

**Report Item No: 1**

<b>APPLICATION No:</b>	EPF/0415/13
<b>SITE ADDRESS:</b>	7 & 8 Acacia Court Lamplighters Close Waltham Abbey Essex EN9 3AF
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey Honey Lane
<b>APPLICANT:</b>	Mr Syme
<b>DESCRIPTION OF PROPOSAL:</b>	TPO/EPF/18/90 T1 - Oak - Fell T2 - Oak - Fell TG1 - Oaks x 2 - Fell
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=546530](http://planpub.eppingforestdc.gov.uk/AniTelM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=546530)

**CONDITIONS**

- 1 The works hereby authorised shall not be undertaken after a period of three years from the date of this consent has expired.
- 2 Prior to the felling hereby agreed, the details of the replacement tree, or trees, of a number, species, size and in an appropriate position shall be approved in writing by the Local Planning Authority. The tree or trees shall then be planted within one month of the implementation as agreed, unless varied with the prior written agreement of the Local Planning Authority. If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, dies or becomes seriously damaged or defective another tree 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.
- 3 The Local Planning Authority shall receive in writing, 5 working days prior notice of the felling of any of the trees.

***This application was deferred at the last meeting following a request from members for more information. The additional information required is listed, as follows:***

1. *genetic testing of the root samples and the trees, so that they may be sure that trees are not being unnecessarily felled,*

2. an understanding from the applicant/agent of the costs and viability of installing a root barrier, given the clear and significant public amenity provided by the trees, and
3. an understanding from the applicant/agent of the costs and viability of carrying out an underpinning solution, again given the clear and significant public amenity provided by the trees.

The committee also made it clear that they felt that, since the engineering of the building had clearly failed to protect against an obvious risk and was substandard, the right approach was to deal with the engineering issues, not to seek to fell the trees. Therefore the costs of remedial works to the building should not fall upon the public purse.

**A response to these questions has been provided, as follows:**

1. We do not propose to undertake a DNA test given results are unpredictable in this case and both the oaks T1 & T2 are within influencing distance of the property, which you have accepted. It is our opinion both trees are influencing the subject property and need to be removed for the property to be returned to stability.

However we are willing to compromise on the tree works and propose the retention of TG1 subject to the trees being managed by the council at a maximum height of 12.0m.

As already agreed replacement trees will be planted subject to agreement on location.

I note your report to committee recommended the application be approved.

2. For the committee's information, root barrier costs are estimated to be £20 - £30k although a detailed design and specification will need to be prepared. At our site meeting we discussed the possible presence of a main drain close to the flank of the property and this may prevent the installation of a root barrier.

3. I have attached the Crawford Addendum report which includes cost estimates for underpinning and superstructure works. **(This can be found at the end of this report)**

The view of the committee that the building is substandard is disputed.

In the event that consent is refused, insurers will seek recovery of their costs for underpinning or a root barrier from the council on the basis that the relevant legal tests confirming the cause of damage to be due to the influence of the oaks has been established.

**The original report is attached below:**

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

**Description of Site:**

The trees stand within a hedgerow, originally a field boundary, immediately north of where it is bisected by Farthingale Lane. The application describes 4 trees, two more mature oaks with a group of 2 younger oaks between, although on site inspection only 1 of the group could be found. The hedge is a wide, unmanaged hedgerow, with blackthorn, hawthorn elm and ash.

This section of the hedge, containing the trees, forms the western boundary of Acacia Court, a block of 8 apartments.

**Description of Proposal:**

4x oak: fell.

### **Relevant History:**

TPO/EPF/18/90 was served in advance of development to protect the most important trees, and the important hedgerows. T1 in this application was identified as T4 in the TPO plan; the other trees are contained within area A2, but were not individually designated.

There is no specific application history on these trees

### **Policies Applied:**

#### **Epping Forest District Local Plan and Alterations:**

LL09 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:**

WALTHAM ABBEY TOWN COUNCIL; as no justifiable reason has been put forward would prefer to see them crown reduced.

15 FARTHINGALE LANE; The 5 trees in jeopardy are majestic old oaks, which marked an ancient boundary; they are a great age, certainly 100years+. They beautify the otherwise bleak estate and are a home for birds, squirrels, insects and other wildlife. It would be a travesty and injustice to fell them. Understand the background of alleged subsidence and the council's legal position in relation to potential costs. Since Acacia Court was built in the 1990's the foundations should not be failing. If they are it is only because of poor construction. The management company should reclaim the costs from their insurance. The respondent's own house is much closer to the trees, as are many others, and no others have suffered such damage.

### **Issues and Considerations:**

The basis of the application is that the evidence demonstrates that the root activity of the oaks is causing structural damage to the building, and that the most cost effective remedy, to avoid underpinning, is to fell the larger trees. The felling of the smaller tree(s) is said to be required to prevent future damage. The oaks concerned are important constituents of an ancient hedgerow, and their loss would be a serious loss of visual and other amenity. On the other hand the building adjacent to the trees is badly cracked and there is evidence linking this to their root activity. As well as assessing the trees' value officers have also commissioned an independent expert's view on the strength of the engineering evidence supplied with the application.

The key issues to be considered are:

- How serious is the damage to the property?
- Whether the damage has been demonstrated to be caused by the oaks? If so:
- Whether in this case a realistic option exists for a solution other than felling? And,
- The value and importance of the trees.

### **Damage**

The independent engineer's opinion, based on a review of the evidence supplied and inspection of the 2 properties concerned, is that the section of 1-8 Acacia Court closest to the trees has started

to move differentially, as against the remainder of the building, causing cracking in the front and rear elevations of no. 7 in particular. The cracking is categorized as slight, according to BRE Digest 251. This means that only superstructure strengthening and repairs would be necessary, providing the cause of the problem can be dealt with.

### Causation

The damage consists of tapering cracks in the walls, internally and externally, with disruption of decor, the location and nature of which points to a source of movement to the West, i.e. towards the trees. The engineer comments that level monitoring carried out, which appears reliable, clearly shows the building moving seasonally by 7-10mm on the flank nearest to the trees. Oak roots have been found to 2m depth in the subsoil, which is shrinkable clay but with a seam of more permeable clay below the foundations. According to the relevant NHBC standard the foundation depth should be 1.7m, whereas it appears to be only 1.5m. However the engineer considers that given the makeup of the soil and the depth of roots found that is not a material factor in this case.

### Alternative solutions

The rationale for the application is that felling is the cost effective solution. Underpinning would be possible but it would be expensive and disruptive, and the costs could be reclaimable from the LPA. A root barrier, together with pruning would be a viable alternative, would be less expensive than underpinning and could be justified having regards to the value and importance of the trees. However again to refuse the application on that basis could give rise to a claim for costs against the LPA. Pruning alone would be likely to lessen but not eliminate the building movement, and so would not avoid the need for an engineering solution.

### The value and importance of the trees

The most prominent oak, T1, is in the first phase of maturity, with a long safe life expectancy. It is some 14m in height with a trunk diameter of 45cm - (a fully mature oak would be 1m plus) and a spreading, attractive crown. Its CAVAT value has been calculated as £19,900. (The CAVAT value expresses value in terms of the expenditure on new trees needed to get immediate and equivalent replacement). Its age is estimated at 50-80 years. The further tree is similar; its trunk is a little larger (trunk diameter 50cm), but is also a little shorter. It is also healthy and attractive with a long potential safe life expectancy. Its CAVAT value is £19,600, taking into account that its location is less prominent publicly. The other oak found mainly registers as a part of the hedgerow. It is a young tree, TD 20cm, with a one-sided crown, and a CAVAT value of £1,100.

The two larger oaks are important in the local landscape, particularly as two of the larger oaks which grow from the hedge at intervals along its length. They could be replaced with field maple, which has a similar appearance and is also attractive to wildlife, but equivalent replacement would not be achieved for many years. The design of the developments on both sides was intended to allow the trees to be retained in perpetuity, for the benefit of local residents. Their value and prominence would be expected to increase considerably with time.

### Discussion

The need for action to resolve the ongoing damage to the building through the root activity of the larger oaks has been demonstrated. A root barrier could be a viable alternative to felling, as opposed to underpinning, but would still have significant cost implications, and there might be technical difficulties. The application in respect of the other tree(s) is on the basis of prevention of future action. While there is no immediate need for replacement, with time, the same situation might recur. While the main trees are important they have only 10-20% of the size or value of a fully mature oak. Need having been established, refusal could only be justified for trees of the highest value. These are not in that category. The desirability of their retention is undoubted; the development has been designed around their retention as part of the hedgerow. However their value could be replaced in time with another appropriate native tree, such as field maple, whose

roots would be less likely to cause subsidence. Field maple and hazel have been agreed as suitable by the agents for the applicants.

**Conclusion:**

The proposal is found to accord with Local Plan Landscape Policy LL09, in that felling is necessary and on balance justified because of the need for repair of the properties, and the fact that the larger oaks are in the first stage of maturity only. It is recommended that permission be granted to fell the oaks and to replace them with 2 oaks and a group of 2 hazel trees.

***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](mailto:contactplanning@eppingforestdc.gov.uk)***

# ADDENDUM TECHNICAL REPORT

Crawford Reference: SU1104082

7 & 8 Acacia Court  
Lamplighters Close  
Waltham Abbey  
EN9 3AF



prepared for

**Reich Insurance - RSA**  
Property Claims 17 York Street Manchester M2 3RS

**SUBSIDENCE CLAIM**

DATE 25 January 2013

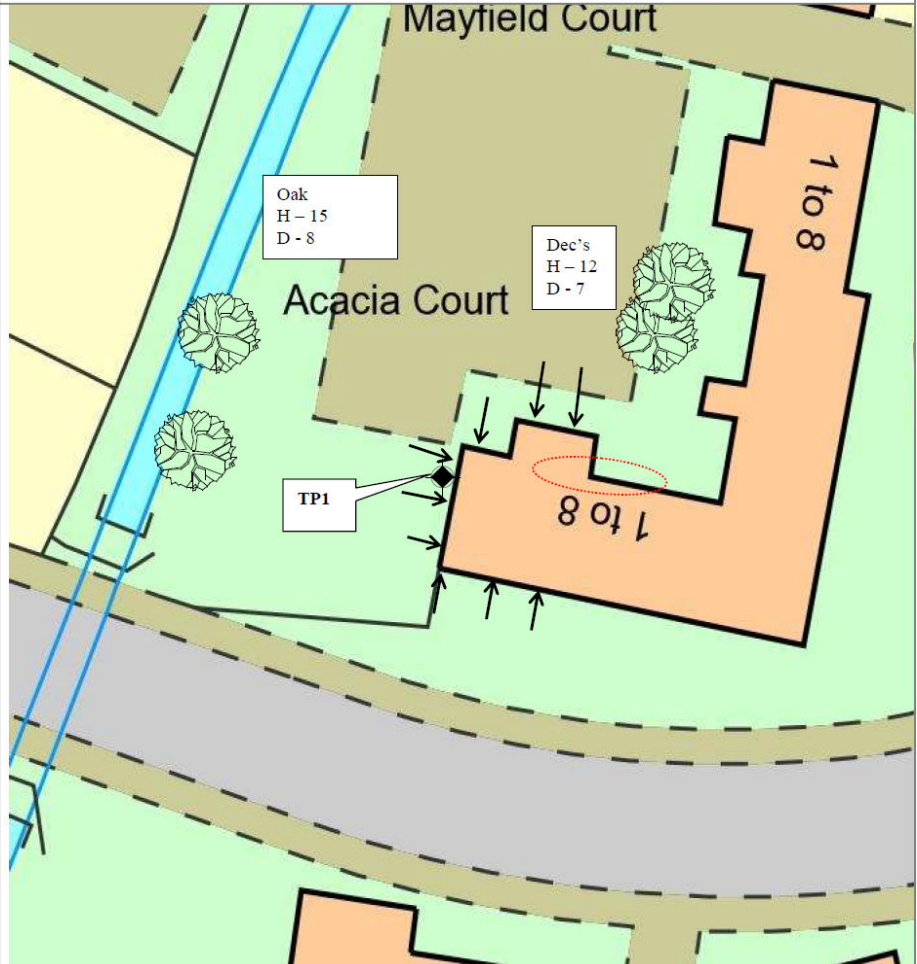
**Crawford and Company**

SPECIALIST PROPERTY SERVICES – SUBSIDENCE DIVISION

Cartwright House,  
Tottle Road,  
Riverside Business Park,  
Nottingham, NG2 1RT  
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This plan is diagrammatic only and has been prepared to illustrate the general position of the property and its relationship to nearby drains and trees etc. The boundaries are not accurate, and do not infer or confer any rights of ownership or right-of-way.



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**Key:**

Deciduous	Conifer	Shrub	Hedge	SWIC	FWIC	SVP	FWG	SWG	SWDP	Trial Hole	Bore Hole	Trial & Bore	Area of Damage	Level Monitor

## INTRODUCTION

We have been instructed by insurers to investigate a claim for subsidence at the above property. The area of damage, timescale and circumstances are outlined in our initial Technical Report. This report should be read in conjunction with that report.

To establish the cause of damage, further investigations have been undertaken and these are described below.

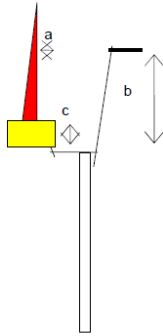
## INVESTIGATIONS

The following investigations were undertaken to identify the cause of movement.

### TRIAL HOLES

A trial hole was excavated to expose the foundations - see site plan for location and the diagram below for details.

Trial Hole 1 revealed the right hand flank wall is built off an 800mm thick concrete trench fill foundation bearing at a depth of 1.40m below ground level onto a firm brown, slightly sandy, CLAY. Root activity of live appearance was noted to the underside of the foundations.



Foundation Details

No.	Borehole Depth	Footing (a)	Underside (b)	Thickness (c)
TH1	3.00 m.	70 mm.	600 mm.	800 mm.

### AUGERED BOREHOLES

A 50mm diameter hand auger was sunk - see site plan for location(s)

Borehole 1 confirmed the continuation of the clay subsoil encountered within the trial pit, with roots up to 1mm in diameter recovered to a depth of 2.00m below ground level. The borehole remained dry and open upon completion.

In-situ Pocket penetrometer testing confirmed the clay subsoil to be very stiff in nature at the underside of the foundation, decreasing to stiff, then firm with depth.



### **SOIL SAMPLES**

The following laboratory tests were carried out on soil samples retrieved from the boreholes:-

#### **Moisture Content**

Values ranged from 21% to 18% over the depth of Borehole 1

#### **Atterberg Limits**

Results indicate that the clay subsoil can be classified as a high plasticity clay in accordance with the Casagrande chart.

#### **Oedometer Tests**

Oedometer testing on disturbed samples is a recognised method of assessing clay desiccation. The results in Borehole 1 indicate evidence of very slight desiccation between a depth of 1.50m and 2.00m.

### **ROOTS**

Roots were retrieved from the borehole and have been submitted to a botanist for identification. Roots in Borehole 1 were identified as Quercus which are Oak trees. Starch was present which indicates that the roots were alive at the time of retrieval.

### **DRAINS**

The trial hole and borehole investigations did not reveal any suggestion that leakage from drainage is adversely affecting the property. As such, a drainage investigation was not warranted.

### **LEVEL MONITORING**

Level Monitoring has been carried out over a period from June 2012 to December 2012. The results indicate downward movement in the area of damage over the summer period and upward movement over the winter period. This is characteristic of the seasonal pattern of foundation movement where vegetation is involved. No other cause produces a similar pattern.

The monitoring readings show cyclical movement and are most prominent nearest the Oak tree. This sort of movement is only associated with clay shrinkage movement. This also rules out nominal clay shrinkage as you would expect the same level of movement around the whole property. Thus confirming the Oak tree is the cause of subsidence damage

## DISCUSSION

The results of the site investigations confirm that the cause of subsidence is root-induced clay shrinkage. The clay is plastic and thus will shrink and swell with changes in moisture content. Roots have extracted moisture below the depth of the footings, this causing differential foundation movement to occur. This is supported by the following investigation results:-

- The foundations are at a depth of 1.40m which is below the level that normal seasonal movement would occur.
- Atterberg limit testing indicates that the soil has a high plasticity and hence will shrink and swell with changes in moisture content.
- Recently active Oak roots were recovered from below the foundations.
- Pocket penetrometer readings indicate compressive strengths above those for equilibrium London Clay indicating desiccation between a depth of 1.40m and 2.50m.
- Level Monitoring indicates seasonal cyclical movement with downward movement in the summer months (as the clay shrinks) and upward movement in the winter months (as the clay swells).
- Based on the evidence collated the Oak tree is the effective and substantive cause of the claim. The absence of any other cause supports this view.

## RECOMMENDATION

The cause of the movement needs to be dealt with first. From the results of the site investigation, we are satisfied that the Oak tree can be removed, Based on our analysis, we are satisfied there is no adverse heave risk to the property.

Our Mitigation Unit is liaising with the Local Authority to arrange an application to be submitted against the Tree Preservation Order and will advise of the outcome when it is received. A decision is normally undertaken by the Local Authority after 8 weeks of submission.

If the decision is favourable, our Mitigation Unit will arrange for the tree works to be undertaken, subject to authority from the tree owner. If the application is refused, there are possible grounds to Appeal or submit a further Application if there is new evidence. This will be reviewed in detail at the time.

Following completion of the tree management works, we will undertake a suitable period of monitoring to confirm stability has been achieved before undertaking repairs to the property.

Provided the tree management works are carried out expeditiously, we anticipate that superstructure repairs and decorations only will be required. If tree management is not carried out, it may be necessary to consider a much more costly and disruptive scheme of stabilisation, such as underpinning. Budget estimates are presently as follows :-

Superstructure repairs and decorations -	£10,229
Underpinning & Repairs	- £30,000

## HISTORY & TIMESCALE

Date of Construction .....	1980
Purchased.....	Unknown
Policy Inception Date .....	29/06/2009
Damage First Noticed.....	August 2011
Claim Notified to Insurer .....	15/08/2011
Date of our Inspection.....	09/09/2011
Issue of Report.....	06/02/2012
Anticipated Completion of Claim .....	November 2013
Anticipated Duration of Works.....	3 Weeks
Anticipated Completion of Works.....	November 2013

Yours faithfully,

***William Anstey***

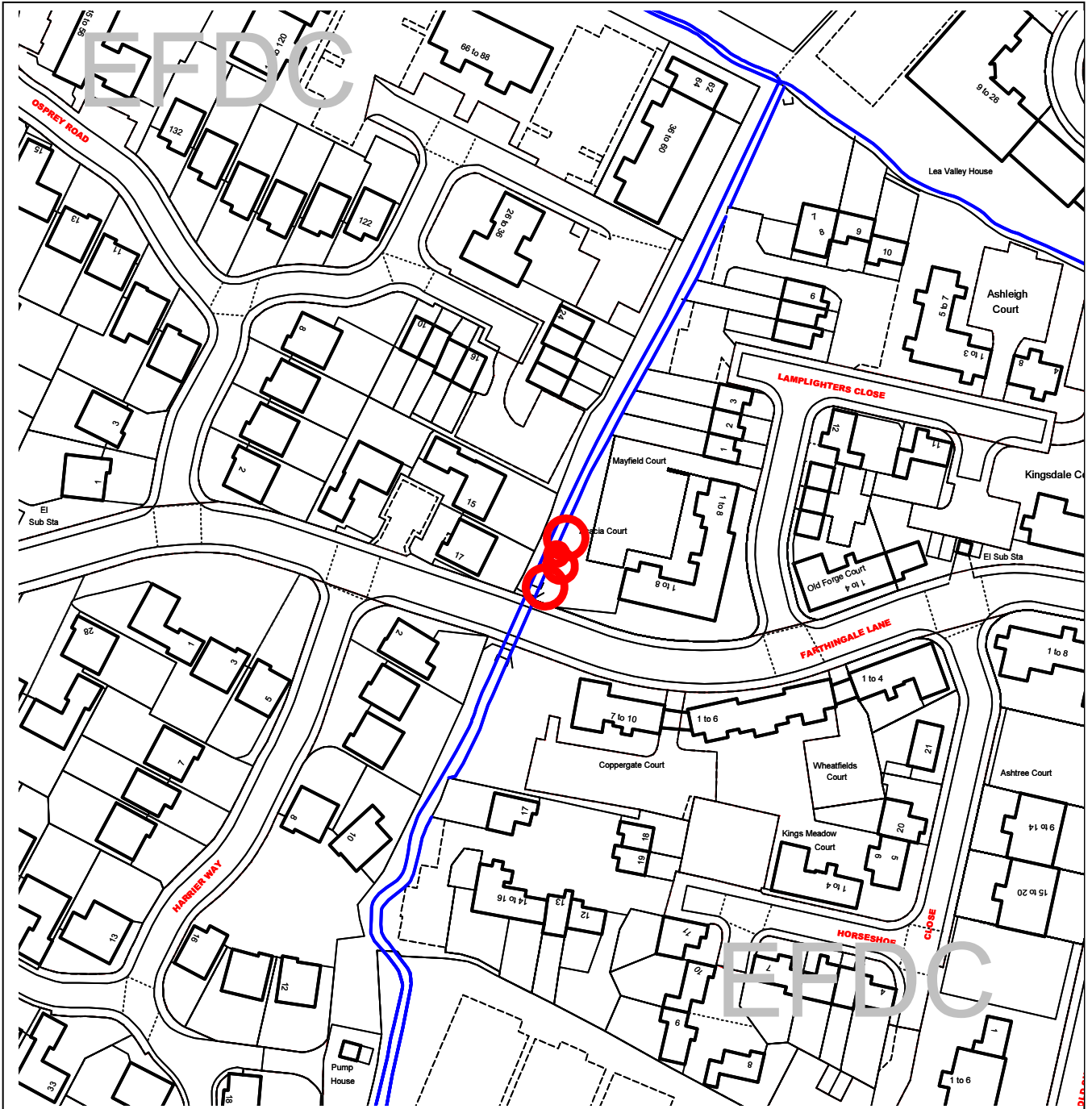
William Anstey BSc (Hons)  
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25 January 2013



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	1
<b>Application Number:</b>	EPF/0415/13
<b>Site Name:</b>	7 & 8 Acacia Court, Lamplighters Close Waltham Abbey, EN9 3AF
<b>Scale of Plot:</b>	1/1250

**Report Item No: 2**

<b>APPLICATION No:</b>	EPF/0950/13
<b>SITE ADDRESS:</b>	Royal Gunpowder Mills Beaulieu Drive Waltham Abbey Essex EN9 1JY
<b>PARISH:</b>	Waltham Abbey
<b>WARD:</b>	Waltham Abbey South West
<b>APPLICANT:</b>	Mr Andrew Coates
<b>DESCRIPTION OF PROPOSAL:</b>	Change of use of core visitor attraction buildings - A201, A202, A203, L167, L168, L176 and H7 - from D1 Use (museum and visitor attraction) to uses included within both D1 and D2 (assembly and leisure)
<b>RECOMMENDED DECISION:</b>	Grant Permission (With Conditions)

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

[http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH\\_TYPE=1&DOC\\_CLASS\\_CODE=PL&FOLDER1\\_REF=549232](http://planpub.eppingforestdc.gov.uk/AniteLM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=549232)

**CONDITIONS**

- 1 The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
- 2 The development hereby permitted will be completed strictly in accordance with the approved drawings nos: PAS/WARGM/CMP/02, PAS/WARGM/CMP/03
- 3 The use hereby permitted shall not be open to customers/members/visitors outside the hours of 10:00 to 23:00 on Monday to Saturday and 10:00 to 22:30 on Sundays and Bank/Public Holidays.

*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 proposal:**

Consent is being sought for the change of use of the core visitor attraction buildings from D1 use (museum & visitor attraction) to a mixed use D1 (museum & visitor attraction) and D2 (assembly & leisure). This would allow for further use of the buildings when not in use as a visitor attraction, such as for fundraising activities, corporate hospitality, private venue hire (i.e. children's parties), etc.

### **Description of site:**

The application site is an established visitor attraction site and museum located on the former Royal Gunpowder Mills site. The entire Gunpowder Mills site covers a large area of land and contains several buildings, many of which are listed, and is within a conservation area. Part of the site also constitutes a Scheduled Ancient Monument. The site lies within the Metropolitan Green Belt and the Lee Valley Regional Park. The buildings proposed for a change of use are A201, A202, A203, L167, L168, L176 and H7.

### **Relevant History:**

There is a long history to the site, however none of the previous applications are directly relevant to this proposal.

### **Policies Applied:**

CP1 – Achieving sustainable development objectives  
CP2 – Protecting the quality of the rural and built environment  
GB2A – Development in the Green Belt  
GB8A – Change of use or adaptation of buildings  
HC1 – Scheduled Ancient Monuments and other archaeological sites  
HC6 – Character, appearance and setting of conservation areas  
HC13 – Change of use of listed buildings  
HC16 – Former Royal Gunpowder Factory site  
RP5A – Adverse environmental impacts  
RST24 – Design and location of development in the LVRP  
DBE9 – Loss of amenity  
ST4 – Road safety  
ST6 – Vehicle parking

The above policy forms part of the Council's 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 policy is broadly consistent with the NPPF and therefore is afforded full weight.

### **Consultation Carried Out and Summary of Representations Received:**

A Site Notice was displayed at the Beaulieu Drive entrance to the site and a Site Notice was displayed in Powdermill Lane on 21/06/13.

TOWN COUNCIL – Object. The Committee were very concerned with the proposed use of very historic buildings that would adversely affect the buildings, leading to a loss of their historic value, and adversely affecting the ethos of the site itself. It was also commented that there are more than sufficient amenities for these activities within the Town that are already under used.

LVRPA – Supports the Royal Gunpowder Mills Trust in their efforts to provide a viable future for the site as primarily a visitor attraction, which respects its location in the Regional Park and Green Belt. No objection to this application on the understanding that the proposed alternative uses fall within Use Class D2 (Assembly and Leisure).

### **Issues and Considerations:**

The key considerations in this instance are the impact on the Green Belt, the Lee Valley Regional Park, the listed buildings and conservation area, and with regards to the overall impact on the surrounding area.

### Green Belt:

The change of use of existing buildings in the Green Belt does not constitute inappropriate development, "provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt". The key considerations under Local Plan policy GB8A that are relevant to this proposal are that the new use would not have "a materially greater impact than the present use on the Green Belt" and that "associated traffic generation would not have a significant detrimental impact on the character or amenities of the countryside".

The existing use of the site is for D1 purposes as a visitor attraction and museum. The proposed change of use would retain this existing use, however would introduce D2 use to allow for the buildings to be used for assembly & leisure purposes when not being used as a visitor attraction. The reasoning behind this is to assist in the viability of the existing site and to attempt to get the visitor attraction 'self funding'. Given the location of the site between the towns of Waltham Abbey and Waltham Cross, the level of buildings and car parking on the site, and the existing use of the site as a visitor attraction, it is not considered that the proposed change of use would have any further impact on the Green Belt than the existing use.

### Lee Valley Regional Park:

The purpose and aims of the LVRPA are to retain and promote recreational use of the Park. The existing visitor centre at Royal Gunpowder Mills complies with these aims. As can be seen above, the LVRPA are in full support of the proposed change of use as it would help ensure a viable future for the existing visitor attraction and would also introduce additional leisure activities to the LVRP.

### Conservation:

The Royal Gunpowder Mill Site is an historically significant site, most of which is a Scheduled Ancient Monument. The entire site constitutes a conservation area and there are 20 listed building of all Grades. It is not considered that the addition of a D2 use would have a detrimental impact on the significance of the buildings or the wider area. The additional uses would not impact on the visitor attraction aspect of the site and, in addition, would make best use of the buildings by utilising existing spaces, without the need for alterations and respecting the fabric of the buildings. Furthermore, the addition of a second use class is required as a means of increasing visitors to the site and, in turn, income. This additional income will better ensure the conservation of the wider site.

Any future internal or external alterations to listed buildings would require listed building consent (and possibly planning permission) and would need to be sympathetic in character, however no such alterations are required for this proposal. Due to this there is no objection to the proposal from either the EFDC Conservation Officer or ECC Historic Buildings Advisor.

### Impact on surrounding area:

The site is currently only used as a visitor attraction at weekends and during holidays, and is therefore not utilised to its full potential. However this site could be more intensively used for D1 purposes if so wished. Although the proposed change of use would result in intensification of use of the site over and above the current use, the buildings are located a sufficient distance from nearby neighbouring residents (the closest being some 30m from building A203) so as not to result in any detrimental impact through noise or any other disturbance.

Although the intensification of use of the site would result in increased vehicle movements the site is well accessed and has sufficient car parking availability. The proposed opening hours for the D2

use have been put forward as 10:00 till 23:00 Monday to Saturday and 10:00 till 22:30 on Sundays and public holidays which, given the distance from nearby residents, is considered acceptable. As such it is not considered that the mixed D1/D2 use of the buildings would be detrimental to the surrounding area.

**Conclusion:**

The proposed change of use would allow for the existing visitor attraction to become more viable and 'self funding', which would ensure both its future vitality and that of the countless listed buildings on the site. The proposal would not constitute inappropriate development in the Green Belt nor would it be harmful to the LVRP or the surrounding area (including neighbouring residents). As such, it is considered that the proposal complies with the relevant Local Plan policies and 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: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

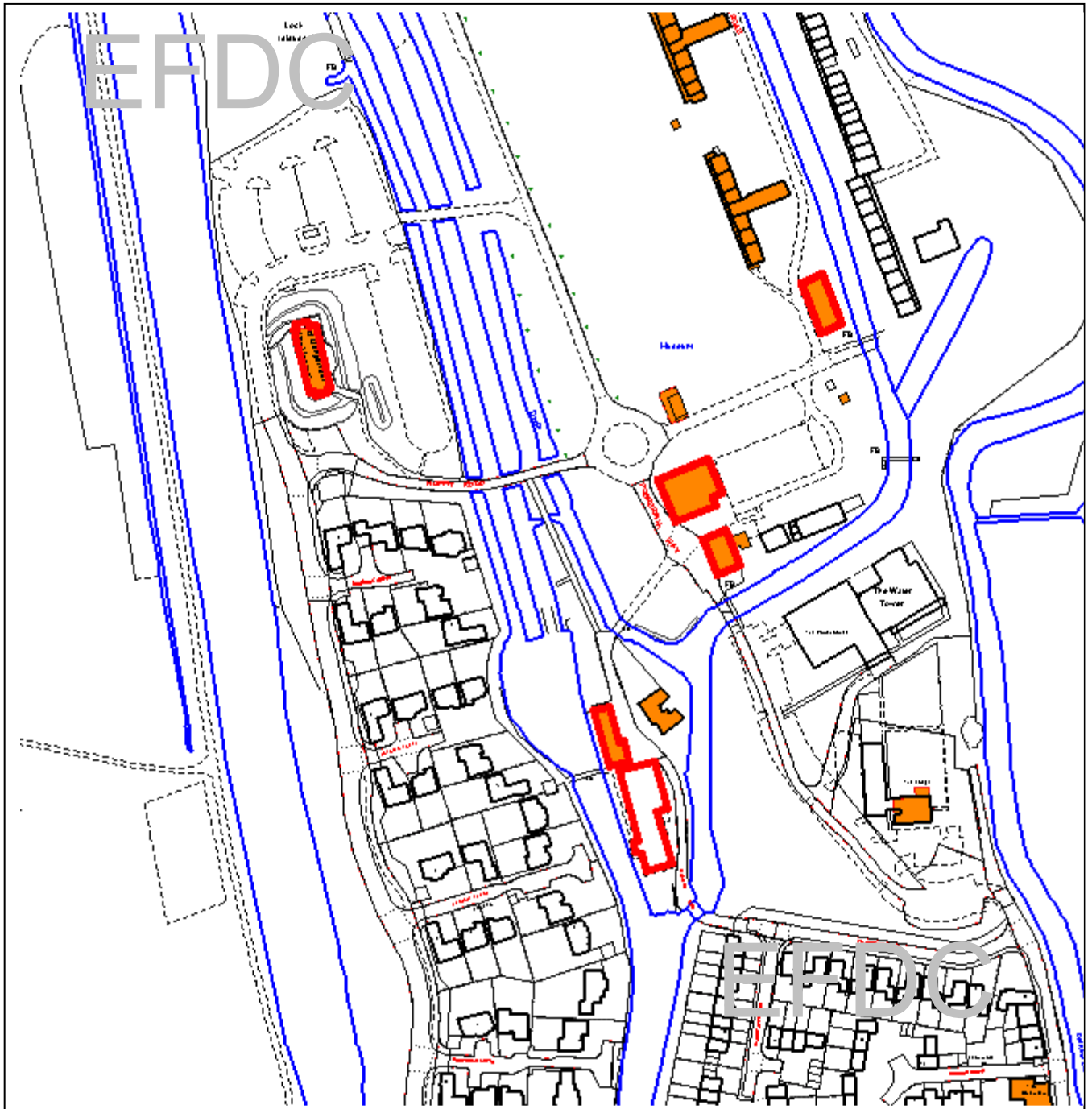
***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***





# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	2
Application Number:	EPF/0950/13
Site Name:	Royal Gunpowder Mills, Beaulieu Drive Waltham Abbey, EN9 1JY
Scale of Plot:	1/2500

**Report Item No: 3**

<b>APPLICATION No:</b>	EPF/1262/13
<b>SITE ADDRESS:</b>	45 Parkfields Roydon Harlow Essex CM19 5JA
<b>PARISH:</b>	Roydon
<b>WARD:</b>	Roydon
<b>APPLICANT:</b>	Miss Tanya Korz
<b>DESCRIPTION OF PROPOSAL:</b>	Detached granny flat annexe in rear garden.
<b>RECOMMENDED DECISION:</b>	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=550633](http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=550633)

**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 Materials to be used for the external finishes of the proposed development shall match those specified within the submitted application forms, unless otherwise agreed in writing by the Local Planning Authority.
- 3 The proposed development shall only be used as ancillary accommodation for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as 45 Parkfields, Roydon.
- 4 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or of any equivalent provision in any Statutory Instrument revoking or re-enacting that Order), no new boundaries shall be erected subdividing the annexe hereby approved from the main dwellinghouse known as 45 Parkfields, Roydon.
- 5 Prior to first occupation of the development hereby approved, the proposed rooflights in the flank roof slope 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 Proposal:**

Consent is being sought for the erection of a two storey detached annexe building. The proposed building would be 6.65m wide and 7.65m deep with a dual pitched roof to a ridge height of 5.8m. The second storey would be utilised within the roofspace of the proposed outbuilding.

### **Description of Site:**

The application site is a semi-detached two storey dwelling located on the eastern side of Parkfields, Roydon. To the rear of the site is a footpath running down the backs of the properties. The proposed annexe building would be located within the curtilage of the house, towards the rear of the site.

### **Relevant History:**

None

### **Policies Applied:**

DBE1 – Design of new buildings

DBE9 – Loss of amenity

The above policies form part of the Council's 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 residents were consulted. No Site Notice was required. This report has been produced before the expiration of the 21 day consultation period. Therefore any additional comments received will be verbally reported to Members.

PARISH COUNCIL – Object. The proposed annexe is out of keeping with the area/property and would set a precedent for similar detached garden buildings. The building would also have a negative effect on neighbour amenity.

THE ROYDON SOCIETY – Object for the following reasons:

- Totally out of keeping with the surrounding area
- Intrusive to the neighbours
- If allowed may set a precedent as many of the gardens within this estate are lengthy.

In addition query why the proposed annexe is located at the rear of the garden and question whether the footpath would be used as pedestrian access to the building.

### **Main Issues and Considerations:**

The key considerations are the impact on the neighbours and the overall design of the proposed outbuilding.

The proposed building would provide a self-contained annexe intended for use by the applicant's elderly aunt. This would contain a single room lounge/kitchenette with an under-stairs WC at ground floor and a bedroom and small en-suite shower room at first floor. Although the proposed annexe would be self contained and located a significant distance from the main dwelling (approximately 17.5m) it would nonetheless constitute an 'annexe' type building. Although concern has been raised that the footpath to the rear could provide separate access to the annexe, which

would make separate use of this building easier, this separation would require planning permission. Furthermore, suitable conditions should be imposed to ensure the development remains ancillary to the parent dwelling.

Whilst the proposed outbuilding would be two storeys, the first floor would be incorporated within the roofspace. As such, the ridge height of the proposed building would be 5.8m. The proposed annexe would be located at the rear of the garden area (and as such would be adjacent to the rear sections of the neighbours gardens) and would be set approximately 1.5m from each of the shared boundaries, and between 1.5m and 7m from the rear boundary (adjoining the footpath). Furthermore, the design of the building would be such that the roof slopes away from the adjacent neighbours, which would further reduce any detrimental impact.

At first floor level the proposed outbuilding would contain one gable window overlooking the rear footpath and two rooflights facing No. 47 Parkfields. Whilst the proposed rooflights would be low enough to offer views across the neighbours garden, these can be conditioned to be obscure glazed with fixed frames. As such, this would ensure that no overlooking or loss of privacy would occur to neighbouring residents.

Although the proposed annexe building is somewhat top heavy (in order to gain habitable space within the roof) it is not considered that the development would be out of character with the existing property. It would not be visually prominent within the street scene nor detrimental to the overall appearance of the locality.

### **Conclusion**

Due to the above, whilst the proposed outbuilding would be self contained and a considerable distance from the parent dwelling it is consistent in size and internal layout with a genuine annexe and would not be harmful to the character and appearance of the area or amenities of the neighbouring residents. Therefore, subject to conditions ensuring that the annexe remains ancillary to the main dwellinghouse, the proposal complies with the relevant Local Plan policies and is recommended for approval.

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

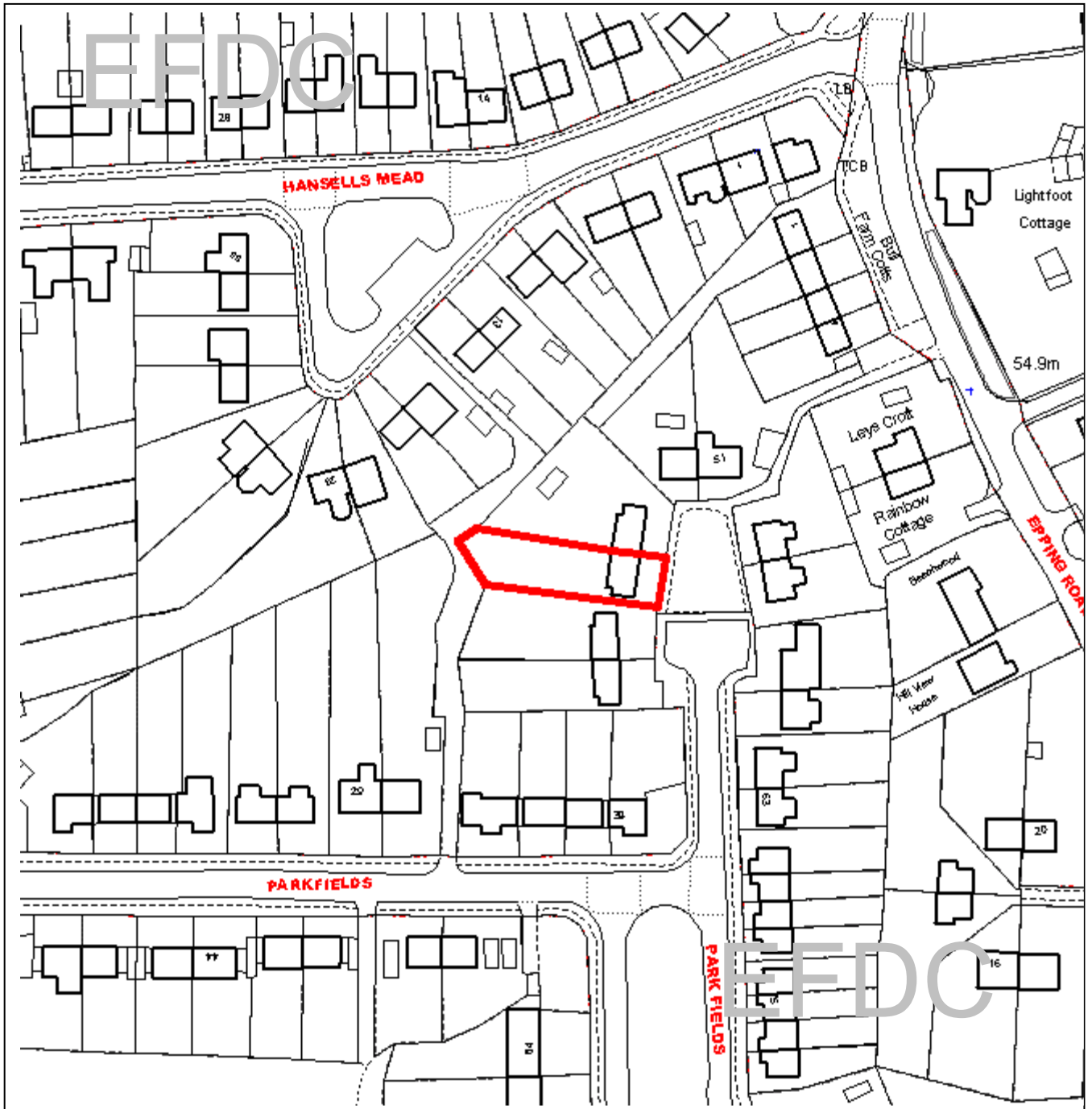
***Planning Application Case Officer: Graham Courtney  
Direct Line Telephone Number: 01992 564228***

***or if no direct contact can be made please email: [contactplanning@eppingforestdc.gov.uk](mailto:contactplanning@eppingforestdc.gov.uk)***



# Epping Forest District Council

## Area Planning Sub-Committee West



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<b>Agenda Item Number:</b>	<b>3</b>
Application Number:	EPF/1262/13
Site Name:	45 Parkfields, Roydon, CM19 5JA
Scale of Plot:	1/1250