

Report Item No: 1

APPLICATION No:	EPF/0158/12
SITE ADDRESS:	3 Little Dragons Loughton Essex IG10 4DG
PARISH:	Loughton
WARD:	Loughton Forest
APPLICANT:	Mr John Ratnage
DESCRIPTION OF PROPOSAL:	TPO/CHI/04/70 T1 - Sycamore - Fell
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=534612

CONDITIONS

- 1 The work authorised by this consent shall be carried out under the direct supervision of the Local Planning Authority, who shall receive in writing, 5 working days notice of such works.

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

Description of Proposal:

T1 . Sycamore - Fell to ground level.

Description of Site:

This tree stands around 12 metres tall with a one sided, narrow crown. It features as part of a diverse collection of mature tree species that fill the garden; remnants of the original landscape scheme for Dragons, the large private house. T1 is located in the side garden of this detached house, less than 3 metres from a much larger Redwood. The property is the last house in the modern cul-de-sac and T1 is only glimpsed from behind the dominant Redwood.

Relevant History:

TPO/CHI/04/70 was served in response to the subdividing of plots for development from the Dragons Estate. As an Area Order, the process of selecting only the best specimens has not been carried out. It is unlikely that T1 would merit preservation due to its poor form and structure and low public amenity.

In recent years pruning of a line of Limes has been granted and a dangerous ornamental ash, with serious trunk decay has been removed.

Relevant Policies:

LL9 The Council will not give consent to fell a tree preserved tree unless it is satisfied that this is necessary and justified; any tree lost must be replaced.

Summary of Representations

4 neighbours were consulted but no responses have been made.

LOUGHTON TOWN COUNCIL were willing to waive their objection should the tree officer deem the works acceptable.

Issues and Considerations:

Issues

The application asserts that the tree is structurally flawed due to a poor union with included bark at the main stem fork, 2.5 metres above ground level. Wet exudate issues from the eastern side of this tight fork and a further tight fork, with included bark is seen at a height of around 5.5 metres above ground level.

Inspection of the tree shows a marked lean and exposed buttress roots on the western side of the lower stem and base.

Considerations

i) Tree condition and life expectancy.

The tree shows normal levels of vigour but has possibly been partially wind thrown due to the changes in ground level visible from one side of the tree to the other. There is discoloration on the stem around the tightly formed main fork, which indicates the recent flow of wetness at this union. There is evidence of included bark at this fork and further up the tree at another branch fork. The poor structural condition of these points will foreshorten the tree's life expectancy to less than 10 years.

ii) Public amenity

The tree has ivy well established up its stem, which has concealed structural problems but provided some wildlife habitat, which provide secondary amenity in the form of birds and flying insects.

Due to the size and evergreen nature of the more prominent Redwood, the Sycamore is barely seen and likely to become increasingly obscured in the future.

iii) Suitability of location and pruning alternatives.

At around 3 metres from the Redwood the crown development of the Sycamore has been detrimentally affected and suppressed. The tree also stands less than 8 metres from the house and its lean is towards the roofline. Should it fail wholly or in part, there is a risk of it hitting the house. Therefore, its situation is not ideal and unlikely to improve. Pruning considerations would further diminish the tree's limited size and visibility and can, therefore, be discounted.

iv) Replacement planting

The plot is well populated with at least seven large and highly visible specimen trees. Therefore, in this case, there would be little benefit in requiring replacement planting.

Conclusion

The tree has a poor structure and signs of internal decay. It is not a good specimen and not ideally suited to its position. Pruning would not resolve the problems and the tree's low public amenity gives grounds for a recommendation to allow felling of the tree on the grounds that its condition and location justify its removal. The proposal is considered to accord with Local Plan Landscape Policy LL9 and is , therefore, recommended for approval.

In the event of members granting permission to fell this tree, a condition could be attached to ensure a replacement is planted. In this case, because of the number of large trees in the garden it is not recommended that this be conditioned in this case.

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:

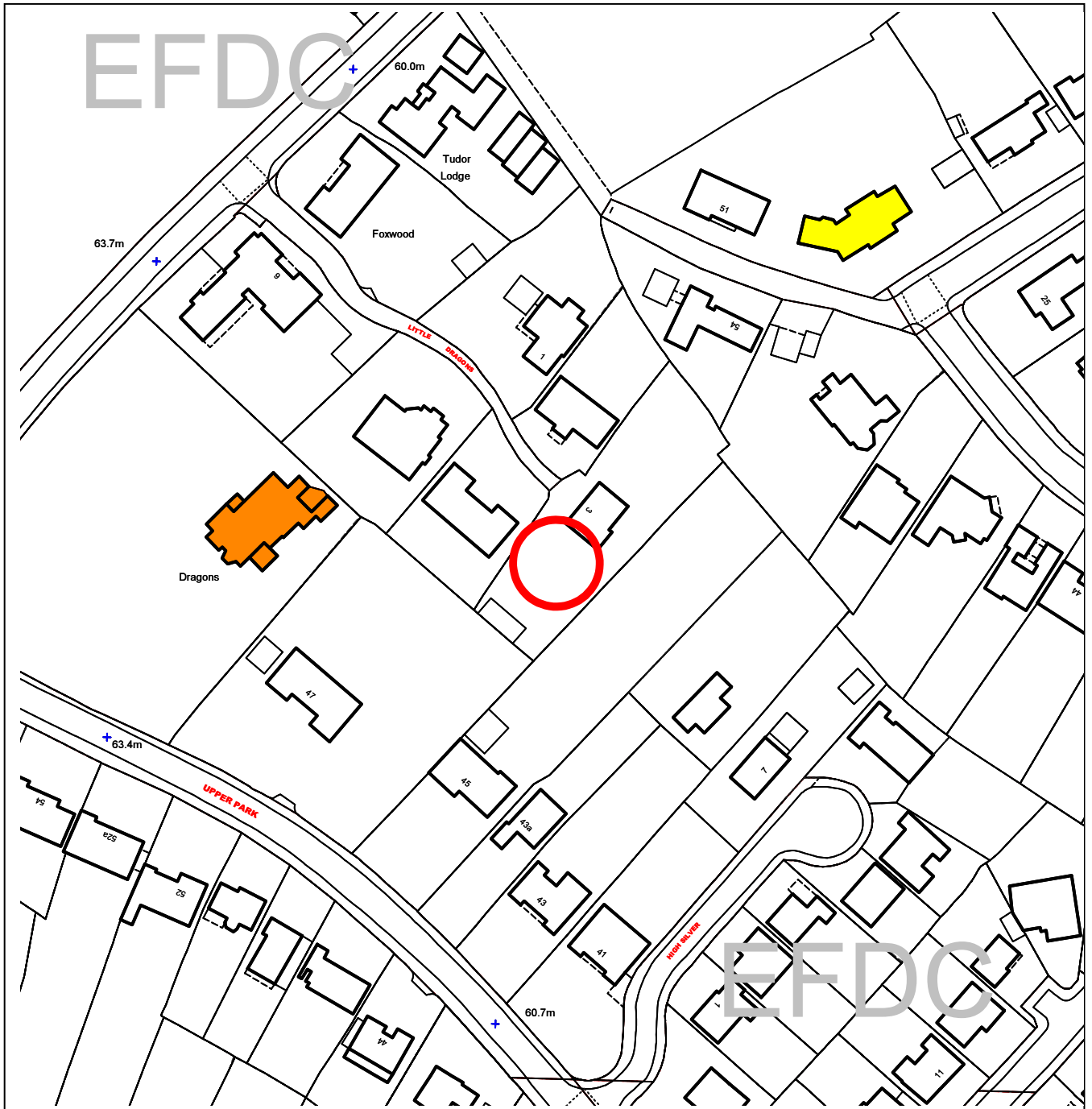
***Planning Application Case Officer: Robin Hellier
Direct Line Telephone Number: 01992 564546***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	1
Application Number:	EPF/0158/11
Site Name:	3 Little Dragons, Loughton IG10 4DG
Scale of Plot:	1/1250

Report Item No: 2

APPLICATION No:	EPF/0233/12
SITE ADDRESS:	3 Brancaster Place Church Hill Loughton Essex IG10 1QN
PARISH:	Loughton
WARD:	Loughton St Marys
APPLICANT:	Mrs Nina Welch
DESCRIPTION OF PROPOSAL:	TPO/EPF/03/94 T2 - Horse Chestnut - Fell
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=534868

CONDITIONS

- 1 The work authorised by this consent shall not be carried out unless the Local Planning Authority shall be given, in writing, 5 working days notice of such work.

This application is before this committee as any application to fell a preserved tree falls outside the scope of delegated powers.

Description of Site

The tree is one of a pair retained following redevelopment of the site in the mid 1990's and stands on the northern fence line of the narrow rear garden, some 12m from the rear elevation. 3 Brancaster Place is the central of five Townhouse style properties, set 15m back from Church Hill.

Description of Proposal

Horse Chestnut; fell to ground level

Relevant History

TPO/EPF/03/94 was served to protect several trees in advance of development for housing. Permission has been given to prune this tree in 1997, 2001, 2003, 2005 and 2011. The latter, EPF/0933/11, by the owner of no. 2, has been implemented, and allowed an overall reduction of height and spread.

In summary, reasonably regular pruning of both chestnuts has been allowed, but excessive pruning (e.g. removal of all branches overhanging no. 2, or felling of either tree), has been refused, and decisions to refuse have been upheld at appeal.

Relevant Policies

LL9 – Felling of preserved trees

'the council will not give consent to fell a tree...protected by a TPO unless it is satisfied that this is necessary and justified.....any such consent will be conditional upon the appropriate replacement of the tree'

Summary of Representations

2 BRANCASTER PLACE. Support application. Tree is too large. Causes big problems with no light to garden when in bloom, to the extent that grass cannot grow. Have had to lay shingles instead of having a lawn.

LOUGHTON TOWN COUNCIL: object to any applications to fell protected trees and therefore objected. Further consider that the ability to sell was not a material planning consideration; questioned whether the tree could not be pruned instead. Refer to historic link to previous use as smithy

HILLS AMENITY SOCIETY: strongly object. Part of the original planning agreement was that the tree should be retained. The new owners would have been aware of the TPO on purchase, and the previous owners had the tree sympathetically pruned.

LRA PLANS GROUP: object. The house was built after the tree was established, and property was bought in the knowledge of its existence and of the TPO. The previous owner has been allowed to prune the tree on several occasions, as has the neighbour. Sympathise with the new owners but feel that the pruning option should be further explored. Nevertheless will withdraw objection should the Arboriculturist agree the proposal, subject to consideration of a replacement tree.

Issues and Considerations

The application is made on the basis that for a wide range of reasons the tree is unsuitable for a garden of this size; as such it is overpowering, covering ½ the garden when in leaf.

In support the applicant reports:

1. Lack of consistency: the council recently felled one of the chestnuts on the Church Hill pavement. Points out that this tree, and the remaining one, were/are much more prominent.
2. Horse Chestnuts are prone to shedding branches; they are suitable for parks etc, not gardens. Refers to 21 month old daughter, and that the tree is frightening.
3. Presence of adjacent tree would mitigate loss.
4. Danger of conkers restricting use of garden by young daughter.
5. Browning of leaves in summer shows that tree is diseased.
6. Excessive light loss and consequent difficulty in gardening, or growing a lawn.
7. Excessive leaf fall, and consequent difficulties, including a rotten shed.
8. Grey squirrels resident in tree eating garden plants and veg.
9. At the site meeting it was also clear that the tree restricted sunlight to the rear rooms of the property.

Discussion

The main issues are considered to be how serious these problems are and also how great is the actual public amenity value of the tree, given its reduced state.

Firstly, in relation to the reasons given, the first two points may be (largely) discounted. The careful pruning carried out eliminates any significant risk of the shedding of limbs; were the species so intrinsically dangerous it would also be unsuitable for parks. The highway tree that was felled had been found to have a serious trunk rot, and could not be safely retained. However it is true that the preserved tree is not prominent, and fear may be real, even if unwarranted.

Nor can it be accepted that it is reasonable to rely on the presence of the neighbouring tree as a reason for accepting the loss of this.

In relation to the fall of conkers the removal of all of the lower branches does mean that anything falling from the tree is falling from a significant height. Nevertheless the danger of significant injury is in reality very small, only exists for a limited period of each year and could be further reduced by a more severe pruning back of the side branches, but again it is accepted that the anxiety is real.

The leaf browning that now affects all horse chestnuts in the area to some degree is the result of a leaf mining insect. There are no safety implications and the consensus is that there is probably no long term health impact, but nevertheless it does have a disfiguring impact towards the later months of each summer.

The remaining issues raised are accepted as aspects of a general diminishing of the ability of the residents to fully enjoy their property, but would not normally be seen as sufficient to justify removal of a preserved tree, given the acknowledged benefits of trees in the town, and their significant contribution to general well being.

The second main consideration is then the relative value of the tree. Here it clearly has general benefit as a wildlife resource, and by cleaning the air etc, as does any large urban tree. However its public, visual amenity is low. As noted the properties are set well back from Church Hill. This was done deliberately, to reflect the general building line, but created a tension between residents and the trees from the outset. The reduction of the crowns of (both) has reduced their public value considerably, since they are now only glimpsed over the roofline, and have minimal public value. The position is potentially recoverable in that the application tree could be allowed to grow on by refusing any further height reductions, but that would clearly only increase the unsatisfactory situation from the residents' perspective.

At the site inspection it was noted that there were four trees, planted pursuant to the planning conditions, which have become established on the Church Hill frontage. These trees have the potential to become far more important to public amenity.

In the event that permission to fell were agreed a replacement, such as a birch, could be required at the far end of the garden. This would have a general benefit to neighbours, but no significant public amenity for the foreseeable future, No replacement planting condition is therefore proposed.

Conclusion

It is concluded that in this case the balance favours felling, particular because it is considered that the loss of this tree will not have a significant adverse impact on public amenity. The application is accordingly recommended for approval, in accordance with policy LL9.

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:

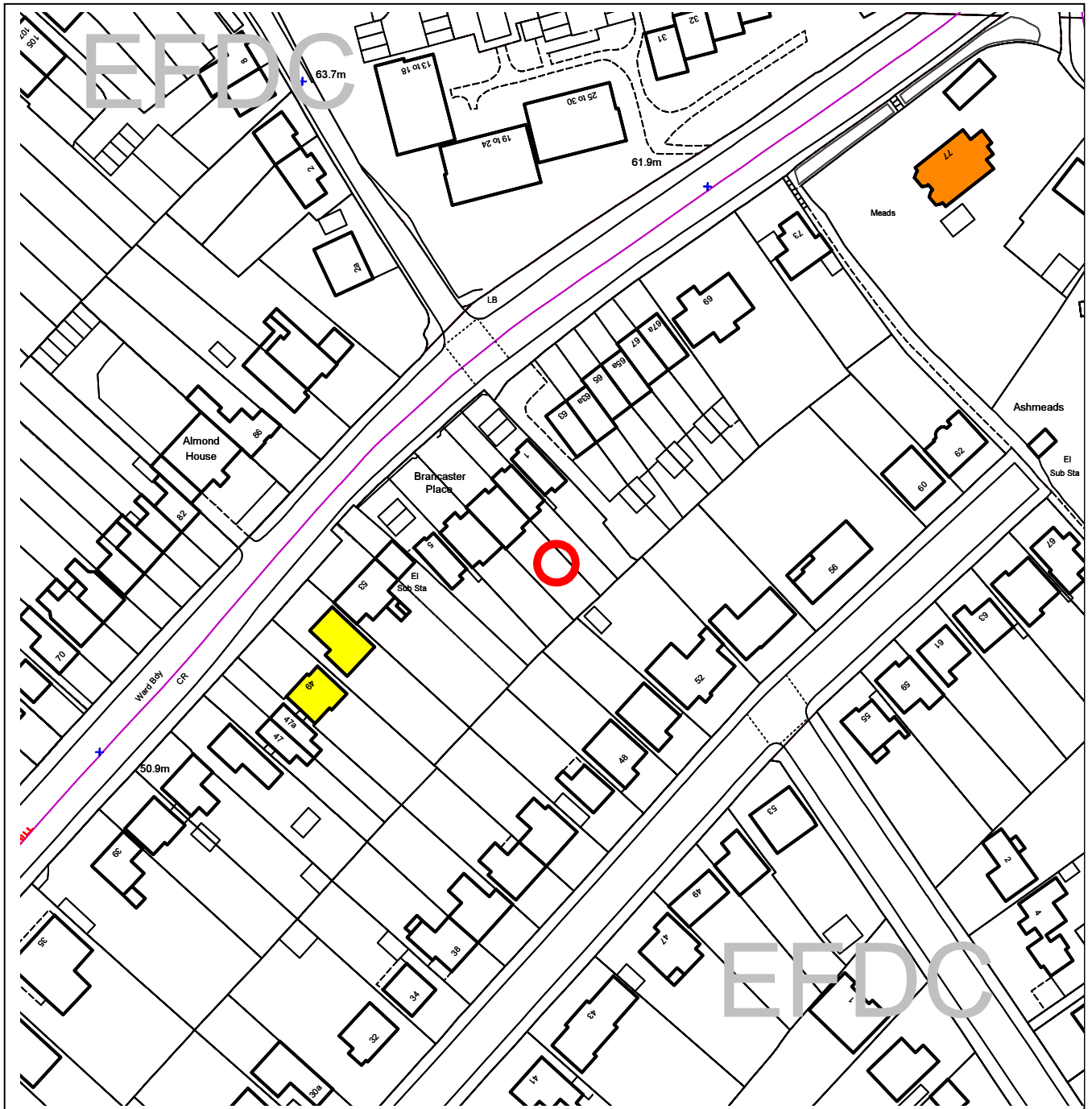
**TPO Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117**

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	2
Application Number:	EPF/0233/12
Site Name:	3 Brancaster Place, Church Hill Loughton, IG10 1QN
Scale of Plot:	1/1250

Report Item No: 3

APPLICATION No:	EPF/0568/11
SITE ADDRESS:	Land to the south of Roding Lane Buckhurst Hill Essex IG9 6BJ
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Alliance Land (Properties) Ltd
DESCRIPTION OF PROPOSAL:	TPO/EPF/110/10 W1 - Woodland management as specified in attached management plan
RECOMMENDED DECISION:	Refuse Permission

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=526550

REASON FOR REFUSAL

- 1 Realisation of the potential benefits of the proposal would depend upon a sustained period of management following implementation of the initial works. The lack of any agreement to such management means that the Local Planning Authority has no reasonable surety that the necessary operations will be undertaken for a sufficient period for any significant level of benefit to be achieved. It is therefore preferable for the wood to be allowed to continue to develop naturally. The proposal is therefore contrary to policies LL7 and LL9 of the adopted Local Plan and Alterations.

This application is before this Committee since it is in part an application to fell preserved trees and is recommended for approval and so is outside the scope of delegated powers.

It was considered at the previous committee of 12/12/11 but deferred for investigation of whether the proposed benefits of management could be secured.

Description of Site:

The wood stands west of the Roding, off Roding lane, and to the rear of properties off Albert Rd and The Windsors, and Buckhurst Hill CP School.

Description of Proposal:

Selective thinning and coppicing of an area of woodland area and remedial pruning of veteran trees, as set out in the revised management plan dated May 2011. Members will note that this report and recommendation needs to be taken alongside EPF/0567/11.

Relevant History:

The TPO was made in 1983, when the wood was relatively young, as a result of concerns that it might be threatened by potential development. There have been no recent relevant applications. Access was agreed for site surveying and clearance of Japanese Knotweed that were in themselves exempt from planning control.

Relevant Policies:

LL3: Edge of settlement.

LL7: Planting, protection and care of trees.

LL8: Works to preserved trees.

LL9: Felling of preserved trees. (Summary: Felling must be demonstrated to be necessary and justified. Any felled trees must be replaced.)

Summary of Representations

BUCKHURST HILL PARISH COUNCIL: Objects: contrary to local plans and would destroy wildlife corridors.

CPRE: Support the application, because appears designed to enhance the conservation value of the wood, and there are proposals to involve the community.

Have suggestions, including that grants may be available, that improvement of this area has positive implications for the wider green network, that arisings could be usefully put to conservation purpose and that care should be taken with seed sources. Hope that neighbours will continue to be informed.

Issues and Considerations:

Introduction

The application is presented as being for the benefit of the wildlife value and appearance of the wood. The proposals come as part of a comprehensive assessment of the site, in the form of a management plan leading to a 5 year programme of works, shown in plan form, with accompanying schedules of works.

The plan also gives details of works not controlled by the TPO, including re-profiling existing mounds of tipped material, restoration of ponds and ditches, planting of hedges and enhancement of the ground flora. These works do not form part of this application, and cannot be secured by conditions attached to it, but may be considered and secured under the accompanying planning application.

The wood is an important visual feature of the area, valued by local residents. It appears to have arisen by natural seeding from pre-existing hedgerow trees before being given blanket protection in 1983. The land had been previously used in part for brickworks.

The site may be divided into 2 areas, broadly north and south:

- 1) north of an old internal ditchline, and fronting Roding Lane, and
- 2) south of that ditch, and bounded by housing, and commercial premises on Alfred Rd, to the west, The Windsors to the south, and a playing field to the east.

The northern section seems to be on the original ground. Mostly it is thick with relatively young sapling trees, but there are important veteran trees along Roding Lane, and also towards the centre, by the old ditch and pond. There is little ground cover, and in parts it is impenetrable. The southern section appears to be where excavation had previously taken place. There are groups of

trees, but also open areas, with few or no trees, which are thickly covered by bramble. There are also substantial piles of surface debris, with hardcore, bricks, tyres and other materials. There has been an extensive infestation by Japanese Knotweed to the west. The owners have begun an eradication program.

According to the proposals, by year 5 small grassed glades would have been created in the northern section; restoration pruning would have been undertaken on the several veteran trees; the area around the central ditch and pond would have been opened up, and the more open southern area converted to meadow. In that southern area the main groups of trees and important individuals would be retained, including the most important in the spur linking the wood to the junction of Alfred Rd to Roding Lane, and providing visual screening for residents in Alfred Rd. and Windsor Wood.

Considerations

The key issues are considered to be whether:

- 1) The proposed staged thinning of younger trees will have beneficial results for biodiversity;
- 2) The formative pruning of the veteran trees has been justified;
- 3) Any potential negative consequences may be foreseen;
- 4) How the potential benefits may be secured.

In relation to these the increase in internal spaces, and increased habitat diversity would be beneficial for wildlife and the pruning of the veteran trees would help to secure their long-term retention.

The thinning proposals are quite modest, which should limit the change in external appearance of the site. The proposals include the proviso that the management should be assessed at the end of each year; the next year's proposals would not be allowed to commence if there had been any substantial departure from the proposals as agreed. Words to secure this are suggested as a Grampian condition.

Because of the very specific constraints in the legislation applying to replacing felled TPO trees the various wildlife and landscape benefits cannot be secured by condition under this application, but may be considered and conditioned to some extent and for a limited period under the accompanying planning application. However they might also be secured by means of a legal agreement for a longer period, subject to the consent of the applicants.

It has therefore been put to the applicants that they might demonstrate their good faith, and give reassurance as to the initial harmful effects of the proposals being compensated for by longer term management, that is for 15 years, rather than 5 as proposed. In particular an article 4 direction could secure the freedom from obstruction, such as fencing, of the internal area and a Section 106 direction could secure the active management of the site for the nature conservation purposes, as set out in the application, by the current owners or their successors. That has been put to the agents for the owners by letter, and at a subsequent meeting, but has not been agreed

Conclusion

That no weight may be placed upon the management proposals that support the application, and therefore these cannot be taken to counteract the initial adverse impact of the thinning of the woodland. It is therefore concluded that the proposal fails to accord with the relevant policies and should be refused.

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:

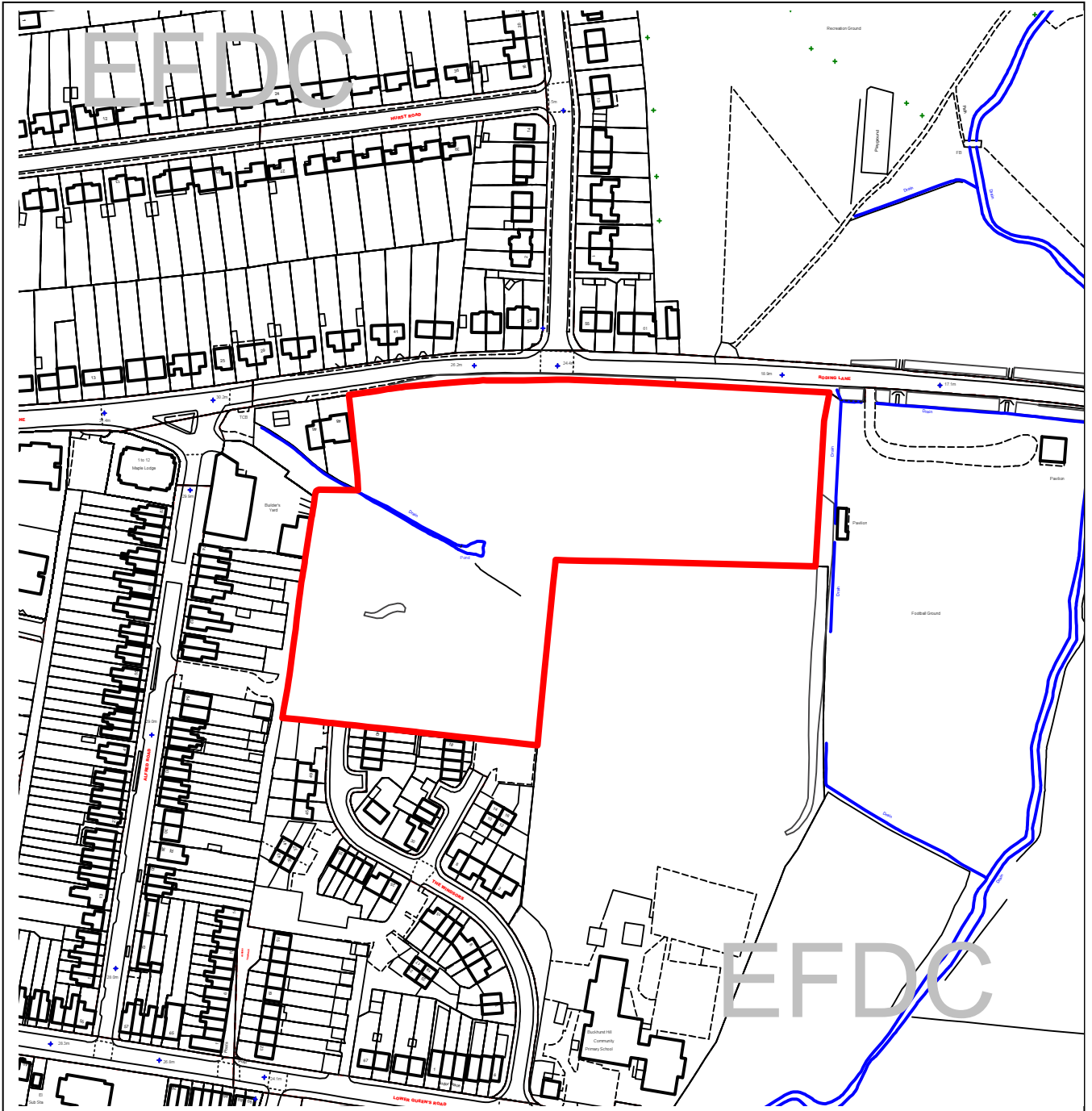
TPO Application Case Officer: Christopher Neilan
Direct Line Telephone Number: 01992 564117

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	3 & 4
Application Number:	EPF/0567/11 & EPF/0568/11
Site Name:	Land on south side of Roding Lane, opp. Junc. with Rous Road, Buckhurst Hill, IG9
Scale of Plot:	1/2500

Report Item No: 4

APPLICATION No:	EPF/0567/11
SITE ADDRESS:	Land on south side of Roding Lane, opposite junction with Rous Road and adjoining Buckhurst Hill Football Club Buckhurst Hill Essex IG9
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill East
APPLICANT:	Alliance Land PLC
DESCRIPTION OF PROPOSAL:	Carrying out of site management works to land, consisting of clearing ditch, digging out of pond, and levelling of earth mounds.
RECOMMENDED DECISION:	Refuse Permission

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=526549

REASON FOR REFUSAL

- 1 The site lies in the Metropolitan Green Belt, is subject to a blanket Tree Preservation Order, and constitutes a valuable environmental resource close to the urban settlement of Buckhurst Hill. Realisation of the proposed benefits of the proposal would depend upon a sustained period of management following the implementation of initial works. The lack of any agreement to such management means that the Local Planning Authority has no reasonable surety that the necessary operations will be undertaken for a sufficient period for any significant level of benefit to be achieved. It is therefore preferable for this wood to be allowed to develop naturally. The proposal is therefore contrary to policies GB2A, NC4, NC5, DBE9, and LL10 of the Epping Forest District Local Plan and Alterations.

This application is before this Committee since a) the recommendation differs from the views of the local council (pursuant to section P4, Schedule A (g) of the Council's delegated function), and b) the proposed development needs to be considered alongside a concurrent application to carry out works to preserved trees on the site - which is a type of application that needs to be reported to Committee.

Description of Proposal:

Carrying out of site management works to land including clearing ditch, digging out of pond, levelling of earth mounds, the provision of grassland areas, hedging and enclosing fence. These works would be carried out in 5 phases over a 5 year period. The site is covered by a blanket Tree Preservation Order and a concurrent application (EPF/0568/11) seeks consent for the removal of some trees and associated undergrowth.

Description of Site:

A sizeable 'L' shaped piece of land with an area of 0.17 hectares. It lies on the south side of Roding Lane opposite its junction with Rous Road, and lies close to the rear of properties in Alfred Road, and to the north of houses in the Windsors. Originally some or all of the site lay in the site of a brickworks factory, and the 49 houses to the south in The Windsors, and the adjoining Buckhurst Hill primary school, were built on this factory site.

The site is not publicly owned. It is densely covered with trees and scrub, with trees being protected by a blanket Tree Preservation Order. The site lies in the Green Belt but adjoins the urban settlement of Buckhurst Hill. Some of the site has earth mounds which in part comprise of bricks and rubble used to fill the excavations associated with the original brickworks factory use. Whilst at present there is no fence around this site the density of trees, bushes, and scrub makes the site very difficult to enter.

Relevant History:

None.

Policies Applied:

DBE9 - Loss of amenity.
GB2A - Development in the Green Belt
NC4 - Protection of Established Habitat
NC5 - Promotion of Nature Conservation Schemes.
RP3 – Water Quality
RP4 – Contaminated Land
LL10 – Adequacy of provision for landscape retention.

Summary of Representations:

BUCKHURST HILL PARISH COUNCIL – object – insufficient information on works to be undertaken

NEIGHBOURS – 36 properties consulted, and a site notice erected. Two replies received:-

72, ALFRED ROAD: comments that she would like to know what the future plans for the site are.

51, RODING LANE: why are these site management works proposed? Ditches need clearing, yes; ponds need managing at times also; but if the badgers and other wildlife are happy in/on the earth mounds then what reason has the present owner to level them? What concerns me is that 'levelling of earth mounds' (presumably using a mechanical digger) could involve disturbance of wildlife, removal of trees, and nibbling at an area of Green Belt.

EFDC COUNTRYCARE SECTION: I've read the management plan for this application and it looks fine. I would like to see Maydencroft Land Advisory's October 2010 report in order to make additional comments.

Issues and Considerations:

A detailed management (or environmental) plan produced by Maydencroft Land Advisory has been submitted with this and the concurrent application to thin and remove trees. It states that the key aims for the management of this site are a) to improve the amenity value of the site, b) to enhance the site for local wildlife, and c) clear the site of rubbish and fly tipping.

The whole of this 'Brickfields' site is understood to have been initially acquired by Beazer Homes, who in the 1980's developed the 49 homes on that part of the site to the immediate south now known as The Windsors. The current owners of the site are Alliance Land Properties, on behalf of whom the current application has been made. Their application is an unusual one and some concerns have been raised as to whether it is a precursor to future proposals to develop the site - although the site's current Green Belt designation and blanket Tree Preservation Order would not allow for built development. The agents for the applicants have stated *'the applicants are land traders and seek to improve site values and then sell on. At present the site is an impenetrable jungle whose amenity potential few people can appreciate. Once the site is accessible and secure, with areas of wild flowers, more woodland fringe and more ecological value, it will be attractive to amenity purchasers'*

To complement any consent to remove/thin trees it is desirable to ensure that other ecological and environmental improvements to the site e.g. the creation of grassland glades, planting of wildlife flowers, and clearing of ditch and pond, are in fact carried out. To this end a condition is proposed which will ensure all aspects of the management plan are undertaken. A 1.2m high chain link fence is proposed on the highway boundaries to the site but will be accompanied by a thorn hedge planted behind it which will grow through the fence and screen it.

Although only environmental works are proposed for the site there are constraints to overcome in respect of works to the spoil heaps and mounds in the site. Firstly, these heaps and mounds accommodate badger setts and a licence will have to be obtained from English Nature before any works commence. Secondly the proposal to break up these heaps and mounds and spread them around the site is likely to require an environmental permit from the Environment Agency since the mounds contain waste that could be contaminated. A condition is therefore proposed to be added to any planning permission requiring both these issues to have been resolved with the respective agencies before any works commence on site.

Conclusion:

The proposals are appropriate development in the Green Belt. They would provide for a more varied and improved natural habitat for vegetation and wildlife on this site. It is recommended that permission be granted subject to conditions.

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: David Baker
Direct Line Telephone Number: 01992 564514***

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

Report Item No: 5

APPLICATION No:	EPF/2542/11
SITE ADDRESS:	11 Daleside Gardens Chigwell Essex IG7 6PR
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Jin Yun Yang
DESCRIPTION OF PROPOSAL:	Loft conversion including a side and rear two storey extension and a single and part two storey front extension including landscaping to the front. (Revised 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=533653

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 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.
- 3 Prior to first occupation of the development hereby approved, the proposed roof lights and the window opening(s) on the first floor of the 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.

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 subject site is located on the northern side of Daleside Gardens approximately 160 metres south west of Vicarage Lane within the parish of Chigwell. The site itself is regular in shape and is relatively level.

Located to the front of the site is a double storey detached building that is finished in render with a plain tile roof. Off street parking is located on the hard standing area in front of the dwelling. A medium size timber paling fence is located on the side and rear boundaries which is used to screen a private garden area to the rear of the site.

The subject site is located within a well established residential area that mainly comprises of large double storey detached dwelling houses. Dwellings within the surrounding locality have consistent setbacks from the highway and space/gaps between buildings form an important component to the character of the surrounding area.

Description of Proposal:

The applicant seeks planning permission for the construction of a single and double storey front extension, a single and double storey rear extension and a loft conversion that is to incorporate a rear dormer window.

The ground floor element of the front extension would project 2.1 metres from the south western corner of the existing dwelling house and 0.6 of a metre from the south eastern corner resulting in the front of the building being squared off at ground floor level. The extension would comprise of a pitch roof.

The first floor front extension would result in widening the existing double storey front projecting element of the dwelling house to incorporate a balcony. The width of the front projecting element would be increased from 4.3 metres to 6.2 metres and as a result the roof form of this element would be increased in height and also widened.

Currently the rear façade of the dwelling house has staggered setbacks. The proposed rear extension would also square off the rear of the building. The ground floor of the extension would project 5.5 metres from the north western corner of the dwelling house and 3.6 metres from the north eastern corner. The width of the extension would be the same as the existing width of the dwelling house, 13.2 metres. The first floor element of the rear extension would more or less have the same dimensions as the ground floor. The only exception is that it would be set in 0.5 of a metre from the ground floor's rear façade.

Further living accommodation comprising of 2 bedrooms and an en-suite is proposed as part of the loft conversion bringing the total amount of bedrooms within the dwelling house to six. The proposed dormer window would project 2.1 metres from the roof slope; have a height of 1.7 metres and a width of 6.1 metres.

A new hard paved/garden area is also proposed to the front of the existing dwelling house.

Relevant History:

EPF/1370/11 - Two storey front and rear extensions. Single storey front and rear extensions. Alter the roof into gable end and loft conversion involving the construction of rear dormers. Landscaping to front with garden Boundary Walls. (withdrawn)

EPF/1883/11 - Proposed loft conversion including a side and rear two storey extension and a single and part two storey front extension including landscaping to the front with garden boundary walls. (Revised application) (withdrawn)

Policies Applied:

Local Policies:

CP2 Protecting the Quality of the Rural and Built Environment

DBE9 Loss of amenity

DBE10 Residential Extensions

Summary of Representations

CHIGWELL PARISH COUNCIL – Object.

The Council objects to this application on the grounds that it is of poor design, overbearing, overlooking and will impact on neighbours light. They are also concerned that the street scene will be affected.

NEIGHBOURS – the application was notified to 7 neighbouring properties and the following responses have been received:

3 PARKLAND CLOSE, CHIGWELL – Objects.

- The proposed development would result in a loss of privacy.
- The proposal would create a precedent for other similar types of development.
- If permission was granted, then the dormer window should be obscured glazed to prevent overlooking.
- The scale of the development is out of proportion with other adjoining properties.
- Submitted plans are inaccurate. Particularly the scales on the block plan.
- The scale of the development represents more than a 50% increase in the building volume and has an overbearing impact on adjoining properties.
- The scale of the development leading to 6 bedrooms lends itself to increased occupation; while off street parking is limited to two off street vehicles. The character of the area would be affected due to the increase in on street parking.

9 DALESIDE GARDENS, CHIGWELL

- The proposal would result in an overdevelopment.
- It would set a precedent to extend other houses and make this side of the road overcrowded.
- These are exclusive homes and not a terrace row.
- Lack of off street car parking
- It would result in a loss of light to adjoining dwellings.
- It would result in increasing pressure on infrastructure, such as sewers and water supply.
- It would be out of character with the surrounding area.

11a DALESIDE GARDENS, CHIGWELL

- The appearance of the property is not in keeping with the surrounding area.
- Both the front and rear extension would result in a loss of light to habitable room windows and rear patio area.
- The loft extension would overlook the garden area resulting in a loss of privacy.
- The building would appear bulk and out of scale to adjoining properties.

Issues and Considerations:

The main issues to address in this case are:

- Design and Appearance
- Neighbouring amenities
- Other Issues

Design and Appearance:

Turning to the design and siting of the front extension, although it is not ideal for any front extension to project past the consistent front building line of adjoining properties, given that it is only 0.6 of a metre and is at ground floor only, it is considered that on balance the siting of the front extension is appropriate and that front setbacks from the highway would remain relatively consistent.

The size of the front extension is also appropriate. It is considered that the proposed single storey front extension and the widening of the front projecting element would not result in an excessive amount of bulk or massing.

The front of the building would remain well articulated and visually interesting. The front façade would be well balanced and symmetrical with ground and first floor windows aligning with one another. Further features have been incorporated into the design that are found elsewhere within Daleside Gardens such as the recessed porch and the front balcony.

The proposed rear extension is also considered to be appropriate in terms of its design and siting. The siting of the development would be in approximate alignment with extensions on adjoining properties. As such it would not be at odds to the character of the surrounding locality.

Although the extension would be double storey right across the width of the original dwelling it is considered that it would not add an excessive amount of bulk and massing to the original dwelling house. Given that it conforms to the rear building lines, on balance it is considered that the rear extension is appropriate in relation to its scale, form and size.

The proposed dormer window is also considered to be appropriate. It is well proportioned, subservient to the roof slope and is set below the ridgeline and off the eaves.

The new hard paved/garden area would not harm the appearance of the street scene. In fact, it would be an improvement upon the existing hard standing area as currently it appears tired and in a poor state.

The proposed development is appropriate in relation to its design and appearance in that it would not result in a detrimental impact to the character and appearance of the surrounding locality and the street scene.

Neighbouring amenities:

Turning to the point raised by adjoining neighbours and the Parish Council in that the development would be overbearing, both the front and rear extensions would be within the imaginary 45 degree line taken from the corner of adjoining dwellings. It is considered that the development would not be visually intrusive when viewed from adjoining properties and would not amount to an unneighbourly development.

It is noted that both adjoining properties have flank windows on the ground and first floors. These windows are either for bathrooms, landing areas or are secondary windows to habitable rooms. It is noted that there would be some minor overshadowing of adjoining properties however none significant enough to warrant a reason for refusal. It is considered that adequate sunlight and daylight would be achieved to adjoining habitable rooms and private open spaces areas for the majority of the day.

It is considered that the proposal would not give rise to any excessive overlooking. It is noted that a new dormer window is proposed and it would have the potential to overlook into adjoining properties' rear garden areas. However existing first floor windows already have the potential to do this. Moreover, it is not unreasonable for some overlooking within built up residential areas. New first floor flank windows would be conditioned to be obscured glazed to remove the potential of direct overlooking into adjoining properties.

Another issue raised within neighbouring representations was if the development was allowed, then a precedent would be set for other similar developments. While a planning permission would be a material consideration, the fact is each application must be assessed on its own merits so the degree of weight to be given to the decision would vary according to the nature of the proposal and site conditions. It would not amount to a precedent and the District Council would still be able to refuse to grant permission for development it assesses as harmful in planning terms.

Conclusion:

In conclusion, the proposed development is appropriate in terms of its design and appearance in that it would reflect the street scene and the character of the surrounding area. It would not have a detrimental impact to the amenities of adjoining property occupiers. The development is in accordance with the policies contained within the Adopted Local Plan and Alterations and therefore it is recommended that the application be approved subject to conditions.

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:

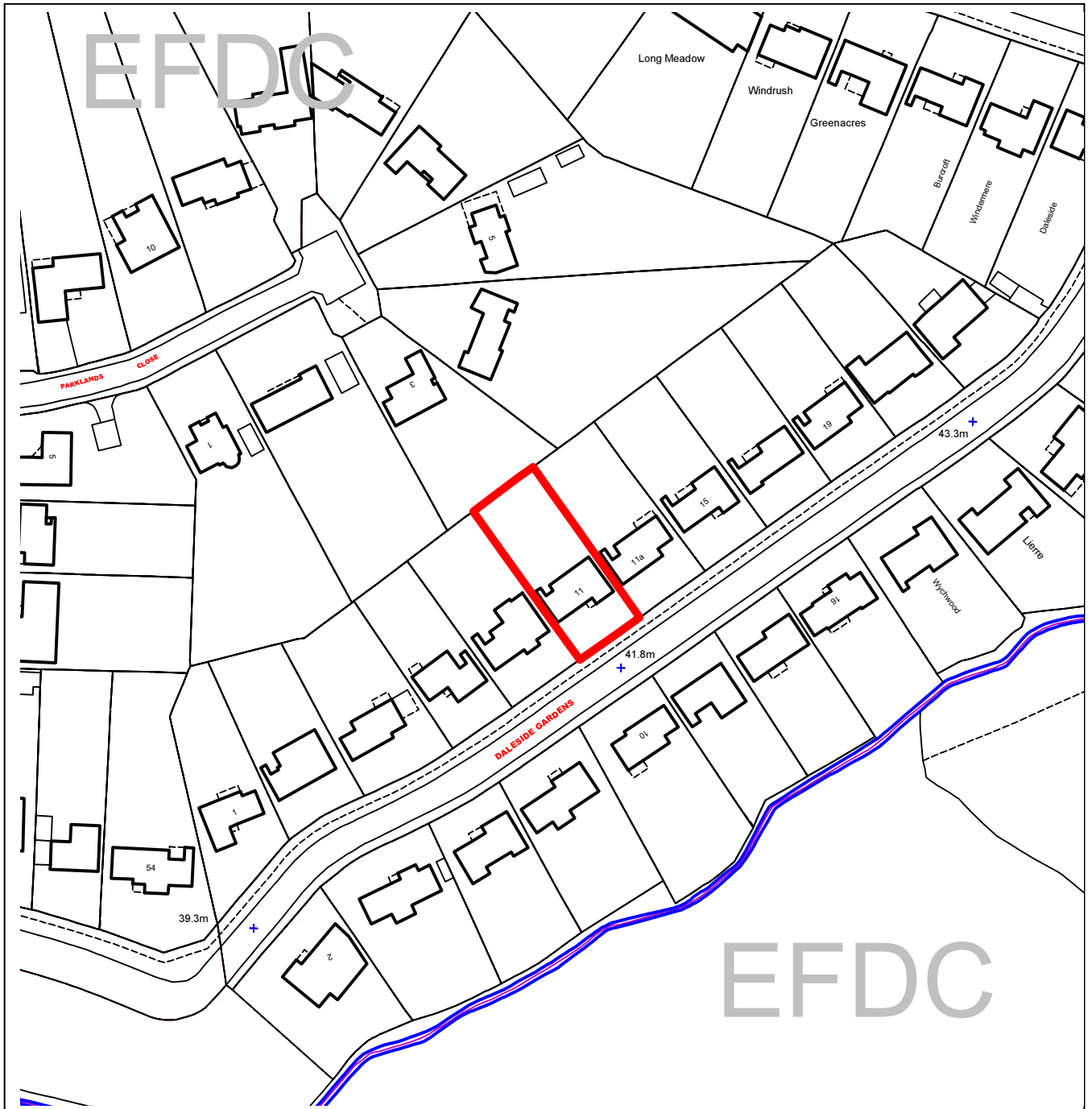
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	5
Application Number:	EPF/2542/11
Site Name:	11 Daleside Gardens, Chigwell IG7 6PR
Scale of Plot:	1/1250

Report Item No: 6

APPLICATION No:	EPF/2601/11
SITE ADDRESS:	Land adjoining Rest Harrow The Kennels Millers Lane Chigwell Essex IG7 6DG
PARISH:	Chigwell
WARD:	Chigwell Row
APPLICANT:	Mr Roger Farthing
DESCRIPTION OF PROPOSAL:	Demolish existing kennels and build a new two bedroom house. Change of use of land to residential.
RECOMMENDED DECISION:	Refuse Permission

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=533933

REASON FOR REFUSAL

- 1 The site lies within the Metropolitan Green Belt where there is a presumption against inappropriate development except in very special circumstances. Adopted Local Plan policy GB2A clearly defines what can be classed as appropriate development and this proposal does not fall within any of the deemed acceptable uses within the Green Belt. Whilst the applicant has advanced a case of very special circumstances, no such exceptional circumstances are apparent in this case that would be sufficient to outweigh the normal presumption against inappropriate development. In addition, any new development must safeguard the character of the countryside. The proposal to change the entire use of land into residential curtilage will further encroach upon the land, and is therefore clearly not appropriate, neither does it safeguard the character of the countryside. The proposals are therefore contrary to the advice contained in Planning Policy Guidance Note 2 and would conflict with Policy GB2A of the Adopted Local Plan and Alterations.
- 2 The Council's policies seek to protect employment sites from redevelopment or change of use to other land uses. No supporting evidence has been provided to clearly demonstrate the site has been actively marketed for a reasonable period for the present use or for a satisfactory alternative community need. As such this fails to comply with policies E4A and E4B of the Adopted Local Plan and Alterations.
- 3 The site is situated in a rural and unsustainable location, isolated from public transport or local facilities, therefore encouraging dependence on private car use which is contrary to the aims and objectives of policies CP1, CP2, CP3, and ST1 of the Adopted Local Plan and Alterations.

- 4 The proposal will result in a new building that is larger and bulkier than the present built form on site. This will further encroach into the Green Belt, and result in a conspicuous building that will harm its openness and rural character. This therefore fails to accord with policies DBE4, CP2 and GB7A of the Adopted Local Plan and Alterations.

This application is before this Committee since it is an application that is considered by the Director of Planning and Economic Development as appropriate to be presented for a Committee decision (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(k))

Description of Site:

The application site comprises a plot of land located on the north-eastern side of Millers Lane, adjacent to residential properties 'Rest Harrow', which is a single storey building containing two dwellings. A large fence marks the frontage of the current site, which is presently vacant and unkempt. The site was previously used as kennels. The surrounding area is predominantly open fields with Willow Park Farm opposite the site to the south. The land has a gentle slope downwards to the east.

There is a dilapidated single storey building within the plot. The building is not listed nor is the site within a Conservation area. The whole site however, is within the Metropolitan Green Belt.

Description of Proposal:

This application seeks planning permission to demolish the existing kennel building and to replace this with a detached dwelling in a different location within the site.

The building will be a chalet style bungalow and it will be 14.9m deep by 8.4 m wide. Its eaves height will be 2.4m and ridge up to 7.5m high.

The accommodation would be spread across two storeys, with the first floor accommodation provided within its roof.

Also proposed is the change of use of the land that will see the entire site used as residential curtilage.

The existing access off Millers Lane will be altered and the entry and egress will be formed slightly west from its present point of entry.

Relevant History:

There have been various applications for extensions to Rest Harrow and in connection with the kennels. The most relevant and relevant applications are as follows;

EPF/0168/06 Outline application for the erection of a single storey dwelling to replace existing kennels. Refused

EPF/0491/75 Erection of 1 No. isolated kennel. Approved

EPF/1034/92 Retention of use as two dwellings. Refused.

CHI/0077/74 Erection of kennels. Approved

Policies Applied:

CP1 – Achieving sustainable design objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Developments
DBE1/2 – Design of New Buildings
DBE4 – Design in the Green belt
DBE9 – Amenity of Neighbouring Properties
DBE8 – Private Amenity Space
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
H2A – Previously developed land
ST4 – Road Safety
ST6 – Vehicle Parking
LL1/ LL2 – Rural Landscape Character, Appearance and Use
LL10 – Retained Landscaping
LL11 – Landscaping Schemes

Summary of Representations:

Notification of this application was sent to Chigwell Parish Council and to 9 neighbouring residents.

The following representations have been received:

CHIGWELL PARISH COUNCIL – The Council has NO COMMENT on this application, as the applicant is a Parish Councillor.

BILLINGSBOURNE FARM – Supports the proposal for a new dwelling. Would not want the site to be brought back into use as kennels.

THRIFT HOUSE, GRAVEL LANE – Supports this application on grounds that the kennels are extremely noisy and create additional traffic along Millers Lane, which is a narrow country lane. A two-bedroom bungalow would be more suited. It would remove another commercial building from the Green Belt.

BILLINGSBOURNE BARN – Strongly supports this application on grounds that the Kennels should never be re-opened because it would have a detrimental effect on noise pollution. There is also increase in traffic due to commercial operation that would affect highway safety.

SPRIGS FARM, SPRIGS LANE, BLACKMORE – Supports the application to demolish and replace with bungalow. The kennels have not been used for 8 or 9 years. If they were re-opened, they would cause unacceptable levels of noise and traffic.

SHEEPCOTES, LAMBOURNE ROAD – Supports the removal of kennels and replacement with bungalow.

Issues and Considerations:

This application, which is recommended for refusal, is presented to Members for decision in view of the numbers of neighbours who support the proposal. The main issues to be considered when assessing its merits are the appropriateness of the proposed development in the Green Belt, consequences for the character and openness of the Green Belt, whether there is justification for

the loss of an employment site and whether very special circumstances exist that outweigh any harm identified. In addition, consideration will be given to the impact on amenities of the occupiers of neighbouring dwellings and any impact to the interests of parking and highway safety.

Relevant planning history for the site

The history for this site shows an outline application was sought to erect a single storey dwelling to replace existing kennels at this site under planning application ref: EPF/0168/06. This was refused planning permission.

Other relevant history around the site is the adjacent site 'Rest Harrow' which is presently subdivided into two separate residential units. However, history shows planning permission was refused for a proposal to separate this into two separate units in 1992. The kennels were approved in the 1970s for use by the occupants of Rest Harrow.

New development on Green Belt

The site is located within the Metropolitan Green Belt. The Council policy clearly states there is a presumption against new buildings except for the use of agriculture and other appropriate uses. Therefore, any development outside of the stated categories represents inappropriate development and should be resisted. New residential development can only be allowed in very special circumstances.

The proposal is to erect a new, detached two-storey residential property, which is clearly deemed inappropriate development in the Green Belt. Despite there being Willow Park Farm house to the south and two properties 1 and 2 Rest Harrow, the area appears quite rural and it exhibits wide open spaces.

The applicant has also cited 'very special circumstances' because the site already accommodates a large kennel building and replacing it with the new dwelling would serve to tidy up the site and bring it back into use. The statement also argues that there is a reduction in the footprint from the present built form of 112.5sqm to 104 sqm, some 8sqm reduction.

There is some inaccuracy with the existing drawings submitted for the kennels because the drawings show a larger building than the building on site, which is a dilapidated building with an extremely shallow pitched roof. Due to the state of the building, it is not suitable to be converted into residential use. Furthermore, even if the footprint shown on the submitted drawing is accepted, the replacement building is significantly higher than the present built form. The claimed 8sqm reduction in floor area is a negligible amount and does not result in a more open aspect overall.

Due to its excessive height, the proposed new dwelling would result in further urbanisation of the area. The fact that the dwelling will replace an existing derelict kennel building does not amount to very special circumstances. No very special circumstances have therefore been demonstrated. Government Guidance Note PPG2 gives advice that there is a presumption against inappropriate development within the Green Belt, which this will clearly be.

Conspicuous Development in the Green Belt

When seen from the front, the new dwelling appears to have a narrow façade that on the face of it, would appear to be acceptable. However, when viewed from an oblique angle the proposed building will be significantly higher than the boundary fence thus it will be clearly visible from the road and from the surrounding countryside due to its excessively high roof. The roof brings the overall height of the building to 7.5m. Therefore, the new building would be higher than the properties at Rest Harrow. It will result in a conspicuous building that would be out of keeping and

out of character in its rural context. This is clear when the proposed dwelling is compared with the height and scale of the bungalows at Rest Harrow.

Despite the argument in the applicant's supporting statement that the site would become more open along its front boundary, if this proposal were to be approved, it is reasonable to expect the existing high timber fencing to remain in-situ because this would be needed in order to ensure privacy for future occupiers. The view from within the site will therefore not become more open if this proposal were to be approved.

In their statement, it is also suggested that the openness of the Green Belt can be safeguarded by removing permitted development rights for the site in respect of new outbuildings and hard surfaces. Whilst this can be secured by planning condition, it does not prevent encroachment into the residential curtilage by domestic paraphernalia. This would see the future occupiers using the garden for domestic paraphernalia such as play equipment, washing lines, garden furniture, etc.

Therefore, the argument put forward in their statement does not amount to very special circumstances to allow for inappropriate development of this site.

Sustainable development

The site is in a relatively remote location not well served by public transport or within convenient walking distance of services. Consequently future occupiers will be heavily reliant on private car use. Encouraging a new residential development in such a remote location would be contrary to the provisions of the Council's policies that encourage sustainable patterns of development in the more urban areas. A rural area such as this fails to achieve sustainable development objectives.

Design of new buildings and impact on the character and appearance of the area

The immediate property 'Rest Harrow' is a pair of bungalows with shallow roofs. Although the proposed building is narrow in plan form from the front, due to its extremely high pitch, the roof is extraordinarily high. Its roof would appear visually prominent when seen from the sides i.e. the west and east elevation. It would be higher than its boundary.

Even if the Local Planning Authority were to impose strict controls regarding the types and colours of all the external materials to be used, this will not mitigate its visual impact due to the proposed building's excessive height, depth and bulk of its roof. It is considered that the design of the new dwelling would poorly relate to the vernacular of its rural setting, the neighbouring properties and open rural character of the area.

The design of the proposed new dwelling would therefore be out of keeping within the locality. It would not complement the aesthetics of the surrounding rural countryside and it does not fit in within its surroundings.

Neighbouring Amenity

In considering neighbouring occupiers amenity, the proposed new dwelling is adequately set back from neighbouring properties and will not result in overlooking, loss of light or privacy. It is considered that there would be no loss of amenity to neighbouring occupiers.

The proposed private garden areas that form the curtilage for this new dwelling would give rise to a significant level of amenity space that would be more than adequate for the future occupants of the proposed dwelling.

Employment site

It is accepted that the site is presently vacant and has been so for an undefined length of time. There is however, no supporting evidence submitted with the application that demonstrates the length of time this site has been left vacant.

In addition, there is no evidence to suggest whether an alternative employment use has been sought for this site. The supporting statement argues that the special circumstances in this case for the loss of an employment site include the fall in net income and decline in viability given the economic nature for kennelling purposes. In addition, due to the limited size of the plot, it makes it difficult to market. However, this does not demonstrate other community uses have been explored. It does not follow that the site would be better suitable for open market housing.

Despite the strong support shown by neighbours, it has not been proven that in order to prevent the kennels being re-instated this amounts to very special circumstances that outweighs the loss of an employment site. Any approval on this basis would amount to a material consideration of some weight in favour of a similar proposal for giving consent to residential reuse of commercial premises without proper supporting evidence.

Therefore, although this site is presently derelict, its lawful use is for commercial purposes that could generate employment opportunities. It has not been demonstrated that this site is considered suitable for a change to non-employment use i.e. residential.

Parking and Highway safety

The garage size does not comply with the garage size contained within the Adopted Parking standard. Notwithstanding the limited size of the garage there appears to be adequate off street parking at the front to allow off street parking for up to three cars. On that basis there is no objection to the proposal on parking and highway safety grounds.

Other Matters

Impact on Trees and Landscaping - No tree or landscape concerns with this proposal.

Contaminated Land – due to the previous use of the site as Kennels and the presence of an in-filled pond, there is potential for contaminants to be present on the site. Accordingly, the submission of a phased contaminated land survey should be required by the use of planning conditions, along with any mitigation methods considered necessary should approval be granted.

Conclusion:

This application is unacceptable because it will result in the erection of a new residential dwelling within the Green Belt. The special circumstances that have been put forward in this case have been given consideration but are not considered sufficient to outweigh the harm caused by the proposal.

In light of the above appraisal, it is considered that this new dwelling is at odds with Government Advice and contravenes this Council's Green Belt policies. The overall height and size of the building, is also unacceptable in its rural context because it would cause further harm to the openness of the Green Belt.

The possible loss of an employment site is also not supported. The proposed development cannot be mitigated by the use of planning conditions. On this basis, the proposal fails to accord with Local Plan policies and it is therefore recommended that planning permission be refused.

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:

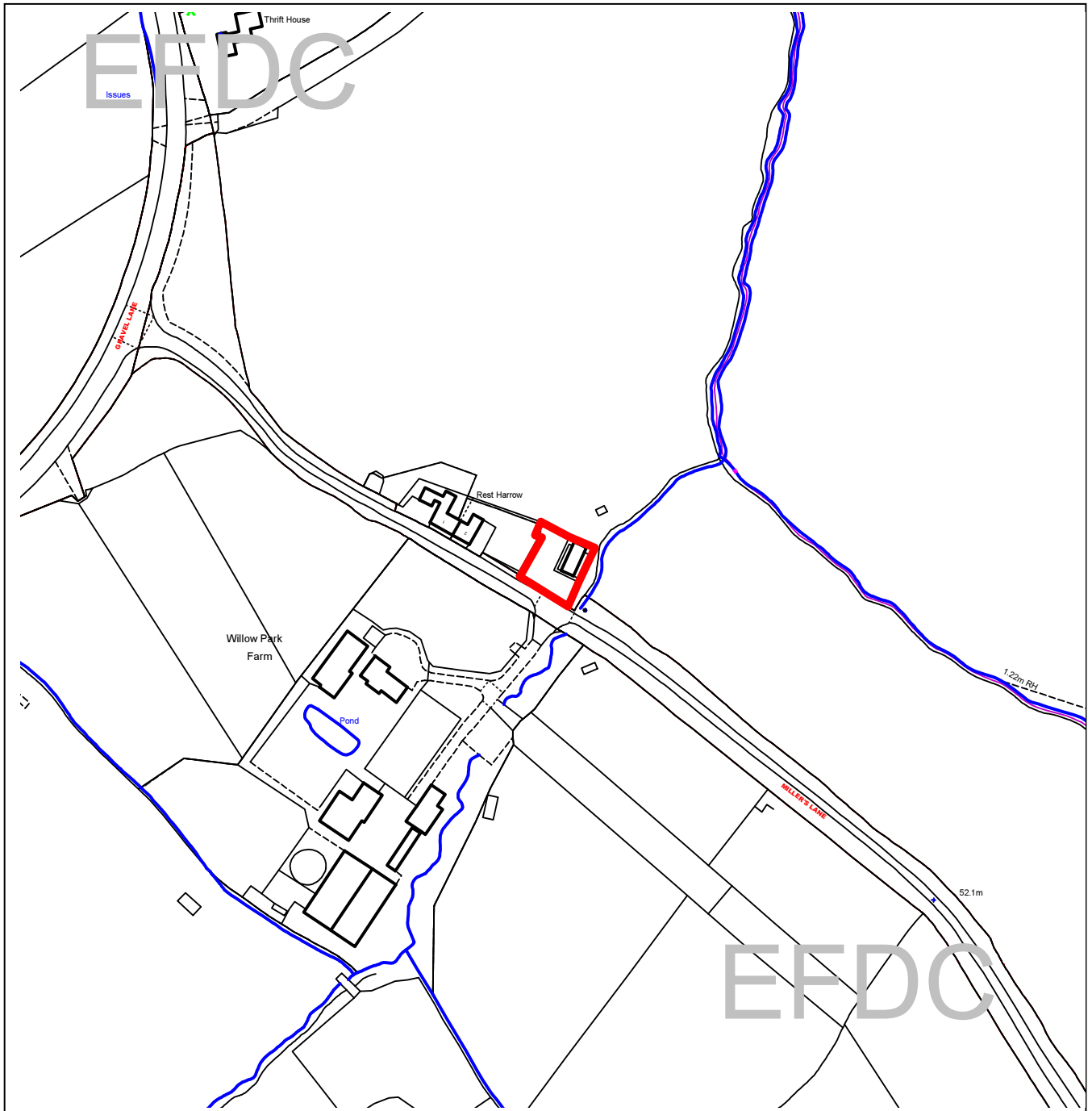
Planning Application Case Officer: Ms Paula Onyia
Direct Line Telephone Number: (01992) 564103

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	6
Application Number:	EPF/2601/11
Site Name:	Land adjoining Rest Harrow, The Kennels, Millers Lane, Chigwell, IG7 6DG,
Scale of Plot:	1/2500

Report Item No: 7

APPLICATION No:	EPF/2610/11
SITE ADDRESS:	206 Queens Road Buckhurst Hill Essex IG9 5AX
PARISH:	Buckhurst Hill
WARD:	Buckhurst Hill West
APPLICANT:	Dr Sabu Jacob
DESCRIPTION OF PROPOSAL:	Demolition of existing detached house and erection of replacement dwelling, front wall with piers and railings.
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=533973

CONDITIONS

- 1 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 2278B-01, 02a, 03a, 04a, 05, 06a, 07, TPC_QR 1 Issue A.
- 2 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.
- 3 If any tree, shrub or hedge shown to be retained in accordance with the approved plan, TPC_QR_01 Issue A, is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place, unless the Local Planning Authority gives its written consent to any variation. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 4 No development, including works of demolition or site clearance, shall take place until a Tree Protection Plan and Arboricultural Method Statement in accordance with BS:5837:2005 (Trees in relation to construction) has been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved Tree Protection Plan and Arboricultural Method Statement unless the Local Planning Authority gives its written consent to any variation.

- 5 No development shall take place, including site clearance or other preparatory work, until full details of hard and soft landscape works (including tree planting) and implementation programme have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure and car parking layout. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant 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.
- 6 The proposed window opening in the western flank elevation at first floor level shall be 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.
- 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 and B shall be undertaken without the prior written permission of the Local Planning Authority.
- 8 Wheel washing or other cleaning facilities for vehicles leaving the site shall be installed and maintained in working order prior to the commencement of the development. The approved installed cleaning facilities shall be used to clean vehicles immediately before leaving the site.
- 9 All construction/demolition works and ancillary operations, including vehicle movement on site which are audible at the boundary of noise sensitive premises, shall only take place between the hours of 07.30 to 18.30 Monday to Friday and 08.00 to 13.00 hours on Saturday, and at no time during Sundays and Public/Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 10 All material excavated from below ground works and materials from the demolished building shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.
- 11 Prior to the 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.

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)) and since it is 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).)

Description of Site:

The proposal site contains a large detached dwelling which would be demolished to accommodate the works. The plot is more generous than those in the immediate vicinity and extends for some distance to the rear. The site is located on the main entry point into Buckhurst Hill town centre. The immediate area contains a mix of dwelling styles, a blend of old and newer houses, including some Locally Listed Buildings; however the area is not within a conservation area. The site slopes slightly from west to east and the house is set approximately 0.50m above the level of the road.

Description of Proposal

The proposal is a revised application following the refusal of planning consent (EPF/0732/11) and the subsequent dismissal of an appeal to the Planning Inspectorate (APP/J1535/A/11/2158549). The proposal is to demolish the existing two-storey dwelling on the site and replace it with a new detached structure. The proposed dwelling would have a similar styled front elevation to the building that it would replace. A detached garage to the eastern side would be replaced by an attached 1½ storey projection with front and rear dormer windows. A box dormer window would be inserted on the rear elevation roof slope. The roof would be hipped with differing ridge height levels to a height of 10.5m. A wall with railings and piers would be constructed along the front and side boundary with a height ranging from 1.4m to 1.8m.

Relevant History:

EPF/0085/11 - Demolish existing house and erection of new family dwelling. Withdrawn Decision - 16/03/2011

EPF/0732/11 - Demolish existing house and build new single family house. (Revised application) Refuse Permission – 20/06/11. Appeal dismissed – 18/11/11.

Policies Applied:

Policy CP1 – Achieving Sustainable Development Objectives
Policy CP2 – Protecting the Quality of the Rural and Built Environment
Policy CP3 – New Development
Policy CP4 – Energy Conservation
Policy CP5 – Sustainable Building
Policy CP6 – Achieving Sustainable Urban Development Patterns
Policy CP7 – Urban Form and Quality
Policy DBE1 – Design of New Buildings
Policy DBE2 – Effect on Neighbouring Properties
Policy DBE3 - Design in Urban Areas
Policy DBE8 – Private Amenity Space
Policy DBE9 – Excessive Loss of Amenity to Neighbouring Properties
Policy ST1 – Location of Development
Policy ST2 – Accessibility of Development
Policy ST4 – Road Safety
Policy ST6 – Vehicle Parking
Policy H2A – Previously Developed Land
Policy LL10 – Adequacy of Provision for Landscape Retention
Policy LL11 – Landscaping Schemes

Summary of Representations

BUCKHURST HILL PARISH COUNCIL: Objection. Not in keeping with surroundings and overbearing. Gates and railing's not in keeping. Concern about the retention of trees on landscaping drawing. Inconsistency between plans and elevations and overlooking on side of No204 Queen's Road.

(35 properties consulted – 6 replies received).

204 QUEENS ROAD: Objection (2 Letters). Inconsistency in plans east floor plan shows two windows and the elevation plan show none. Large bulky wall, double the length of existing, devoid of character facing my house. Loss of privacy. Loss of view from my home office. No respect paid in scale or bulk to adjacent properties. The proposal has no architectural merit and the gates are out of keeping. Reference is also made to inspector's comments on refused scheme.

189a QUEENS ROAD: Objection (2 Letters). Roof line will appear bulky and out of scale. Concern about lorry movements to and from the site. There is room for parking for more than two vehicles to the front. Changes to the width of the entrance to the site will impact on pedestrian safety. Inconsistency in plans east floor plan shows two windows and the elevation plan show none. The demolition of the building will cause noise, pollution and traffic problems. Building will be out of keeping. Loss of view of the woods. Gates out of keeping.

191 QUEENS ROAD: Objection. Seems ridiculous to demolish a perfectly good house. Loss of privacy. Virtually the same as refused scheme. Loss of parking space and gates would be out of keeping.

150 QUEENS ROAD: Objection. This house is too big and would adversely affect the visual amenities of the locality.

1 LUCTONS AVENUE: Objection. I recognise the efforts gone into the new design to gain planning, except for electronic sliding gates. They are definitely out of character with ingress/exit to a house in Queen's Road and totally unnecessary. If this application is passed it sets a precedent for the demolition of more character properties on the flimsy excuse of 'not fit for purpose', and the very real possibility of Buckhurst Hill becoming a soulless place of over-large and vulgar housing.

6 THE MEADWAY: Objection. The new design is still bulky and dominating with hideous electronic gates and therefore the Inspector's comments are still valid and we strongly object. There is an extensive site to the rear with plenty of room to extend this property without losing the frontage of character in one of Buckhurst Hill's key roads.

Issues and Considerations:

The main issues that arise with this application relate to:

- Design Considerations
- Residential Amenity
- Highway Matters/Parking
- Trees and Landscape
- Planning history/ Planning Inspectorate decision.

Design Considerations

The previous application was the subject of an appeal to the Planning Inspectorate, following a refusal at committee level, where it was subsequently dismissed on design grounds. The Inspector's decision, which is a material planning consideration, must be given appropriate weight and provides a good starting point in the judgement of this proposal and to ascertain if previous concerns have been overcome.

The Inspector firstly supported the Local Planning Authority's previously held view that although the immediate area has some buildings of local architectural merit the dwelling on the application site, whilst pleasant, was not worthy of retention.

The Inspector was of the opinion that the house retained generous gaps to the side boundaries which give the site a spacious setting. There was concern that the lack of a staggered front elevation resulted in an overly large, bland structure that related poorly to its neighbours. The applicant has attempted to address this concern by staggering the front elevation along the same footprint of the existing building. The bulky projection along the boundary with No204 Queen's Road has been reduced with a chalet style element with front and rear dormer windows in a deeply hipped roof. The height of the main ridge has been reduced by approximately 0.50m to reduce bulk. The building has been altered to respect the design of the structure it would replace. The chalet style element reduces bulk and ensures a more open feel whilst benefiting from the greater frontage that this property has. The step down to the chalet style element suggests a subsidiary extension to the main house and pays much closer attention to its relationship with the adjacent dwelling in an acceptable manner. It is considered that the resultant dwelling would be less dominant in the streetscene and more in keeping with surrounding development. The chalet style roof and single storey garage to the western side retain a level of openness and the proposal is now less intrusive and apparent within the streetscene.

The attempt at Georgian architecture, alluded to by the Inspector, has been resisted on this occasion. It had previously been the Local Planning Authority's position that the proposal was more an attempt to reference classical architecture as opposed to a true attempt to mimic the Georgian style. In any case this design which instead references the building it would replace is much more appropriate. The dormer windows, also a concern, have been removed from the main roof plane and their positioning on the chalet style element is much more inconspicuous. Although dormer windows are not a characteristic of Queen's Road, well designed dormer windows that do not dominate the subject dwelling are an acceptable design solution to achieving increased floorspace. The proposal contains a box dormer on the rear elevation. The design of this is generally acceptable. It would not be visible from within the streetscene and is a common solution to creating loft space at the rear of buildings. It is therefore concluded that, on the issue of design, the applicant has addressed the concerns of the Planning Inspectorate and Members and has proposed a dwelling which is now more suitable for this plot at this location.

The proposal includes a wall with piers and railings to the front. Electronic gates have been removed from the application by way of amended plans. The proposed railings and piers are not excessively high and would not be out of character.

Neighbour Amenity

The single storey garage would be adjacent to the western neighbouring property, No208. This house is served by three side elevation windows. The single storey nature of the development would ensure that there would be no serious loss of light to these windows. A window on the ground floor level would already suffer some loss of light from an existing structure at the boundary, and there would be no material change to this scenario.

The proposal replacement dwelling would increase the bulk and scale of the dwelling at the boundary with No204. The bulk has been reduced from the previous application which was two-storey with a hipped roof above. The chalet style roof above a single storey would not appear intrusive and although there would be some overshadowing of the garden area in the later part of the day it would not seriously encroach on amenity. There would be no loss of light to rear facing windows. The comments from the adjacent neighbours at No204 about loss of view are noted however it is a well established planning principle that loss of a private view is not a material planning consideration. Serious loss of visual amenity has already been discounted.

Highway matters

There is adequate space for parking to the front, as indicated on drawing 2278B-04a and the proposal would have no impact on highway safety, utilising an existing crossover.

Trees/Landscaping Issues

There is a group of trees in the rear garden (Yew, Scots Pine and Horse Chestnut) which provide good screening to the properties to the rear. The tree report submitted with this application shows that they can easily be accommodated for without their wellbeing being compromised during demolition and construction activities. The trees section of the Council has been consulted and suggests tree protection and retention conditions to ensure that these trees are retained. A condition requiring hard and soft landscaping details has also been required. The application will be conditioned accordingly.

Neighbour Comments

Some of the neighbour and Parish Council concerns have been addressed in the preceding text. However other issues have been raised. An inconsistency in the submitted plans has been brought to attention by a number of objectors. An amended plan, 2278B-03a, has been received to confirm the two side facing windows on the east elevation flank. These raise no concerns being at ground floor level and part obscured by an existing wall and some screening. Concern about disturbance during the construction phase has been alluded to; this can be controlled to some degree by an hours of construction condition. Comments have referred to loss of amenity to residents in Knighton Lane. However the distance from the rear elevation to rear boundary (30m approx) would not give rise to serious overlooking.

Other Matters

It is considered appropriate to remove permitted development rights for Classes A and B for extensions to the dwelling as this could have an adverse impact on neighbour amenity and add significant bulk to an already large dwelling and should fall under the control of the Local Planning Authority.

Conclusion

The proposed dwelling has overcome previous concerns with regard to design and would now have an acceptable impact on the existing streetscene. The bulk and scale has been reduced to an acceptable level which now retains a level of openness to the site. There are no serious concerns with regard to amenity. Therefore having regard to all material planning considerations this proposal is deemed acceptable and recommended for approval with conditions.

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:

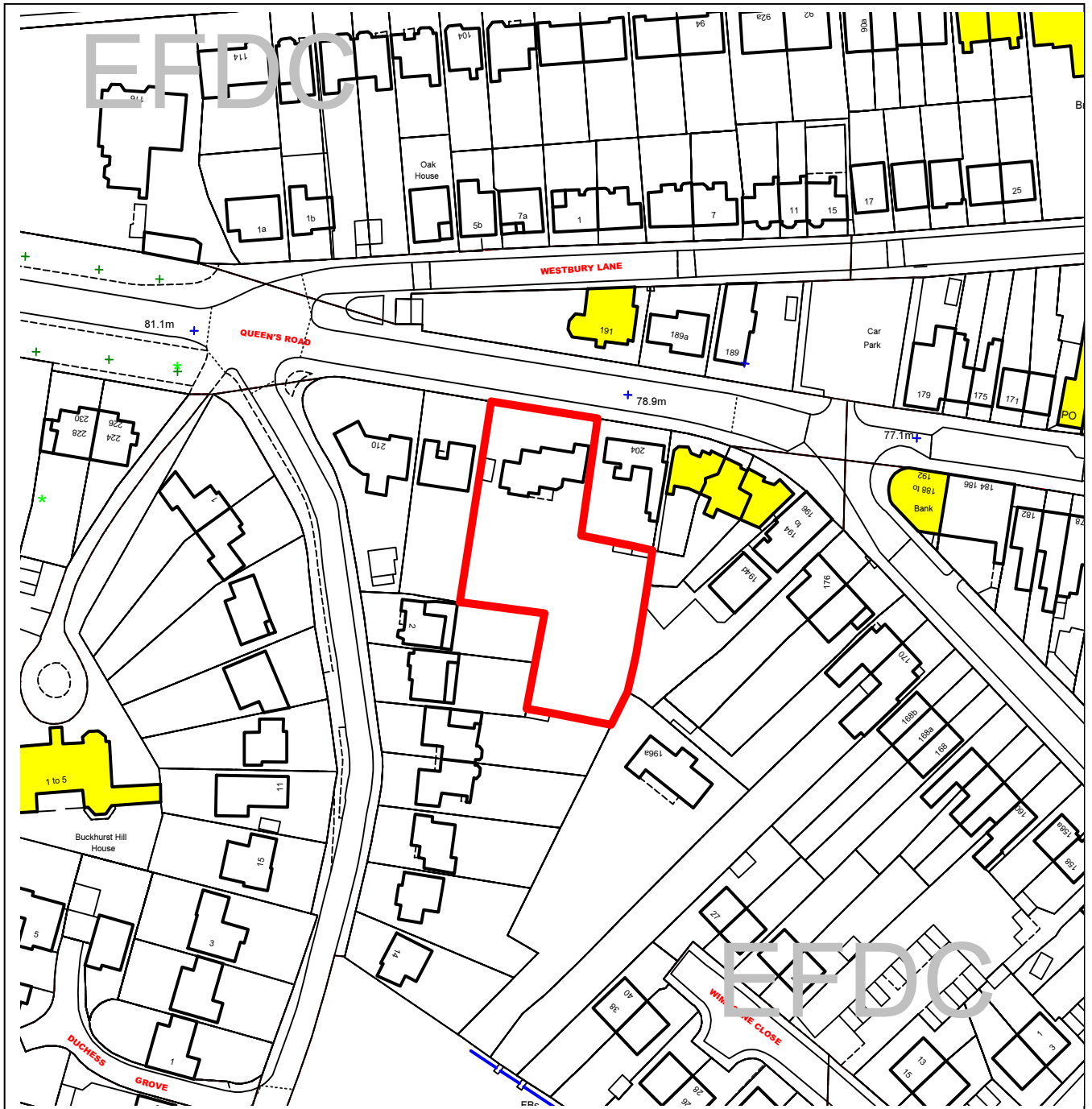
**Planning Application Case Officer: Dominic Duffin
Direct Line Telephone Number: 01992 56433**

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	7
Application Number:	EPF/2610/11
Site Name:	206 Queens Road, Buckhurst Hill IG9 5AX
Scale of Plot:	1/1250

Report Item No: 8

APPLICATION No:	EPF/0003/12
SITE ADDRESS:	Roding Cottage Roding Lane Chigwell Essex IG7 6BE
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Ms Karen Peterson
DESCRIPTION OF PROPOSAL:	Removal of agricultural occupancy condition attached to CHI/173.A/70.
RECOMMENDED DECISION:	Grant Permission

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=534015

CONDITIONS

NONE

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 Site:

The application site is located on the southern side of Roding Lane virtually opposite the private entrance into the Old Chigwellians sporting facilities on the outskirts of the parish of Chigwell.

The site once formed a pair of agricultural workers dwellings in connection with the main dwelling house. The pair of dwellings was used to accommodate staff for the supervision of horses stabled on the premises in connection to racing and hunting. The pair of dwellings was converted into one dwelling in 2001. The site has its own vehicle access, off street parking and private garden area.

The subject site and the surrounding area are located within the Metropolitan Green Belt.

Description of Proposal:

The application is for the removal of an agricultural occupancy condition attached to planning permission CHI/173A/70. The application was for the erection of a pair of semi-detached houses. This was granted permission subject to two conditions, one relating to development in accordance with the approved plans and the other, which is the subject of this application, is set out below:

“The occupation of the dwellings shall be limited to persons employed in connection with the management of the house, its grounds and stables or in agriculture as defined in section 221(1) of the Town and Country Planning Act 1962 and the dependants of such persons”.

Relevant History:

CHI/0278/68 - A stable block, shed and 5 loose boxes (approved)

CHI/0173/70 - Erection of a pair of semi detached dwellings (approved)

CHI/0173A/70 - Details of the erection of a pair of semi detached dwellings (approved)

EPF/1113/75 - Removal of restrictive occupancy condition on CHI/173/70. (withdrawn)

Policies Applied:

Local policies that are relevant to this application are:

GB2A – Development within the Green Belt

GB17A – Removal of Agricultural Occupancy Conditions

Summary of Representations

CHIGWELL PARISH COUNCIL:

The Council OBJECTS to this application on the grounds that there is insufficient evidence provided to support the claim that no agricultural activity has occurred at the property for the required time, to allow the condition to be removed.

NEIGHBOURS:

The application was advertised by placing a site notice on the site. No representations were received at the time of writing this report.

Issues and Considerations:

The main issue with this application is whether or not a sufficient case has been made to justify the removal of the agricultural occupancy condition from the property.

Policy GB2A of the Local Plan establishes the general principles of development within the Green Belt and allows for the erection of a dwelling for an agricultural, horticultural or forestry worker where it has been proven that such a dwelling is required. Policy GB17B sets the principles for removal of an agricultural occupancy condition. This sets out the requirements that must be undertaken/justified before the removal of an agricultural occupancy condition is permitted.

Firstly, the applicant has stated that the dwellings were erected to fulfil a particular need that has long ceased when the M11 motorway was constructed through the area which was once used to exercise horses. Since that time the dwellings have not been used to accommodate agricultural workers. The occupiers of the main dwelling have used the property intermittently since they purchased the land and buildings but state that they have no need for the dwelling to be connected with the running of the main house and associated land. The applicant claims that given there is no longer a functional need for the dwelling due to the material change in circumstances/character of the surrounding area, then there is no longer a need for this type of dwelling.

The property has been marketed at an asking price of £600,000. Three independent valuations of the property from Bairstow Eaves, Phillip Leigh, and Fine & Country Real Estates Agents have valued the property at £1 million if unencumbered by the agricultural occupancy condition.

The property has been marketed through an estate agent with an asking price of around 40% less than the unencumbered market price of the property. It has been advertised locally in the Chigwell Life and Property Mart on at least six occasions in 2011. The property also appeared on the Phillip Leigh Estate Agents website, was advertised in the window of the Chigwell Branch and a 'v' shape 'for sale' board was erected outside the site on Roding Lane. During this time of marketing of over a year, no requests for sales particulars were requested and no viewings took place.

It is also required that the applicant demonstrates and provides a survey of the agricultural community to assess the existing agricultural need in the locality for the dwelling. Although a formal survey has not been submitted, the applicant has made some enquiries into the need for accommodation within the agricultural community. Within the supporting documentation the applicant states that there has been a significant change over the years in terms of how land is utilised. In particular, it is suggested that there are no intensive livestock farms in the area and the land that is used for agricultural purposes is for arable production which is more mechanised rather than labour intensive. It was also concluded that other land within the surrounding area is in use for playing fields for sport and recreation and residential, not agriculture.

Conclusion:

In conclusion, it is considered that sufficient evidence has been presented to demonstrate that there is not a need in the locality for this agricultural dwelling, as such it would not be reasonable to insist on the retention of the condition which would mean that the property would lie empty rather than providing a home. The application is therefore 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:

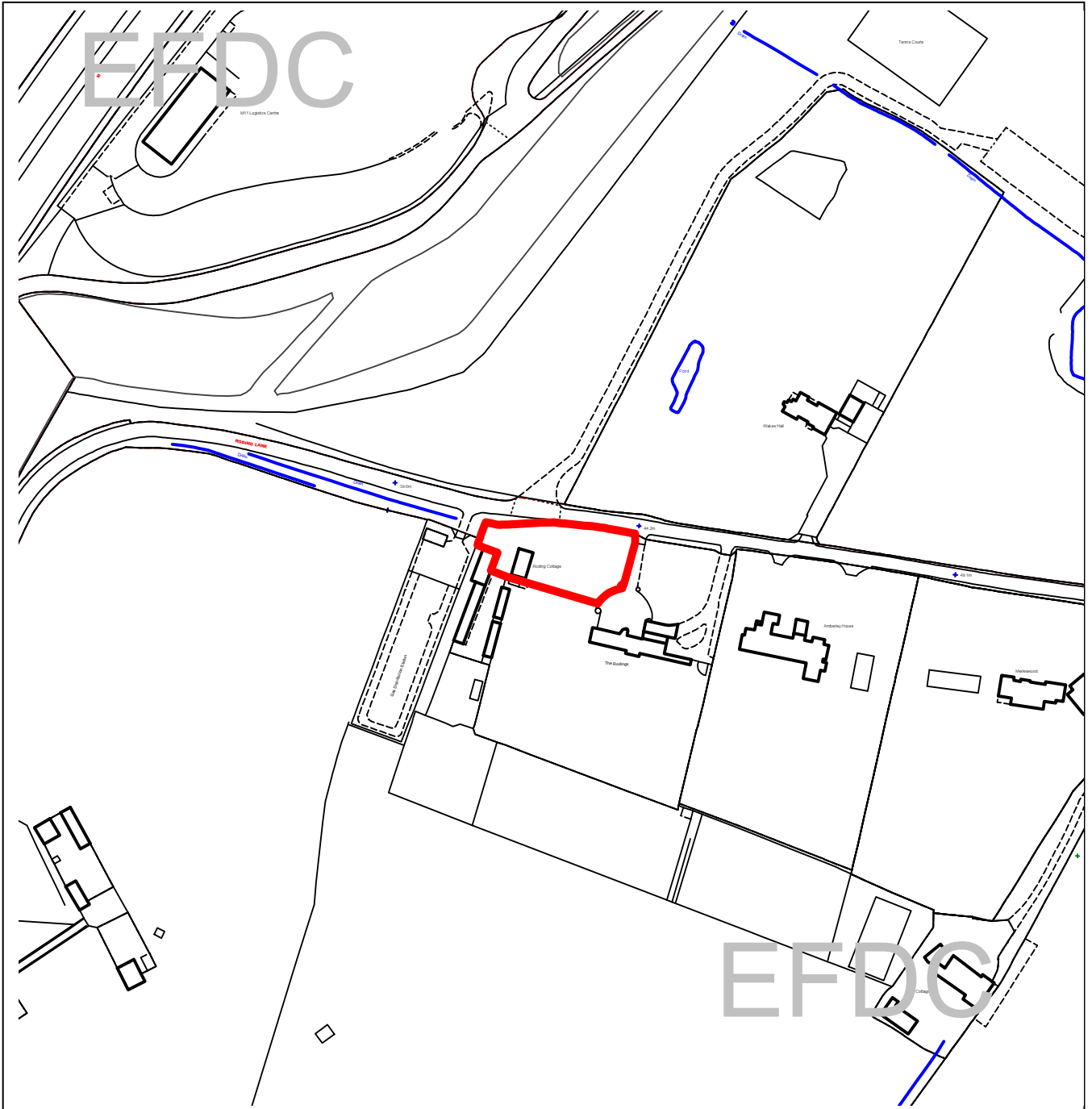
***Planning Application Case Officer: Lindsay Trevillian
Direct Line Telephone Number: 01992 564 337***

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



Epping Forest District Council

Area Planning Sub-Committee South



The material contained in this plot has been reproduced from an Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery. (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

EFDC licence No.100018534

Agenda Item Number:	8
Application Number:	EPF/0003/12
Site Name:	Roding Cottage, Roding Lane Chigwell, IG7 6BE
Scale of Plot:	1/2500