

Extract from Area Planning Subcommittee East 22 May 2013

APPLICATION No:	EPF/0696/13
SITE ADDRESS:	Rear of 8 Margaret Road Epping Essex CM16 5BP
PARISH:	Epping
WARD:	Epping Lindsey and Thornwood Common
APPLICANT:	Theydon Trusts Ltd
DESCRIPTION OF PROPOSAL:	Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing. (Resubmitted application)
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=547831

REASON FOR REFUSAL

- 1 The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.
- 2 The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

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

Description of Site:

The site previously formed the garden to No. 8 Margaret Road, however it has been fenced off from the parent property. The site is located on the western side of Margaret Road, which together with Margaret Close forms a small cul-de-sac containing single storey dwellings owned and operated by Theydon Trust Ltd. This cul-de-sac provides affordable/social housing for those who do not qualify for Local Authority housing. The proposed dwelling would add to this stock of affordable housing provided by Theydon Trust Ltd. The application site slopes downwards to the rear and is situated on land approximately 700mm lower than the neighbour at No. 17 Margaret Close.

Description of Proposal:

A resubmitted application for the erection of a one-bed bungalow to the rear of the site with a private garden and off-street parking. The proposed bungalow would be a simple pitched roof dwelling measuring 4.9m in width and 7m in depth and would have a ridge height of 4m (4.4m at the rear due to the gradient of the land). The proposal would include the provision of three off-street parking spaces within the front/side garden of the site to serve both the new property and the existing dwelling.

Relevant History:

EPF/2124/12 - Erection of single storey affordable dwelling and ancillary works including vehicle access and crossing – refused 20/12/12

Policies Applied:

CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP7 – Urban Form and Quality
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE8 – Private Amenity Space
DBE9 – Loss of Amenity
ST1 – Location of development
ST4 – Road Safety
ST6 – Vehicle Parking

The above policies form part of the Councils 1998 Local Plan. Following the publication of the NPPF, policies from this plan (which was adopted pre-2004) are to be afforded due weight where they are consistent with the Framework. The above policies are broadly consistent with the NPPF and therefore are afforded full weight.

Consultation Carried Out and Summary of Representations Received:

6 neighbouring properties were consulted. No Site Notice was required.

TOWN COUNCIL – No objection.

Issues and Considerations:

The main issues in this application would be the suitability of the site for development, design, amenity considerations, and regarding parking and highway safety. The application was previously submitted and refused under delegated powers in December 2012 for the following reasons:

The proposed development, due to its location and scale, would constitute a cramped form of development out of character with the surrounding area and the street scene, contrary to the guidance contained within the National Planning Policy Framework and policies CP2, CP7 and DBE1 of the adopted Local Plan and Alterations.

The proposed development, due to its location within the site, would result in an excessive and detrimental effect on the amenities of the residents of No. 8 Margaret Road, contrary to policies DBE2 and DBE9 of the adopted Local Plan and Alterations.

This application is a resubmission of the previously refused scheme.

Suitability of site:

The proposed dwelling would be located within the built up urban town of Epping and would be well served by local amenities and sustainable transport means. Whilst the residential gardens of dwellings no longer constitute previously developed land, and as such there is no longer a presumption to develop these areas, this proposal would make better use of an existing, sustainable location.

Notwithstanding the above however, the dwellings within this cul-de-sac follow a fairly uniform pattern based around the central roundabout/turning area within Margaret Close and taking into account the change in levels between Margaret Road and Margaret Close. However the proposed new dwelling would be located to the rear of No. 8 Margaret Road, with its front wall being located some 1m behind the rear wall of No. 8 and overlapping this by approximately 1m, and would extend some 4m beyond the rear wall of No. 17 Margaret Close. This development would introduce a form of 'back-land' development that would be at odds with the built form and overall siting of the surrounding properties.

Design

As well as the above concerns regarding the siting of the new dwelling, the proposed development would have a smaller footprint, lower height, and significantly different appearance to the surrounding properties within this cul-de-sac. This, combined with the location of the dwelling, would result in this building appearing more akin to an ancillary outbuilding rather than a separate dwelling. Although the applicant has used this as part of their argument as they state that "*the proposed location and dimensions of the proposed building conform to the provisions of 'The Town & Country Planning (General Permitted Development) Order'*", Local Plan policy DBE1 states that new buildings must be "*of a size and position such that they adopt a significance in the streetscene which is appropriate to their use or function*". As such, it is considered that a new dwelling should be perceived as a new dwelling rather than an outbuilding. Furthermore, it should be noted that despite the applicants statement that "*a building could be built and used for ancillary living accommodation*", ancillary residential accommodation cannot be built under permitted development, and as such no weight is given to this matter.

Due to the above, along with the previously raised issue regarding the location of the dwelling, the proposed development is considered to be a cramped and poor form of development that would be detrimental to the overall character and appearance of the street scene and surrounding area.

Amenity Considerations

Whilst the proposed development would be single storey and both the new dwelling and existing property would benefit from an adequate level of private amenity space, the new dwelling would be located behind the rear wall of the parent property and would overlap the rear elevation by approximately 1m. Due to its location, this dwelling would clearly result in an undue loss of visual amenity to residents of No. 8 Margaret Road. Whilst it is appreciated that the current occupants are stated to not have any concerns about the proposed new dwelling, the presence of the new dwelling would be in existence long after these particular residents vacate the parent property, and would set a dangerous precedent for other similar backland developments elsewhere in this built up area.

Given the change in land levels and the angle of the properties, the proposed dwelling would not have an undue impact on the amenities of residents of No. 17 Margaret Close.

Due to the above, the proposed development is considered contrary to Local Plan policies DBE2 and DBE9 as it would have an excessive and detrimental effect on the amenities of the neighbouring residents at No. 8 Margaret Road.

Parking/Highways

The application proposes three parking spaces, plus an area of 'informal visitor' parking within the front garden of the site. This would exceed the off-street parking requirements as laid out within the Essex County Council Vehicle Parking Standards 2009.

Other matters

Whilst the applicants are Theydon Trust Ltd. who provide affordable/social housing within this cul-de-sac, and it has been emphasised that this new dwelling would also provide an affordable dwelling, there has been no legal agreement or draft heads of terms submitted to ensure this. Furthermore, it is not considered that the provision of one additional affordable property would outweigh the above identified harm.

Conclusion:

Due to the above, whilst it is appreciated that the proposed development would provide an additional small 'affordable' unit to Theydon Trust Ltd. (although if granted planning consent this would need to be controlled by way of a legal agreement), the proposal would constitute a cramped form of development out of character with the surrounding area and street scene. Furthermore, the location of the proposed dwelling would result in an excessive and detrimental effect to the amenities of the residents of No. 8 Margaret Road. As such this application fails to comply with the guidance contained within the NPPF and policies CP2, CP7, DBE1, DBE2 and DBE9 and is therefore recommended for refusal.

Is There a Way Forward?:

Discussions have been entered into with the applicant where the above concerns were raised. Whilst it is not considered that there is a way forward on this site, other alternative sites for additional housing within this cul-de-sac were discussed, which would likely be more acceptable than this scheme.

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:

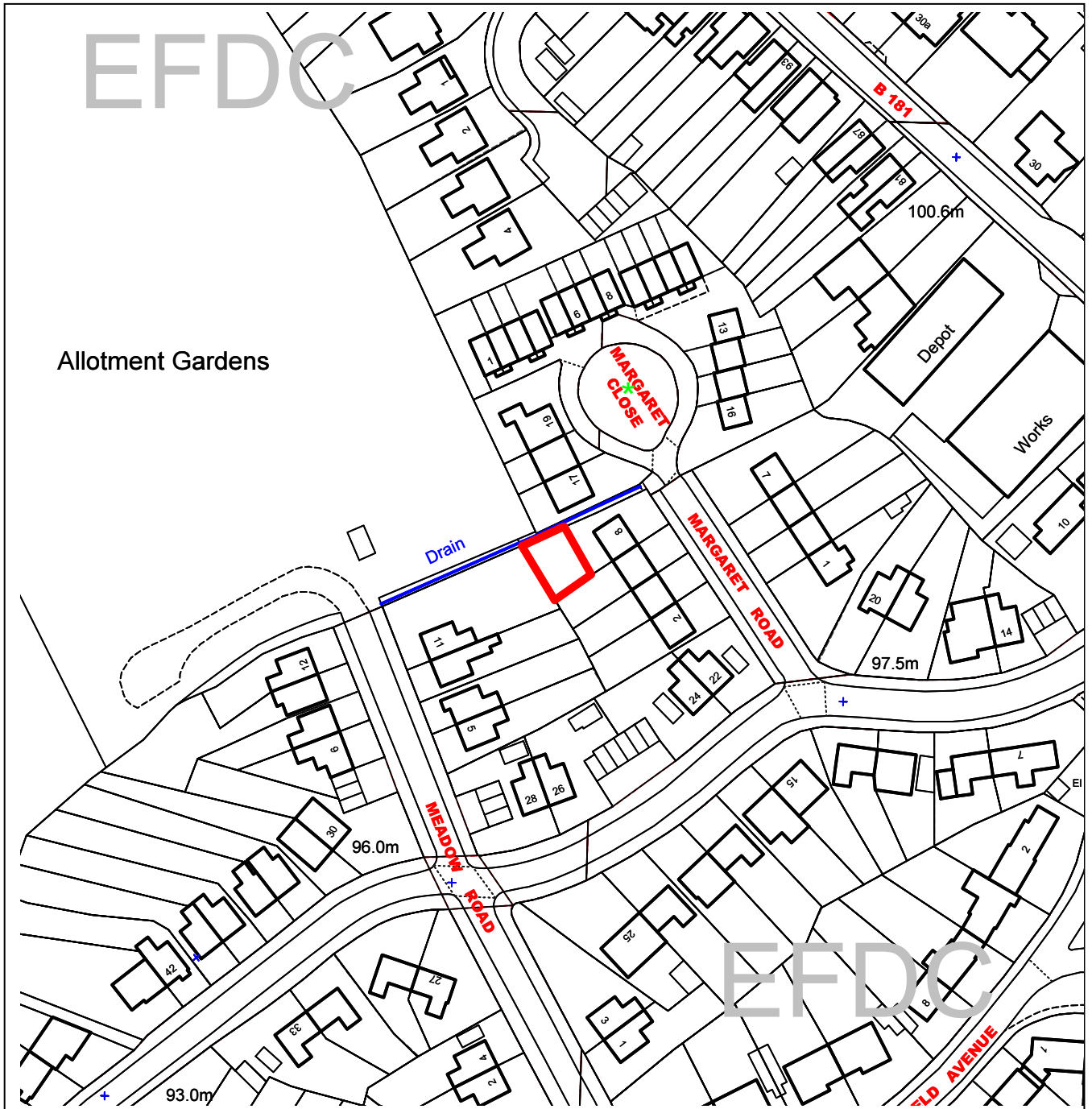
***Planning Application Case Officer: Graham Courtney
Direct Line Telephone Number: 01992 564228***

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



Epping Forest District Council

Area Planning Sub-Committee East



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Agenda Item Number:

Application Number: EPF/0696/13

Site Name: Rear of 8 Margaret Road, Epping CM16 5BP

Scale of Plot: 1/1250