

Report Item No: 1

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| APPLICATION No: | EPF/2467/11 |
| SITE ADDRESS: | Lane End 4 Nursery Road Nazeing Waltham Abbey Essex EN9 2JE |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Mr Garry Leach |
| DESCRIPTION OF PROPOSAL: | Retrospective application for the insertion of window to side elevation. |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533366

CONDITIONS

- 1 Within six weeks of the date of this decision notice the window opening hereby approved in the north east flank elevation at ground floor level facing Claremont shall be entirely fitted with obscured glass to prevent views into Claremont and shall have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

Nursery Road forms a ribbon of development on the northern side of this laneway. The subject site is within the boundaries of the Metropolitan Green Belt and contains a chalet style bungalow with rooms in the roof served by front and rear dormer windows. The dwelling is long and elongated, owing to the plot width, and the property is served by a relatively long rear garden area. An orangery extension has recently been added to the rear elevation (EPF/1885/11). The property is bordered to the north east by a similar style dwelling, Claremont, and there is a fall of approximately 0.50m to this property from the application site.

Description of Proposal:

The applicant seeks consent to retain a window which has been inserted in the north east side elevation at ground floor level facing the adjacent dwelling, Claremont. The window is currently clear glazed. Consent is required owing to Condition 1 on planning application RES/EPF/0596/01 which stated;

Notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995 (or of any equivalent provisions of any Statutory Instrument revoking or re-enacting that Order) no windows other than any shown on the approved plan shall be formed in the flank walls of the building hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To safeguard the privacy of adjacent properties.

This application was for a replacement dwelling.

Relevant History:

The most relevant and recent planning history is as follows;

EPF/0351/94 - Outline application for the erection of one 4 bed replacement dwelling. Grant Permission (with conditions) - 26/07/1994.

26/07/1994 - Renewal of permission EPF/351/94 - Outline application for the erection of a 4 bed replacement dwelling. Grant Permission (with conditions) - 23/12/1997.

EPF/1059/00 - Renewal of permission EPF/909/97 - Outline application for the erection of a 4 bed replacement dwelling. Grant Permission (with conditions) – 11/09/00.

RES/EPF/0596/01 - Reserved matters application for erection of a replacement dwelling. Grant Permission (with conditions) - 01/06/2001.

EPF/1885/10 - Addition of orangery to rear of property. Grant Permission (with conditions) – 03/11/10.

EPF/1044/11 - Non material amendment to EPF/1885/10 (Addition of orangery to rear of property). Approved – 16/10/11.

Policies Applied:

DBE9 – Loss of Amenity

SUMMARY OF REPRESENTATIONS:

2 neighbours consulted – 1 reply received.

CLAREMONT: Objection. Loss of our young families secure private living space. The window allows unimpeded views into our dining/living area. We believe the window should be a smaller unit in order to get building regulations approval.

NAZEING PARISH COUNCIL: Objection. This is a breach of a condition on the original consent and as such should be enforced. The view from the window intrudes on the privacy of the adjoining residents.

Issues and Considerations:

The main issue to consider relates to neighbour amenity.

Neighbour Amenity

It is clear that the condition was originally intended to ensure that any future development with regards to flank elevation windows in Lane End would fall under the control of the Local Planning Authority where it could be judged accordingly. Such a safeguard was put in place as there is the potential for excessive impact on the amenities of occupants of the neighbouring dwelling. The condition does not state that no window, under any circumstances, would be acceptable. The works on site have been completed and the window serves what was once the rear living room of the dwelling. An orangery has since been added (EPF/1885/10) along the rear elevation of the dwelling. The proposed window is not necessary to meet building regulations approval, a mechanical vent providing ventilation to the room would suffice. The orangery ensures a good supply of light to the living room from its bi-fold doors and lantern light. The issue is therefore not need, but whether the retention of the window in its current state would result in an excessive loss of amenity to the occupants of the adjacent dwelling, Claremont.

This property had approval for a chalet style dwelling in the same period as Lane End (RES/EPF/1980/01). There are a number of windows serving habitable rooms from the side elevation as per the approved plans. The reason for the condition on Lane End is with regards to the fall in levels to Claremont.

The site visit carried out by officers on 19/01/12 afforded the opportunity to visit both dwellings, which are the subject of this matter. The window, owing to its elevated position, is visible above the fence from the private living space of Claremont. It is also clear that views into the private living space of Claremont are achievable from the window serving the living room of Lane End. Such development usually falls outside the control of Local Planning Authorities, however in this instance the condition brings it under Local Planning Authority control. It is therefore considered that owing to the evidence on site justifying the reasoning for the condition, in this instance the privacy of the occupants of the adjacent dwelling has been compromised and a material loss of amenity has occurred.

As stated the window is not necessary to achieve building regulations approval and, in the assessment of officers, is not necessary to provide light to the living area. A condition more common with first floor windows requires that side windows are obscured glazed and fixed shut to a height of 1.7m above the floor of the room in which they are installed. In this instance such a condition is deemed necessary and would rectify the current loss of amenity being experienced by occupants of Claremont. Therefore the retention of the window is acceptable with the proviso that within an agreed timeframe such measures are put in place to permanently safeguard the amenities of occupants of Claremont.

A condition agreeing an increase in the height of the fence, or a trellis between the windows, has been considered. However the fence is already to a height of 1.8m which is conventional. The approach outlined above is deemed a more suitable arrangement to overcome the issues outlined as the windows serving Claremont are much more necessary for natural light to the dining area. Members may feel that an increase in the fence or a trellis is a suitable solution to this problem.

Conclusion:

The proposal to retain the ground floor side facing window at Lane End is deemed acceptable providing that the window is obscure glazed and fixed shut to a height of 1.7m above the floor of the room in which the window is installed and permanently retained in such a condition in perpetuity. It is therefore recommended that the application is approved with such a condition in place.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

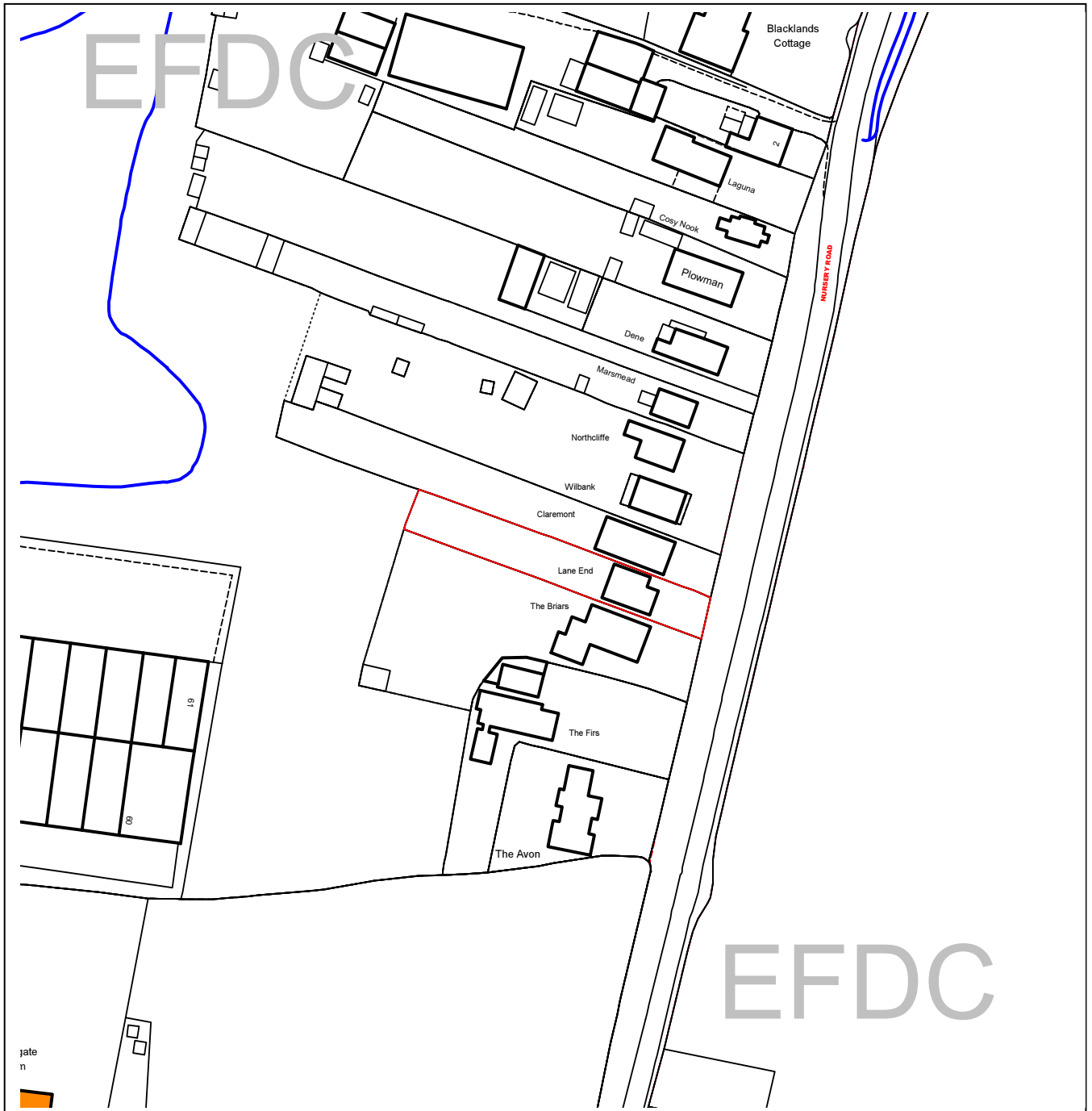
Planning Application Case Officer: Mr Dominic Duffin
Direct Line Telephone Number: (01992) 564336

or if no direct contact can be made please email:
contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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| Agenda Item Number: | 1 |
| Application Number: | EPF/2467/11 |
| Site Name: | Lane End, 4 Nursery Road Nazeing, EN9 2JE |
| Scale of Plot: | 1/1250 |

Report Item No: 2

| | |
|---------------------------------|--|
| APPLICATION No: | EPF/2477/11 |
| SITE ADDRESS: | 111 Monkswood Avenue Waltham Abbey Essex EN9 1LJ |
| PARISH: | Waltham Abbey |
| WARD: | Waltham Abbey North East |
| APPLICANT: | Mr Nigel Savage |
| DESCRIPTION OF PROPOSAL: | Application for removal of condition 5 'Off street parking' of planning permission EPF/2509/07. (Erection of a detached dwelling with garage and access and revised access to no. 111 Monkswood Avenue. Amended application) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533392

CONDITIONS

- 1 Within three months from the date of this decision details of a scheme to permanently close the existing vehicular crossover on The Cobbins shall be submitted to and agreed in writing by the Local Planning Authority. Such works will be carried out in accordance with these agreed details within an agreed time scale.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(g))

Description of Site:

The application site consists of No. 111 and the relatively newly erected detached dwelling within the side garden known as No. 113 Monkswood Avenue. Both properties have off-street parking within their front gardens (accessed from Monkswood Avenue) and there is an existing dropped kerb on The Cobbins installed to serve the properties, however the access to the site is fenced off by a close boarded fence.

Description of Proposal:

Application for removal of condition 5 of planning permission EPF/2509/07. The original consent was for *“the erection of a detached dwelling with garage and access and revised access to no. 111 Monkswood Avenue”*. The condition is the following:

The parking area shown on the approved plans shall be provided prior to the first occupation of the development and shall be retained free of obstruction for the parking of residents and visitors vehicles.

Relevant History:

EPF/0544/07 - Erection of a detached dwelling with garage and access and revised access to no. 111 Monkswood Avenue – approved/conditions 07/06/07
EPF/2509/07 - Erection of a detached dwelling with garage and access and revised access to no. 111 Monkswood Avenue (amended application) – approved/conditions 17/01/08
EPF/0191/09 - New dwelling house within rear garden of no's. 111 and 113 Monkswood Avenue – refused 23/04/09 (dismissed on appeal 26/01/10)
EPF/0084/11 - Erection of a detached garage with a studio within the roof space – refused 14/03/11 (appeal dismissed 17/08/11)
CLD/EPF/2232/11 - Certificate of lawful development for proposed single storey garage – not lawful 30/11/11

Policies Applied:

ST4 – Road safety
ST6 – Vehicle parking.

Consultation Carried Out and Summary of Representations Received:

18 neighbours were consulted. No Site Notice was required.

TOWN COUNCIL – Object as the proposed change will increase on street parking which would have an adverse effect on road and pedestrian safety.

26 THAXTED WAY – Object as this condition is assumed to have been imposed to ease the congested parking on this corner of Monkswood Road. This situation has not changed.

28 THAXTED WAY – Object as there is not adequate parking on this site.

Issues and Considerations:

The original condition was imposed on the approved development to encourage parking to the rear and to avoid a dominance of car parking within the front garden. However no condition was added to restrict parking at the front, and as such this is now used regardless of the original condition. The rear section of the site is not used for parking and is currently enclosed by a close boarded fence.

This current application has been received as a result of enforcement investigations, as the erection of a fence is contrary to this condition, which reads “**shall be retained free of obstruction**”. However, the replacement of this fence with a gate would not ensure that the area is actually used for parking so would be of no real benefit to the parking situation in the area.

Whilst the original intention of Planning Officers was to discourage off-street parking within the front gardens, which has occurred regardless, this is not uncommon within Monkswood Avenue and therefore is not unduly detrimental to the appearance of the street scene. There is sufficient space within the front gardens of both No. 111 and No. 113 Monkswood Avenue to provide three off-street parking spaces to No. 111 and two to No. 113, which is all that is required by the Essex County Council Vehicle Parking Standards.

Whilst the area of land is not currently used for parking and is enclosed by a close boarded fence, there is a vehicle crossover serving the land. It is not considered that the removal of this condition would have any further undue impact on the character or appearance of the street scene or the parking situation within the area, as it would not force residents to park to the rear, just to keep it available for parking. However, if this condition is removed and the fence is retained then the vehicle crossover should be closed and the grass verge reinstated, which would free up an additional on-street parking space. Such works can be sought by the imposition of a new condition.

Conclusion:

In conclusion, it is considered that the removal of this condition would not have any further detrimental impact on the appearance or character of the street scene or the existing on-street parking situation. The refusal of this application would not ensure that the area of land to the rear is actually used by the residents of the site for parking, and therefore would not be of any benefit, however the approval of this application could be conditioned to ensure that the existing vehicle crossover on The Cobbins is removed and the grass verge is reinstated, which would provide an additional on-street parking space for public use. Due to this, the application is recommended for approval.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

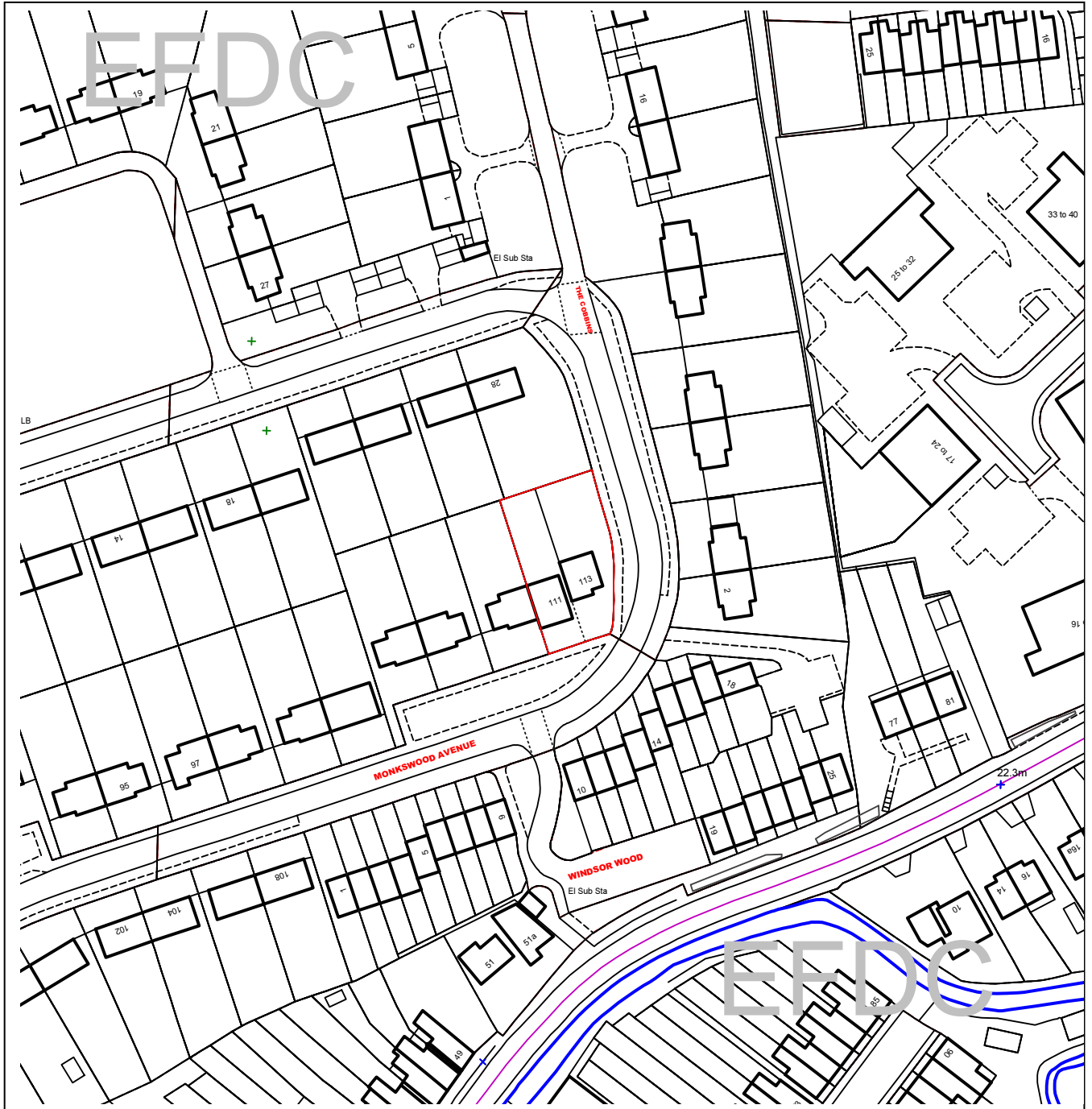
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk



Epping Forest District Council

Area Planning Sub-Committee West



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| Agenda Item Number: | 2 |
| Application Number: | EPF/2477/11 |
| Site Name: | 111 Monkswood Avenue, Waltham Abbey, EN9 1LJ |
| Scale of Plot: | 1/1250 |

Report Item No: 3

| | |
|---------------------------------|---|
| APPLICATION No: | EPF/2556/11 |
| SITE ADDRESS: | Land Rear of 66 -70 Western Road Nazeing Essex EN9 2QQ |
| PARISH: | Nazeing |
| WARD: | Lower Nazeing |
| APPLICANT: | Bidmead, Constantinou, Smith and Cooper |
| DESCRIPTION OF PROPOSAL: | Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close (amended application to EPF/0054/11 - allowed on appeal - amendments include larger kitchen areas, changes to and new windows, increased front porch roof and alterations to front parking area at No. 8 Wheelers Close.) |
| RECOMMENDED DECISION: | Grant Permission (With Conditions) |

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/Anitelm.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=533713

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 hereby permitted will be completed strictly in accordance with the approved drawing no: BF/6111.001 received 15th December 2011
- 3 No construction works above ground level shall have taken place until documentary and photographic details of the types and colours of the external finishes have been submitted to and approved by the Local Planning Authority, in writing, prior to the commencement of the development. The development shall be implemented in accordance with such approved details.
- 4 No development shall take place until the hedge on the western boundary of the site and the trees shown on the approved plan No BF/6111.001 (received 15th December 2011) as being retained (and any trees whose canopies overhang the site) have been protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus material have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made without the prior written consent of the local planning authority.

Reason: To ensure that the amenity value of the existing trees are safeguarded.

- 5 Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
- 6 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) wheel cleaning facilities
 - e) measures to control the emission of dust and dirt during construction
 - f) a scheme for recycling/disposing of waste resulting from site preparation and construction works
- 7 Prior to first occupation of the development hereby approved, the proposed window openings in the first floor flank elevations shall be entirely fitted with obscured glass and have fixed frames to a height of 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained in that condition.
- 8 The garages and car parking spaces hereby permitted shall be provided before the occupation of the dwelling hereby permitted and shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which forms part and their visitors and for no other purpose and shall be permanently retained as such.
- 9 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

This application is before this Committee since the recommendation is for approval contrary to an objection from a local council which is material to the planning merits of the proposal (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A. (g))

This application is before this Committee since it for a type of development that cannot be determined by Officers if more than two objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(f).)

This application is before this Committee since it has been 'called in' by Councillor Bassett (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The site is formed from the rear of gardens serving 66-70 Western Road. The proposed plot maintains a comparable depth to that provided along the eastern side of Wheelers Close and the proposed dwellings would front Wheelers Close opposite numbers 7 and 9. The application site would be accessed from a private access off the existing turning head in Wheelers Close. The ground level rises from the entrance from Wheelers Close to Western Road and beyond. There is a drainage ditch indicated to be for run off in the locality that runs inside and along the western side of the site adjacent to the boundary. The application site is within the built up area of Nazeing, outside of the Green Belt and Conservation Area.

Description of Proposal:

This proposal seeks amendments to a previously allowed on appeal scheme which allowed two detached houses with garages fronting Wheelers Close within the rear gardens of 66-70 Western Road. The amendments include larger kitchen areas to the rear, changes to and new windows (including bay windows to the ground floor front windows), increased front porch roofs and alteration to the front parking area at No. 8 Wheelers Close. The two houses are mirror images of each other.

Relevant History:

EPF/0054/11 - Proposed 2 no. three bedroom detached two storey houses with integral garages and parking fronting Wheelers Close – Refused but allowed at appeal (Copy of appeal decision attached as Appendix 1)

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 - Achieving sustainable development objectives
CP2 - Quality of Rural and Built Environment
CP3 - New Development
H3A - Housing Density
H4A - Dwelling mix
H5A - Provision for affordable housing
H6A - Thresholds for affordable housing
H7A - Levels for affordable housing
DBE1 - Design of new buildings
DBE2 - Effect on neighbouring properties
DBE3 - Design in urban areas
DBE5 - Design and Layout of new Development
DBE6 - Car parking in new development
DBE8 - Private amenity space
DBE9 - Loss of amenity
LL10 - Provision for landscape retention
LL11 - Landscaping schemes
ST1 - Location of development
ST2 - Accessibility of development
ST4 - Road Safety
ST6 - Vehicle parking

Summary of Representations:

NAZEING PARISH COUNCIL – Objections as with previous application EPF/0054/11. Access is inadequate and could cause problems for emergency services. There is encroachment onto land

belonging to No. 7 and No. 5 Wheelers Close. There are no 2 ½ storey properties in Wheelers Close. It would be obtrusive and be back yard development. It would contravene policies DBE1, DBE2, DBE5 (ii), DBE6, DBE8, and DBE9 of the adopted Local Plan and Alterations. Although the original application was allowed on appeal this is an increase in size. If this application is allowed then further permitted development rights should be withdrawn or restricted and an agreement be put in place that the garage cannot be re-developed into a room. Letter of objections received from residents of Wheelers Close.

NEIGHBOURS

25 neighbours were consulted and a site notice erected

5 letters of OBJECTION received:

1 WHEELERS CLOSE – Objections as EPF/0054/11, proposal will further add to ongoing drainage problems

2 WHEELERS CLOSE – Objection – out of keeping with Wheelers Close, problems with access, foul sewer issues, parking issues (during construction also)

5 WHEELERS CLOSE – Objections as per EPF/0054/11, highway safety issues, Wheelers Close is too small for this development.

6 WHEELERS CLOSE – Object to amendment, development has increased kitchen size to recognise 4 bedroom size. Erosion of streetscene and highway safety, porch addition adds to imposing nature, new high landing window will overlook garden

7 WHEELERS CLOSE – Objections remain as to EPF/0054/11, increased traffic, parking is minimal, Wheelers Close is already congested, imposing and ongoing boundary dispute.

Issues and Considerations:

The previous proposal has been allowed at Appeal, and therefore the principle of the development in this location has been accepted. Therefore the main issues with the application are whether the proposed changes are acceptable and whether these changes have any significant impact on:

- Design and the Streetscene
- Neighbouring Amenity
- Highway Safety and Parking

Design

The design of the proposals is essentially the same with the alterations to the front windows and front porch roofs relatively minor in nature and are not considered to disrupt the appearance of the streetscene in this location. The changes to the rear extend the kitchen to the same depth as the garage element of the proposals and again are considered an acceptable design squaring off the rear of the property.

Amenity

It is not considered that the revisions to the existing scheme will have any significant impact on neighbouring amenity. Although concern has been raised by one neighbour to the proposed new landing window with regards to loss of privacy, it is intended that this will be obscured glazed and this can be conditioned as such to avoid any overlooking issues. Given that the two new landing windows will be directly opposite each other, obscuring this window also prevents any loss of privacy to future occupiers of the properties.

With regards to the amenity of the future occupiers of the site, the proposed extension to the kitchen areas does remove some of the proposed rear garden areas. The addition of the kitchen

extensions will result in rear garden areas of approximately 100m² although smaller than previously approved this amount of garden space complies with policy DBE8. Furthermore as outlined below, this size of extension could in any event be completed under permitted development once the property is built.

Highway Safety and Parking

The revisions to the proposal retain the same number of parking spaces and access arrangements as previously approved. The Essex County Council Highways Engineer has raised no objections to the proposal as it is not contrary to County or Local policies. With regards to construction traffic the Planning Inspectorate imposed a condition requiring a Construction Method Statement which would include details regarding construction parking and this is considered to overcome these concerns.

Other Matters

Although several neighbours and the Parish Council have stated that their objections are the same as with the previous application, the principle of two houses in this location has been accepted and the previously approved development can still be built. As an additional matter, when planning permission was granted at appeal, permitted development rights were not removed by condition. Therefore, although planning permission is required for the rear extension and porch roof at present because the houses have not yet been built, these aspects could in any event be built under permitted development once the properties have been built and occupied.

The Parish Council has suggested removing permitted development rights, however the Inspector concluded that these should only be withdrawn in 'exceptional circumstances' and it is not considered that these amendments fall within this criteria. With regards to the Parish Council's suggestion to condition the retention of the garages to avoid further development, the Planning Inspector imposed such a condition on the Appeal decision and this can be copied to this current application if approved.

A number of issues have also been raised by neighbours which are beyond planning control such as:

Foul sewer/drain issues - which are a private matter for the service operator and drain owners to consider.

Boundary disputes - are again a Civil Matter between affected parties. For the land subject of this application the applicant has declared ownership.

Conclusion:

Notwithstanding neighbour and Parish Council objections and the issues discussed above, the amendments to the previously approved scheme are considered acceptable and therefore approval with conditions is recommended.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk

Appendix 1



The Planning
Inspectorate

Appeal Decision

Site visit made on 1 November 2011

by **K E Down MA(Oxon) MSc MRTPI MBS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 November 2011

Appeal Ref: APP/J1535/A/11/2157201

66-70 Western Road, Nazeing, Waltham Abbey, EN9 2QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Bidmead, Mrs Christina Constantinou, Mrs Clair Smith and Mr & Mrs Cooper against the decision of Epping Forest District Council.
- The application Ref PL/EPF/0054/11, dated 6 January 2011, was refused by notice dated 8 June 2011.
- The development proposed is 2No x 3 bedroom detached 2 storey houses with integral garage and parking.

Decision

1. The appeal is allowed and planning permission is granted for 2No x 3 bedroom detached 2 storey houses with integral garage and parking at 66-70 Western Road, Nazeing, Waltham Abbey, EN9 2QQ in accordance with the terms of the application, Ref PL/EPF/0054/11, dated 6 January 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BF/6111.001 [4th revision], BF/6111.002.
 - 3) No development shall take place until details of the materials to be used in the external surfaces of the dwellings hereby permitted have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until the hedge on the western boundary of the site and the trees shown on the approved plan No BF/6111.001 as being retained (and any trees whose canopies overhang the site) have been protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within

those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

- 5) No development shall take place until details showing the means to prevent the discharge of surface water from the development site onto the highway have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the site access becoming operational and shall be retained at all times.
- 6) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) wheel cleaning facilities
 - e) measures to control the emission of dust and dirt during construction
 - f) a scheme for recycling/disposing of waste resulting from site preparation and construction works
- 7) The garages and car parking spaces hereby permitted shall be provided before the occupation of the dwellings hereby permitted and shall be kept available for the parking of motor vehicles at all times. The garage/car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and shall be permanently retained as such.
- 8) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Procedural matters

2. Although not included in the description of development it is clear from the evidence, including the submitted plans, that the proposal includes the provision of a single garage to serve 8 Wheelers Close. The Council has not objected to this aspect of the development and I agree that it would be acceptable. I have therefore restricted my further consideration to matters of dispute between the parties, including third parties.
3. I am aware of a dispute regarding the ownership of a strip of land within the appeal site. However, this is a civil matter between the parties and not one over which I have jurisdiction. It is clear from the evidence that all parties with an alleged interest in the site are aware of the proposals and of this appeal.

Main Issues

4. There are two main issues. Firstly, the effect of the proposed dwellings on the character and appearance of Wheelers Close and the surrounding area; and secondly, the effect of the proposed dwellings on the living conditions of occupiers of 7 and 9 Wheelers Close with respect to outlook, privacy and sunlight.

15. Third parties point out that the appeal site currently comprises rear garden land. It is correct that gardens have been removed from the definition of previously developed land set out in *Planning Policy Statement 3 (PPS3): Housing* and this is to prevent so called "garden grabbing". However, the intention of the policy alteration is to ensure that Councils have greater control over where development should take place in their area. The evidence demonstrates that the Council has considered this matter and concluded that in this case the appeal site, whilst comprising garden land, is in principle an acceptable infill plot in a sustainable location with satisfactory access to the street. I have no compelling reason to disagree.
16. Concerns are also raised regarding surface water drainage, local sewerage capacity and disruption during the construction period. Owing to the level of the site being above that of the highway, it is necessary to ensure that proper provision is made to control the discharge of surface water from the site. This could be required by condition. With regard to sewerage, the Council has not identified any planning issue and it is for the developer to arrange connection to the main sewer or make alternative provision if this is not feasible. Finally, whilst some disruption during a period of construction is inevitable, especially when a site is within an existing residential area, a condition requiring a construction method statement to be submitted and agreed would ensure that disruption in Wheelers Close was minimised.
17. A number of other issues have been raised by third parties which I have considered but none of these alter my findings on the main issues or my conclusion that the proposed development would be acceptable.

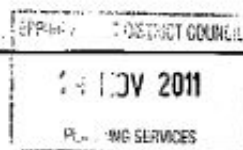
Conditions

18. In addition to the conditions I have already identified as necessary the Council has suggested a number of further conditions. I have considered these in the context of advice set out in Circular 11/95: *The Use of Conditions in Planning Permissions*. In some cases I have adjusted the wording for clarity or to comply with the circular. I agree that in order to protect the character and appearance of the area details of materials to be used in the external surface of the dwellings should be agreed. To avoid loose material spilling onto the highway it is also necessary to require the surface of the vehicular access to be constructed of bound material for the first 6m into the site. Finally, for the avoidance of doubt and in the interests of proper planning it is necessary to require the development to be carried out in accordance with the approved plans, except as otherwise set out in this decision and conditions. The Council suggests a condition withdrawing permitted development rights for extensions and outbuildings. However, these rights should only be withdrawn in exceptional circumstances which I am not aware would apply in this case. I do not therefore propose to impose this condition.

Conclusions

19. For the reasons set out above and having regard to all other matters raised I conclude that the appeal should be allowed.

K E Down
INSPECTOR





Epping Forest District Council

Area Planning Sub-Committee West



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| Agenda Item Number: | 3 |
| Application Number: | EPF/2556/11 |
| Site Name: | Land Rear of 66 -70 Western Road Nazeing, EN9 2QQ |
| Scale of Plot: | 1/1250 |