

District Development Control Committee
9 June 2009

Extract from Area Plans Subcommittee South Agenda 15 April 2009
Report Item No: 5

APPLICATION No:	EPF/0247/09
SITE ADDRESS:	Land Adjacent to Copperfield Lodge Hainault Road Chigwell Essex
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Syed Raza
DESCRIPTION OF PROPOSAL:	Erection of new five bedroom house with basement and integral garage.
RECOMMENDED DECISION:	Refuse Permission

REASON FOR REFUSAL

- 1 The site is within the Metropolitan Green Belt. The proposed development is inappropriate development in the Green Belt and, by definition, harmful. It is at odds with Government advice contained within PPG2, and Policy GB2A of the adopted Local Plan and Alterations and moreover would detract from the openness of the Green Belt at this location. No very special circumstances have been demonstrated to justify the granting of planning permission in this case.

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:

Planning consent is being sought for the erection of a new five bedroom house with basement and integral garage.

Description of Site:

Large overgrown plot located on the eastern side of Hainault Road within the Metropolitan Green Belt. To the north lies a site accommodating Chigwell Library, Chigwell Parish Council offices, a Working Men's Club and Victory Hall. To the south lie two detached dwellings, namely Nos. 30 and 40a (Copperfield Lodge). Open views exist to the rear. Chigwell underground station is located some 250m from the site and Hainault Road is on the 167 London bus route.

Relevant History:

Varied history dating back to 1949. However applications of note more recently are:

CHI/0021/72 – Erection of synagogue – Refused 23/02/76

EPF/1258/91 – Development of land for residential purposes – Refused 17/01/92 and dismissed on appeal with the reason being that it represented inappropriate development in the green belt

Policies Applied:

Government Guidance

PPS1 – The Planning System: General Principles

PPG2 – Green Belts

Local Plan and Alterations

CP2 – Protecting the Quality of the Rural and Built Environment

CP9 – Sustainable Transport

GB2A – Development in the Green Belt

GB7A – Conspicuous Development

H1A – Housing Provision

DBE1 – Design of New Buildings

DBE2 – Effect on Neighbouring Properties

DBE4 – Design in the Green Belt

DBE6 – Car Parking in New Development

DBE8 – Private Amenity Space

DBE9 – Loss of Amenity

ST1 – Location of Development

ST4 – Road Safety

ST6 – Vehicle Parking

I1A – Planning Obligations

Summary of Representations:

9 neighbours were consulted, and a site notice was erected, the following representations were received:

PARISH COUNCIL – Supports this application on the grounds that it acknowledges it is a special case, it would be beneficial to the community and the development follows the existing street scene. The Council would ask EFDC to consider the visual appearance of the existing car park if this development is permitted.

30 HAINAULT ROAD – object on the grounds that the size and mass is out of character with the houses at this end of Hainault Road contrary to DBE1; the site is in the Green Belt and is contrary to GB2A; proposal will have an adverse impact on the openness and visual amenity of this parcel of the MGB, contrary GB7A; proposal

show no measures to protect an established habitat of wildlife habitat of wildlife, contrary to NC4.

CHIGWELL VICTORY HALL – Chairman of the trustees has no objection to the house but objects to the potential car parking as it will intrude on privacy of various activities of the hall. Not aware of the need for parking spaces. It is a sweetener. No traffic statement on sight lines. EFDC Estates and Valuation dept are aware of this matter. The situation has arisen from the fear of travellers staying on the site and local residents have taken fright.

PETITION OF 67 LOCAL RESIDENTS – strongly supporting the application on the grounds that the provision of additional parking for Victory hall renders the land a special case for building on what is an anomalous Green Belt site. The house is entirely in keeping with the street scene.

Issues and Considerations:

The main issues here relate to the appropriateness of the proposal in terms of impact on the Metropolitan Green Belt, appropriateness of the application in terms of prematurity given the site is being considered as a potential Gypsy and Traveller site; its design and impact on the neighbouring amenity and any highway safety issues.

Green Belt

The site is located within the Metropolitan Green Belt. Government guidance as contained within PPG2 states that there is a general presumption against inappropriate development within the green belt. Such development should not be approved, except in very special circumstances.

Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- limited extension, alteration or replacement of existing dwellings
- limited infilling in existing villages and limited affordable housing for local community needs under development plan policies according with PPG3 (Housing) or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans.

Policy GB2A of the adopted Local Plan and Alterations mirrors this approach and states in paragraph 5.22a that, 'Any development which is not in accordance with this policy would be inappropriate in the Green Belt.'

The proposal here for one new detached dwelling is not in accordance with this policy. Therefore it is considered inappropriate development. It is considered that a new dwelling here would detract from the open character and appearance of the green belt and very special circumstances will need to be demonstrated. The applicant states that,

'Although the site falls within the Green Belt there are special circumstances for the development proposed to be permitted. The neighbouring local amenity, 'Victory Hall' and adjacent local library require more parking and so it is proposed that a portion of land to the northwest perimeter of the site be assigned over from the applicant's ownership to Epping Forest District Council to be used to provide 13 no. additional parking spaces as indicated on the plan. This is proposed as a benefit to the local amenity in return for allowing the proposed development of the new house to take place.'

Having visited the site, it was noted that there are 34 parking spaces to both the front and rear of the buildings. A further 13 would result in a total of 47 parking spaces. The benefit of 13 additional car parking spaces is doubtful. No need has been proved on the site for these additional spaces. A clear need has not been proven on this site. Chigwell underground station is 250 yards from the site and it is on the 167 local bus route. The Council's Senior Planning Policy Officer backs this view with the argument that Planning policy PPS1, PPS3 and Local Plan policy CP9 (ii) and (iv), encourages the use of alternatives to the car and in particular on a site that is well located for existing bus and train services.

Furthermore, the Chairman of Victory Hall objects to the scheme stating that he is not aware of the need for the additional spaces.

The area proposed to be given over for parking is in any case also within the Metropolitan Green Belt and the intrusion of parking into this area would clearly be a further breach of adopted Green Belt policy.

The applicants also argue that the proposed house will help to meet the housing need in the local district. However, housing need is for dwellings that will meet the need of those, in particular, who are on incomes struggling to afford to buy. The proposal for a 5 bedroom house will not meet this need.

Additionally, residential development was proposed on this site in 1992 but was subsequently dismissed at appeal, where the Inspector considered that, 'visually it provides an important link with the large green belt area to the east.' The Inspector argued that it was all the more important given the development of the dwellings at Nos. 30 and 32 Hainault Road and in his view, '...this has increased the significance of the appeal site's contribution to the character of the MGB. I consider that its development...by largely closing this important gap would adversely affect the character of the green belt in this area.'

In conclusion, officers consider that there are no very special circumstances to justify the development of the site, which would adversely affect local green belt character and would be contrary to the objectives of green belt policy to protect such areas from general development.

Prematurity

A response from the Council's Senior Planning Policy Officer has been received regarding the fact that the site is currently being considered as a potential site to take

forward to help meet the need for extra pitches in the district by 2011. He emphasises that responses are currently being considered and the decision about which sites to take forward will only be made once all responses have been deliberated over.

Planning Policy Statement 1 (PPS1) supplementary document, The Planning System: General Principles allows for circumstances where it may be justifiable to refuse planning permission on grounds of prematurity where a Development Plan Document (DPD) is being produced, in this case the Gypsy and Traveller DPD. Where the cumulative effect of proposals will pre-empt decisions about location it is justifiable to refuse the application on the grounds of prematurity.

On balance however, whilst officers are concerned that this application may be being used as a way to ensure that the site is not designated for a gypsy site and whilst it would be regrettable to lose one of the potential sites from the draft document, it is not considered that the draft document has sufficient weight at this stage to warrant a reason for refusal on prematurity grounds.

Amenity

In terms of impact on neighbouring properties the proposed dwelling has been located well within the plot and set away from No. 30 to the south. No windows are proposed on the flank facing that dwelling so no loss of privacy will occur.

Design

The proposed house will be set away from the northern boundary with the Victory Hall site by between 5 and 10m and from the southern boundary with No. 30 by 5.4m. It would sit comfortably within the sites. Hainault Road is typified by large detached dwellings in expansive plots. The dwelling follows the existing building line along this part of Hainault Road and is of a style typical of new builds in this area. Therefore it would not appear out of keeping with the existing character of the area

A streetscene elevation shows the dwelling, whilst slightly higher than its neighbour at No.30, it is indicated that it would be the same height as its neighbour to the north, Victory Hall. The height of the proposed dwelling would be 9.3m high. Victory Hall is a single storey building with a semi circular roof. It is clear that Victory Hall is not as high as this. This is combined with the fact that it is located on ground level at least 1m lower given the incline of Hainault Road. The accuracy of the plans is therefore questioned in this respect. However, notwithstanding this, given the separation of at least 20m between the proposed house and Victory Hall and the number of trees separating the buildings the height differential would not be so apparent.

There appears to be sufficient private amenity space to accommodate a house of this size.

Highways

The Highway Authority has no objections to the scheme subject to relevant conditions.

Other Issues

The Design and Access Statement submitted by the applicant states under the section entitled 'The Proposal' that:

'The applicant was recently approached by the council who suggested that an application should be made to build a new single dwelling house on the land to boost local housing stock by using a potential infill site in an already established street.'

For the avoidance of doubt it is contested that the council referred to here is not the District Council, for as far as Officers are aware no discussions have taken place regarding this site. We can only assume that the applicant means Parish Council in this instance.

Conclusion:

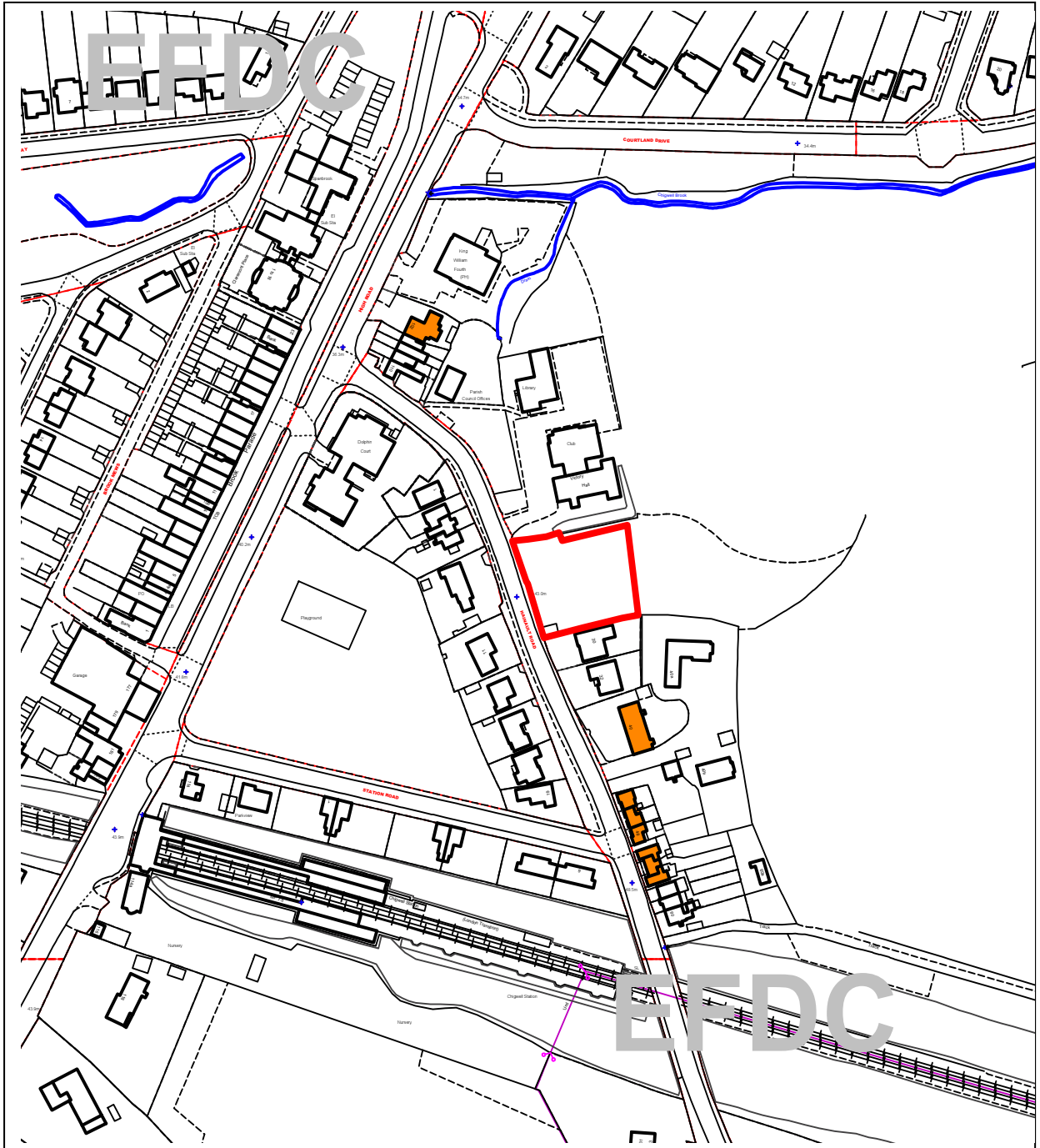
Whilst the site can accommodate a dwelling of this size and design, it is located in the Green Belt and is inappropriate development and is visually harmful to the openness of the Green Belt. The potential to provide 13 parking spaces on undeveloped Green Belt land to serve the neighbouring site is not considered to represent very special circumstances sufficient to outweigh the very real harm to the openness of the Green Belt that the house, and indeed the parking, would represent.

The application is therefore recommended for refusal.



Epping Forest District Council

Area Planning Sub-Committee South



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Agenda Item Number:	5
Application Number:	EPF/247/09
Site Name:	Land Adjacent to Copperfield Lodge Hainault Road, Chigwell, IG7 6QX
Scale of Plot:	1/2500