavement. Sewers cannot cope with any more demand.

98 MONKSWOOD AVENUE - Object, the family at 91 will lose part of their garden and home including side windows, this will put strain on the sewerage system.

100 MONKSWOOD AVENUE - Object, will detract from the open space, and would alter the character of the estate.

102 MONKSWOOD AVENUE - Object, same objections as previous application.

106 MONKSWOOD AVENUE - Object, wrong that companies/people are trying to change the area from semi detached into the appearance of rows of terraced housing. Will put extra strain on the sewage system.



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